

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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# W9a

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 180th Day: August 10, 2010  
 Staff: D. Lilly-SD  
 Staff Report: May 13, 2010  
 Hearing Date: June 9-11, 2010

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-09-64

Applicant: City of San Diego                      Agent: Kerry Santoro

Description: Placement of signage limiting parking to two hours Monday through Saturday 8 a.m. to 5 p.m. and painting of "T" parallel parking spaces along 160 feet of street to prevent over-sized vehicle parking.

Site: 900 Block of Abbott Street, between Newport Avenue and Saratoga Avenue, Ocean Beach, San Diego, San Diego County.

Substantive File Documents: Certified Ocean Beach Precise Plan

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends the Commission approve the proposed development with conditions revising the proposed 2-hour parking limit to a minimum of 4-hours. The proposed limit on oversized vehicles is not expected to have a significant adverse impact on public access or recreation, as average-size vehicles would still be permitted along the street, and there is unrestricted parking able to accommodate many larger size vehicles in the beach parking lots located nearby.

However, the proposed 2-hour parking limit would adversely impact public recreation. The Commission has typically found that 4 hours is the minimum time necessary to accommodate the beach-going public and protect public access and recreation. Only as conditioned to revise the time limit to no less than 4 hours can the proposed project be found consistent with the public access and recreation policies of the Coastal Act.

Standard of Review: Chapter 3 policies of the Coastal Act.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-09-64 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Signage Plans. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval, final signage plans for the permitted development that have been approved by the City of San Diego. Said signage plans shall be revised to indicate that time limits on parking shall be no less than 4 hours in length.

The permittee shall undertake development in accordance with the approved final 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the placement of signage that would limit parking to two hours from Monday through Saturday, 8 a.m. to 5 p.m., along approximately 160 feet of Abbott Street next to Ocean Beach Park. Also proposed is painting of "T" parallel parking spaces along the same street length to define 8 street spaces to prevent over-sized vehicle parking (see Exhibit #3). Currently, there are no restrictions on the time of parking or vehicle size along this particular section of Abbott Street.

The subject site is located at the southwest corner of Saratoga Avenue and Abbott Street in the community of Ocean Beach in the City of San Diego. The project site is located immediately inland of Ocean Beach Park, a large grassy park. Sandy beach is located immediately west of the park. There is a free, public, approximately 70-space beach parking lot located immediately north of the subject site, and another free public parking lot with approximately 100 spaces located approximately 75 feet to the south. There are restaurants located on the inland side of the street across from the park and the subject site.

The inland side of Abbott Street is currently signed to limit parking to a maximum of two hours, as are two of the adjacent side streets, Santa Monica Avenue and Newport Avenue, for the one block between Abbott Street and Bacon Street (see Exhibit #2). The City has indicated that the two-hour restriction was implemented by City Council resolution in 1993; however, there is no evidence that the restriction received a coastal development permit from the Commission (for the Abbott Street portion) or the City (for the upland side streets). These areas are not included in this coastal development application, however, so the Commission may address this issue through a separate enforcement action.

The City has stated that the purpose of the proposed project is to reduce the number of oversize vehicles parking along this portion of Abbott Street, which the City asserts is monopolized by large recreational vehicles that park for long periods of time and reduce the available on-street parking in the area. The San Diego Police Department has also indicated that there is consistent drug and alcohol related activity associated with the recreational vehicles at this location. The Police Department has stated that limiting RV parking in this location will increase parking for automobiles, thereby creating an easier environment for families to unload and reload their children and beach equipment. The Police Department further states:

From a law enforcement stand point, limiting the parking to non RV's will afford police officers a clear and unobstructed view of the sidewalk, grass park and board walk. This would allow officers driving past to see any violations of the law, such as consumption of alcohol, or smoking of narcotics or individuals in medical distress. Since the passing of the beach alcohol ban some individuals have circumvented the

law by parking RV's at the location and drinking in the RV to the point of intoxication, then exiting the RV and passing out in the grassy area. Police do not have the authority to enter the RV's uninvited and stop the drinking. Most of the RV's in question are run down and not owned or visited by a positive element of society. Daily beach goers use this area to legally cross the street. With RV's parked at the location it is difficult to see pedestrians and impossible to see children who step out between the RV's into the traffic lane until it is too late. Additionally, if lifeguards are rendering emergency first aid to citizens, officers will be able to quickly spot this and respond and offer assistance.

Although the City of San Diego has a certified LCP for the Ocean Beach community, the subject site is located in an area where the Commission retains permit jurisdiction. Therefore, Chapter 3 of the Coastal Act is the standard of review, with the City's LCP used as guidance.

2. Public Access. Coastal Act sections 30210, 30211 and 30212(a) are applicable to the project and state the following:

Section 30210

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

Section 30212(a)

(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 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 30604(c) of the Act requires that specific access findings be made for any project located between the first public roadway and the sea.

The certified Ocean Beach Precise Plan, which the Commission uses for guidance in this area, states:

- That public access to beaches and the shoreline be protected, first by clearly establishing public access and use rights, and second by requiring new developments to provide visual and physical access. [p. 42]

The subject site is located between the ocean and the first public roadway (Abbott Street), immediately adjacent to Ocean Beach Park and the public beach. The beach and park is a popular area, consisting of a wide sandy beach and a large grassy picnic area used by residents and beach-goers alike for many recreational activities. The Ocean Beach Pier is located southwest of the site and a groin exists west of the project site. Even though the site is next to a public beach parking lot, during the summer months, street parking is in high demand and competitively sought by beach users, residents and patrons of local businesses in this community.

Currently, the 160 ft. area along Abbott Street, subject to this review, can accommodate approximately 8 cars – fewer if large RVs are parked there. The proposed project would not eliminate any spaces, but would “formalize” the car spaces and limit parking to a maximum of two hours. The City notes this would be consistent with the limits on parking on Newport Avenue and Santa Monica Avenue. However, as noted above, these limits do not appear to have been reviewed pursuant to a coastal development permit by either the City or the Commission. While these limitations are on street parking in the City’s retail district, where frequent turnover of customers is desirable to merchants, the Commission has frequently found that a minimum of two hours is not adequate to meet the needs of beach visitors. Four hours has typically been the minimum time limit the Commission has allowed for any beach or coastal access parking in the nearshore areas of San Diego County, to allow users sufficient time for recreation (see CDP #6-01-170 (City of San Diego); Coronado LCPA #1-91 (Decal Parking Program); #A-6-DMR-04-024-A3 (City of Del Mar Parking Machines); Coronado LCPA #1-05 (Decal Parking Program); #6-06-148 (UCSD Scripps Forum)).

In June 2009, the City’s Transportation Engineering Operations Division conducted a parking survey for this segment of Abbott Street. The result indicated an average parking duration of 4.05 hours per vehicle and an occupancy rate of 96%. However, the parking study was conducted on one weekday in June, thus, the duration could be different on weekends. However, based on the information available, usage at the site appears to be very consistent with typical beach visitor usage at a popular beach and not unusually long evidence that people are “camping” in one spot for the entire day. Imposing a two hour parking maximum at the subject site would impede the public’s ability to access the beach by limiting their ability to use the beach areas to only two hours per day, inconsistent with the public access and recreation policies of the Coastal Act.

Given that there appears to be a typical amount of turnover at the site, it is unclear what benefit would accrue by limiting the duration of parking along this section of the street. There is an existing 3 minute drop-off parking area along Abbott Street immediately

south of the subject site, so visitors with beach paraphernalia have and will continue to have convenient access to the park and beach. However, the subject site is the most convenient place to access the park, and a four-hour limit would ensure there would be turnover at these prime spaces. The two nearby parking lots do not have any time limits on parking (other than parking being prohibited between 2 and 4 am to prevent overnight camping), so beach users who want to stay longer than four hours have alternatives. Therefore, Special Condition #1 requires that revised plans be submitted indicating that signage will allow a minimum of four hours of parking at the subject site.

The project also includes painting parking “T”s within the proposed parking zone to delineate 8 street parking spaces and prevent oversize vehicles, such as RVs, from parking along the street. The parking spaces would be approximately 20 feet in length, which is the standard size parking space in the City, and thus, no public street parking is being eliminated. It is not clear that preventing RVs from parking on this 160 feet of street would substantially improve public safety. Street parking is limited to only 3 minutes on the street just south of the 160 foot long site, and redcurbed just north of the site, so there is good visibility to the park even were RVs to park along this entire stretch. The most significant improvement in views resulting from prohibiting RVs would likely be from the outdoor restaurant seating across the street on the inland side of Abbott Street towards the park and ocean.

In addition, it is difficult to see how prohibiting RVs in this one location would have an impact on drug and alcohol activity. The Commission is unconvinced of the City’s supposition that RV users are more prone to criminal activity, and in any case, RVs will continue to be allowed in the nearby parking lots. These spaces are also standard length, but the driving aisles are wide enough that many RVs can fit into the spaces and maneuver in the lots.

Nevertheless, the area in question is very limited, there will remain the described alternative locations for most RVs, and restrictions on the size of vehicle parking are typically considered an issue of local concern. No parking spaces will be removed, and the delineated spaces will allow a larger number of vehicles (8 in total) to park than could fit in the same street space if occupied by large RVs. Therefore, no significant short or long-term impacts to public access or recreation are anticipated as a result of the parking space delineation. As conditioned to limit the restriction on the duration of parking to no less than four hours, the proposed development can be found consistent with the public access and recreation policies of the Coastal Act.

3. Unpermitted Development. Development has occurred on the adjacent streets without the required coastal development permit, including, but not limited to, the placement of signage limiting parking to two hours. However, the unpermitted development as identified is not part of the subject permit. Thus, it will be addressed through a separate enforcement action.

Although development occurred prior to the submission of these permit applications, consideration of these applications by the Commission has been based solely upon the

Chapter 3 policies of the Coastal Act. Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken without a coastal permit.

4. Local Coastal Planning. While the City of San Diego has a certified LCP that governs the Ocean Beach community, the subject site is in an area of original jurisdiction, where the Commission retains permanent permit authority. As described above, as conditioned, the project is consistent with the certified Ocean Beach Precise Plan and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to continue to implement its certified LCP for the Ocean Beach community.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions revising the proposed 2-hour parking limit to 4-hours, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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 or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
  
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Mission Bay Channel

SUBJECT SITE

Municipal Pier



EXHIBIT NO. 1  
APPLICATION NO.  
**6-09-64**

Location Map



- Legend:**
- Existing 2-hour time limit parking
  - Proposed 2-hour time limit parking (Approximately 8 parking spaces)
  - Existing 3-minute passenger loading zone

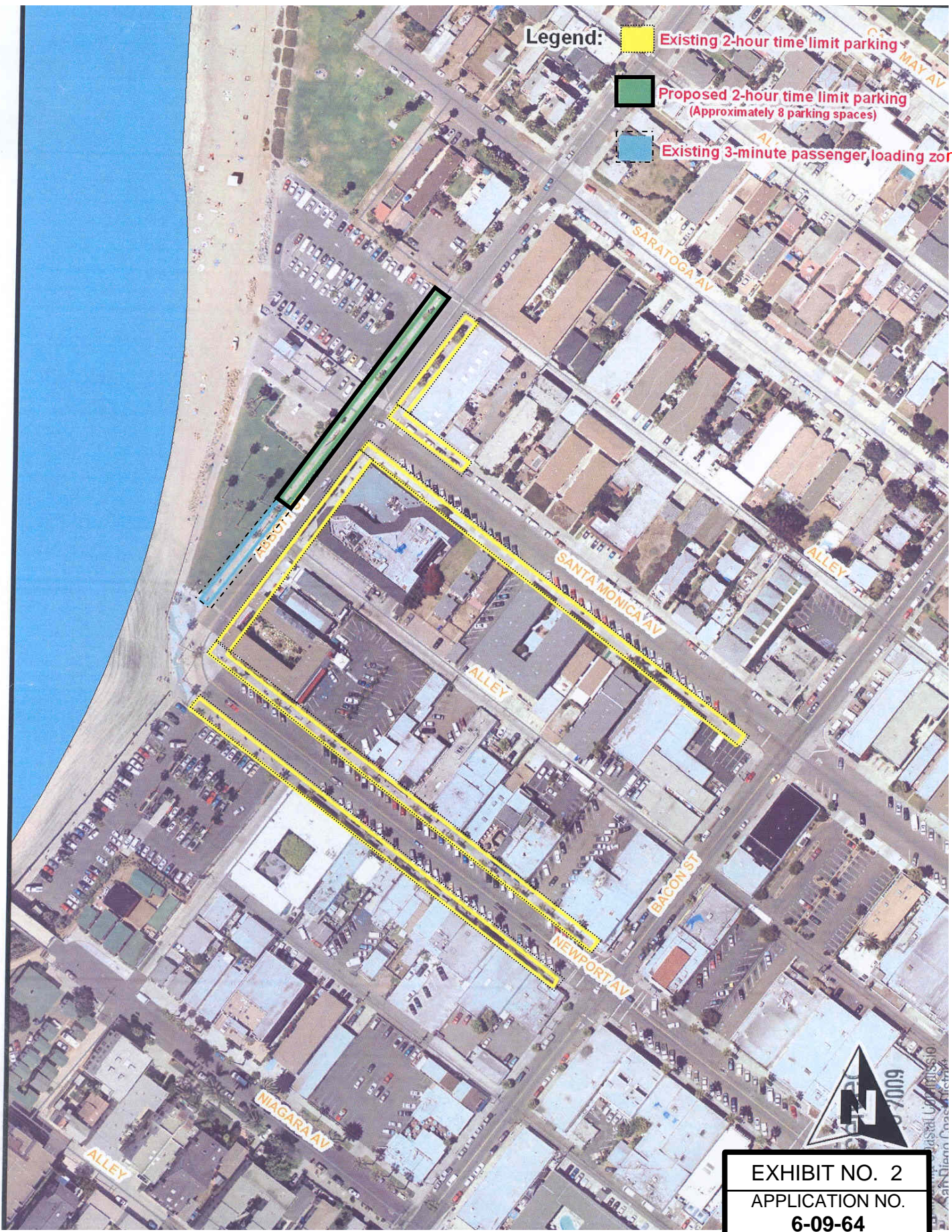
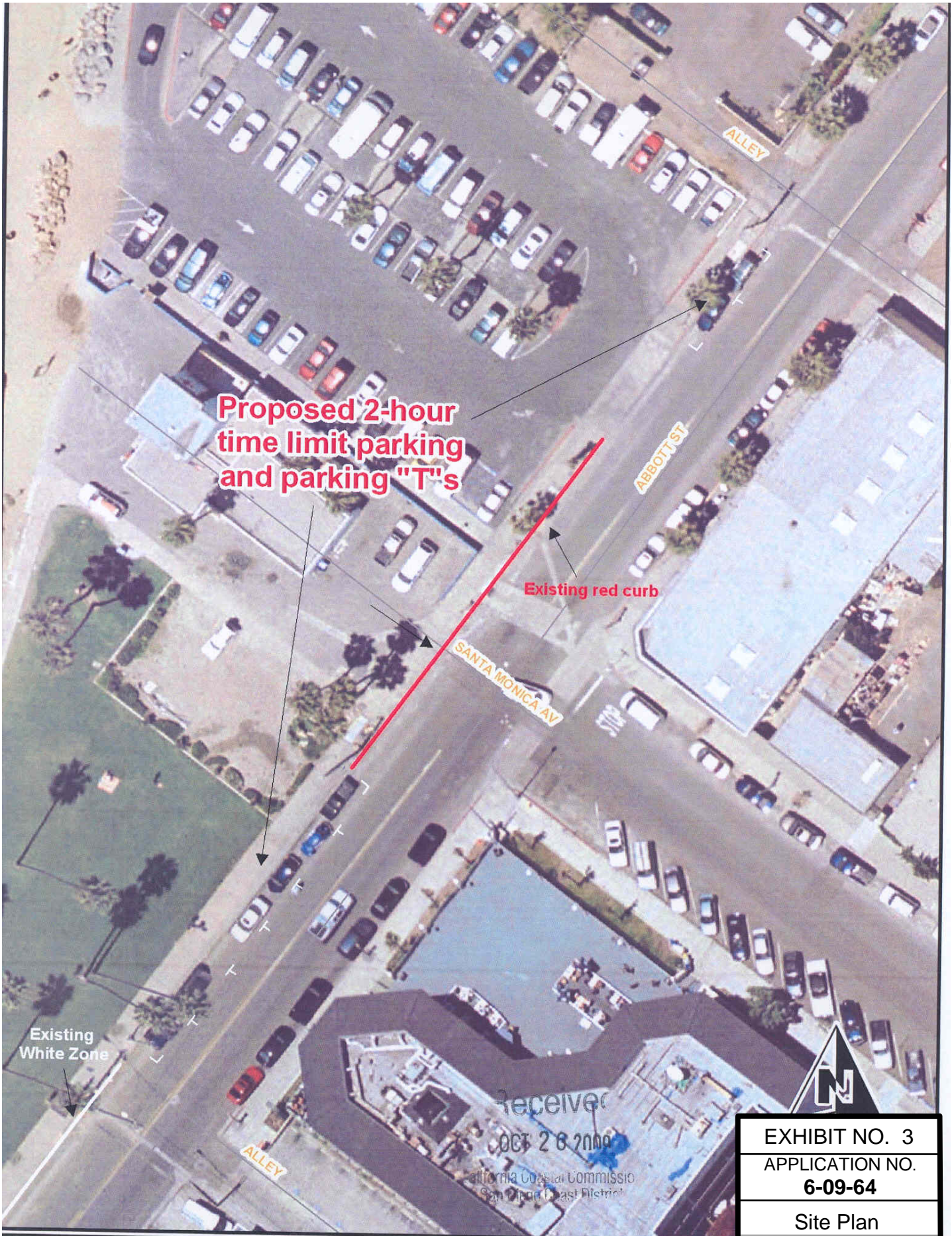


EXHIBIT NO. 2
APPLICATION NO.
<b>6-09-64</b>
Area Map
California Coastal Commission





**Proposed 2-hour  
time limit parking  
and parking "T"s**

**Existing red curb**

**Existing  
White Zone**

EXHIBIT NO. 3
APPLICATION NO. <b>6-09-64</b>
Site Plan
California Coastal Commission





(Sign Detail)

12"

18"

Beach  
Parking Lot



5119

ALLEY

Existing  
Driveway

2 Spaces  
(20' each)

ABBOTT ST

Lifeguard  
Tower

5090

Park



6 Spaces  
(20' each)

SANTA MONICA AV

50

5091

Existing  
Passenger Loading Zone  
(White)

1919



EXHIBIT NO. 4

APPLICATION NO.

6-09-64

Proposed Signage