

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Staff: DL-SD
 Staff Report: December 19, 1997
 Hearing Date: January 12-16, 1997

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Mon 28a

Application No.: 6-96-27-A1

Applicant: Sean McCloud

Original Description: Construction of a 8,014 sq.ft. 2-story retail/office building and a 7,380 sq.ft. 2-story retail/office building including basement over three separate lots, (APN 298-091-02, 03, 04) including a minor lot line adjustment between assessor parcels 3 and 4, and 25 on-site and 31 off-site parking spaces.

Proposed Amendment: Replace proposed 7,380 sq.ft. building with a 19,026 sq.ft. building spanning two lots, and add 14 additional off-site parking spaces within the railroad right-of-way continuing approximately 165 feet to the north.

Site: 415 South Cedros Avenue, Solana Beach, San Diego County. APN 298-091-02, 16, 17.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance, City of Solana Beach Highway 101 Corridor Specific Plan.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment, with a special condition that requires the structure to be reduced in scale and/or intensity such that the amount of parking spaces required to serve the project can be provided on-site and in the railroad right-of-way located immediately adjacent to the project site. As proposed, the development would require the use of right-of-way located north of the site to provide the required parking. This is a change from the original project approved by the Commission which only required use of the parking within the railroad right-of-way adjacent to the site. The subject site is located near a major coastal access route in an area already seriously deficient in parking. Increasing the intensity of use for a new development to the point that it relies on off-site parking north of the site and not immediately adjacent to the site, would preclude use of that off-site area for beach parking and/or for alleviating existing parking deficiencies, and would set an adverse precedent for protection and enhancement of public access in Solana Beach. As conditioned, the development will not prejudice the ability of the City of Solana

Beach to prepare a Local Coastal Program conforming to the public access policies of Chapter 3 of the Coastal Act.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Special Conditions.

The permit is subject to the following conditions:

1. Revised Final Plans. Prior to the issuance of the coastal development permit amendment, the applicant shall submit to the Executive Director for review and written approval, revised site and floor plans documenting a revised project using a parking ratio of 1 parking space for each 450 square feet of retail floor area, and 1 space for each 300 square feet of office floor area such that the total amount of parking required for the entire project can be provided on-site and/or in the off-site right-of-way immediately adjacent to the project site to the west. The applicant shall construct the project in accordance with the approved plans.

2. Landscape/Sign Program. Prior to the issuance of the coastal development permit amendment, the applicant shall submit to the Executive Director for review and written approval, updated landscape plans and sign plans which include the proposed building, consistent with the requirements of previous plans.

3. Future Development. This permit is for construction of a commercial building. All other development proposals for the site, including construction of the pedestrian bridge, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit.

4. Prior Conditions of Approval. All special conditions of the original permit, except those modified herein, remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Original Project Description. On April 11, 1996, the Commission approved an application for the construction of two retail/office buildings on three contiguous vacant parcels, from north to south, APN 298-091-02, 03, and 04. The northernmost building was proposed as a two-story, 8,014 sq.ft. retail/office building with approximately 4,207 sq.ft. of retail space on the first story and 579 sq.ft. of retail and 3,228 sq.ft. of office space on the second floor. The second building was proposed to be located on the southernmost parcel, (APN 298-091-04) and consisted of a two-story, 7,380 sq.ft. retail/office building including a 658 sq.ft. basement, with approximately 3,747 sq.ft. of retail space on the first story and 1,379 sq.ft. of retail and 1,595 sq.ft. of office space on the second floor. No development was proposed on the third, or middle, parcel (APN 298-091-03) at that time; however, the applicants tentatively identified the site for a third retail/office structure of approximately 7,400 sq.ft. in the future. The permit also involved a minor lot line adjustment moving the boundary between the southernmost parcel and the middle parcel approximately 7 feet north.

The subject site is located east of Highway 101, on the west side of Cedros Avenue, approximately 1,400 feet south of Lomas Santa Fe Drive. The AT&SF railroad line is located approximately 60 feet west of the site. The applicants proposed leasing the AT&SF Railroad Right-of-Way (ROW) located immediately adjacent to the west of the site from the North County Transit District (NCTD) for off-site parking. In total, 56 parking spaces were proposed to be provided, 25 on-site and 31 off-site within the adjacent railroad ROW.

The Commission approved the development with special conditions requiring final building, landscape, and sign plans.

2. Amendment Request. The proposed two-story building on the southern parcel has been constructed and the 56 space parking lot developed. The proposed amendment involves an alteration to the proposed building on the northernmost parcel. As now proposed, one two-story 19,026 sq.ft. building would span both the northern and the middle lots. The previous proposal to provide parking on the subject site and in the leased area from NCTD immediately adjacent to the west of the site has been revised to include an additional 165 feet of NCTD right-of-way adjacent to the north of the site which would provide 14 additional parking spaces to the 56 previously proposed, for a total of 70 spaces (see Exhibit 2). The applicant has secured a 98-year lease with NCTD for this area.

Since the lot line adjustment, APNs 298-091-03 (the "middle" parcel) and 298-091-04 (the southernmost parcel) have been renumbered as lots -16 and -17, respectively. As a condition of the City of Solana Beach's approval, the applicant was required to record a Statement of Intent with the deed to the middle parcel acknowledging concurrence between the applicant and the City to develop and approve an agreement at some point in the future to reserve a 10-foot wide public access easement along the southern portion of the lot. The condition was placed in response to the City's Highway 101 Specific Plan which states that

a pedestrian link from South Cedros to a future linear park between the railroad and Highway 101 "is to be incorporated into new development" and identifies the location as a "10' easement on either the north or south edge of the parcel on the west side of the intersection of Rosa Street and South Cedros Avenue". The link is to include a sidewalk with a minimum width of 6 feet and be open and visible to South Cedros. Because final plans for the bridge have not been developed at this point, Special Condition #3 notifies the applicant that future Commission review and approval is required to construct the bridge.

2. Public Access/Parking. Section 30252 of the Coastal Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coastal area by usurping on-street public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking is critical for all commercial, recreational and residential development in near shore areas.

The project site is located approximately one-quarter mile east of the coast. However, because the site is east of the railroad line (which is fenced and depressed in a trench), the nearest coastal access routes are located at Lomas Santa Fe Drive, approximately 1,400 feet to the north, and Via de la Valle, approximately one-half mile to the south. The area around the project site is known as the Cedros Design District, which consists of a variety of commercial and tourist-oriented businesses. Many of the buildings are relatively old, and were constructed at a time when off-street parking was not required to be provided in conjunction with new development, or were approved with less restrictive parking requirements than utilized today. Thus, off-street parking is at a premium in the area.

To determine the quantity of parking spaces that would be adequate to protect public access to the coast, the Commission may consider, for guidance purposes, the amount of parking required under the previously certified County of San Diego Local Coastal Program (LCP). The County LCP requires that parking for a retail/office commercial structure of this size be provided at a ratio of 1 space for every 200 square feet of gross floor area. For the 7,380 sq.ft. building previously approved and constructed, 40 spaces would be required, and for the proposed 19,026 sq.ft. building, 95 spaces would be required. In total, 135 spaces, or 65 more than the 70 proposed, would be required.

In the City of Solana Beach, the site is zoned "Special Commercial." Under this designation, which is intended to preserve and perpetuate pedestrian-oriented commercial centers, 1 parking space for each 450 square feet of retail floor area, and 1 space for each 300 square feet of office floor area is required. Therefore, under these standards, the existing 5,126 sq.ft. retail/1,595 sq.ft. office structure would require 16 spaces, the proposed 9,331 sq.ft. of retail/9,695 sq.ft. office building would require 53 spaces, for a total of 69 required spaces--1 less than proposed.

As originally proposed, the required parking could have been accommodated using both on-site parking and off-site parking spaces located within the ROW of the AT&SF railroad immediately adjacent to the west of the project site. However, the proposed 19,026 sq.ft.

building is approximately 11,646 sq.ft. larger than the building previously approved on the northern lot (7,380 sq.ft.) and 4,246 sq.ft. larger if the building tentatively proposed for the middle lot (7,400 sq.ft.) is considered. However, nothing in the Commission's previous action endorsed a specific size of building for the middle lot, which would be based on the provision of adequate parking. The proposed increase in size has required the applicant to lease an additional 165 feet of ROW north of and adjacent to the project site to provide 14 more parking spaces.

Chapter 3 of the Coastal Act is the standard of review for the proposed project, and the Coastal Act does not include specific parking ratios, but rather requires that parking be adequate for the particular development and site location such that adverse impacts on public beach access do not occur. Previously, when the proposed off-site parking was limited only to the ROW immediately adjacent to the project site, the Commission found that there is no convenient beach access from the project site or the ROW, and that the site is not adjacent to any existing beach parking areas or recreational facilities. Thus, a parking deficiency at the project site did not have a high potential to impact the amount of parking available to beach users.

However, the Commission also noted that in general, the railroad ROW area in Solana Beach and other coastal communities has the potential to serve as a reservoir for public beach parking. For example, the City of Oceanside has developed approximately 683 parking spaces adjacent to the railroad ROW between Ninth and Wisconsin Streets, in order to make more of the beach frontage conveniently available to visitors arriving by car. Leasing the ROW for the required parking of a private development precludes the possibility that this area could be used for public beach parking in the future.

Thus, the Commission also found that if the project site were closer to Lomas Santa Fe Drive or Via de la Valle, or was used for beach parking, the loss of the potential public parking in the ROW would be a far greater concern. Although there is no direct, nearby access to the beach from the project location, as previously discussed, the Highway 101 Corridor Specific Plan, which has been adopted by the Solana Beach City Council, calls for a pedestrian bridge across the project site to the linear park. The timetable for the grade separation project (which must precede the linear park) is uncertain at this time, and City has not yet secured funding for the bridge; however, the City has developed a conceptual design for a pedestrian bridge over the proposed parking area and railroad tracks and has secured an agreement with the applicant for development of the bridge in the future. Thus, there is a potential that the area could be used as an alternative (albeit indirect) beach access point, and would be an ideal location for parking for the linear park itself.

However, even if the proposed parking area is not ultimately suitable for beach or recreational parking, over the last several years the Commission has seen increased pressures for intensification and redevelopment of the existing uses in the area. There are currently a number of existing and developing businesses closer to Lomas Santa Fe Drive than the project site which have insufficient parking by current standards, and parking deficits in this area could very well impact beach users. For example, there is a project

located several hundred feet northeast of the subject site on the January 1998 hearing agenda (#6-97-147), for conversion of an existing residence/pottery manufacturing use to retail commercial, where there is over 12,000 sq.ft. of existing uses on the site, with insufficient on-site parking spaces. Because of the scarcity of spaces, there are various off-site, shared parking arrangements (many of which do not appear to have been formally secured or reviewed by the Commission) throughout the area, and enforcement proceedings have been initiated by the Commission at least once for a potential violation regarding inadequate provision of parking spaces on South Cedros Avenue. The Commission has also recently approved a restaurant addition (#6-97-002), which was able to provide adequate on-site parking, and conversion of an existing warehouse to retail commercial (#6-94-184). The latter permit was approved with an off-site, shared parking arrangement, because the project involved an existing building with no potential for on-site parking. The approval was based in part upon Section 6753(c) of the County LCP which states:

All uses and/or structures lawfully established or erected prior to May 10, 1985, that are converted, altered or expanded shall be required to provide only additional parking to accommodate the increase in capacity and/or intensity....

In this manner, the Commission has allowed redevelopment of existing structures to occur when it would not be possible to provide parking based on current standards. Nevertheless, in these cases, existing on-site parking deficiencies remain. Thus, in the case of the warehouse conversion, the Commission found that off-site parking was acceptable in the short-term because it was likely that eventually railroad right-of-way parking would become available immediately adjacent to the warehouse site. However, if new development is allowed to use up this reservoir of parking, the existing parking deficiencies in the area will never be alleviated.

Most of the coastal communities in the San Diego area have long since been built out, usually at lower parking ratios than currently accepted standards. Thus, it is difficult to provide parking both for existing businesses and beach visitors, let alone accommodate the redevelopment and expansion of existing structures. However, in the case of the proposed project, an entirely new development is proposed that would not be able to accommodate its required parking on-site or immediately adjacent to the site, but would have to use parking on a leased area north of the site. Conversely, if the size or intensity of the proposed building were reduced to a level comparable to what was previously approved by the Commission, all of the required parking could be provided on the site and in the NCTD leased area immediately alongside the site. Thus, the northern parking area could be used to accommodate existing parking deficiencies, beach parking, or perhaps even future demands for intensification of the uses on the site immediately adjacent to the proposed parking area. In any case, it would set a significant adverse precedent in an area already lacking in parking and within walking distance of Solana Beach's major coastal access and recreational facility (Fletcher Cove), to allow new buildings to intensify beyond what can be accommodated on or immediately adjacent to the site.

Therefore, Special Condition #1 requires the applicant to submit revised plans indicating a structure which, using the City's parking ratios of 1 space per 450 sq.ft. of retail, and 1 space per 300 sq.ft. of office, would not require more than parking spaces than can be provided on-site and in the ROW adjacent to the site. Although this would result in less parking than would have been required under the County's LCP, the Commission has previously found that in this location, if the parking is confined to the subject site and the ROW immediately adjacent to the site, the off-site parking arrangement will not adversely impact coastal access, and the proposed project can be found consistent with Section 30252 of the Coastal Act.

3. Visual Impact/Community Character. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The proposed building will be located within an existing commercial area, has been designed to be compatible with surrounding development and the previously approved structures on the site. The Commission previously required submission of a landscape plan and sign program. In past Commission action on commercial development within this area, the Commission has regulated the height and amount of monument signs because of the potential for adverse impacts on the scenic quality of the area and inconsistency with Section 30251 of the Act. Because the proposed amendment involves construction of a structure not included in the previous proposal, Special Condition #2 requires submission of an updated landscape and sign plan conforming to the same parameters previously approved by the Commission. Special Condition #4 notifies the applicant that all previous conditions remain in effect. Therefore, as conditioned, the visual impacts of the project can be found consistent with Section 30251 of the Coastal Act.

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

The subject site was designated as General Industrial in the previously certified County of San Diego LCP which, although it no longer applies in this area since the incorporation of the City of Solana Beach, is used for guidance in Solana Beach. The City of Solana Beach has zoned and designated this area for Special Commercial uses in their General Plan and Zoning Ordinance. Because of the intended pedestrian orientation of the Special Commercial zone, there are much less stringent parking requirements in this zone than

typically applied to development. Since the Special Commercial zone applies to an area surrounding Lomas Santa Fe Drive, the City's major coastal access route, the reduction in parking standards could potentially impact beach parking and access.

Because Chapter 3 is the standard of review in Solana Beach, the Commission has occasionally approved development which provides less parking than would have been required under the previously certified County of San Diego LCP when it was clear that any parking deficiency would not adversely affect beach access. However, the proposed project involves construction of a new structure which would not provide adequate on-site parking, but rather would require the use of off-site parking in the NCTD right-of-way immediately adjacent to the site, and on the site to the north. The potential availability of parking within this right-of-way affords the City an ideal opportunity to plan both for the long term redevelopment needs of their Special Commercial district, and for beach visitors. Permitting new development on a piecemeal basis which depends on this parking would preclude this planning effort, would remove opportunities to provide and improve public access consistent with Chapter 3 of the Coastal Act, and would prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

Therefore, only as conditioned to reduce the scale and/or intensity of the development such that adequate parking can be provided on site or immediately adjacent to the site, can the proposed amendment be found consistent with the Chapter 3 policies regarding public access. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources will result. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the public access and visual quality policies of the Coastal Act. Mitigation measures, including reducing the size or scale of development, and submission of updated sign and landscape plans 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

SITE

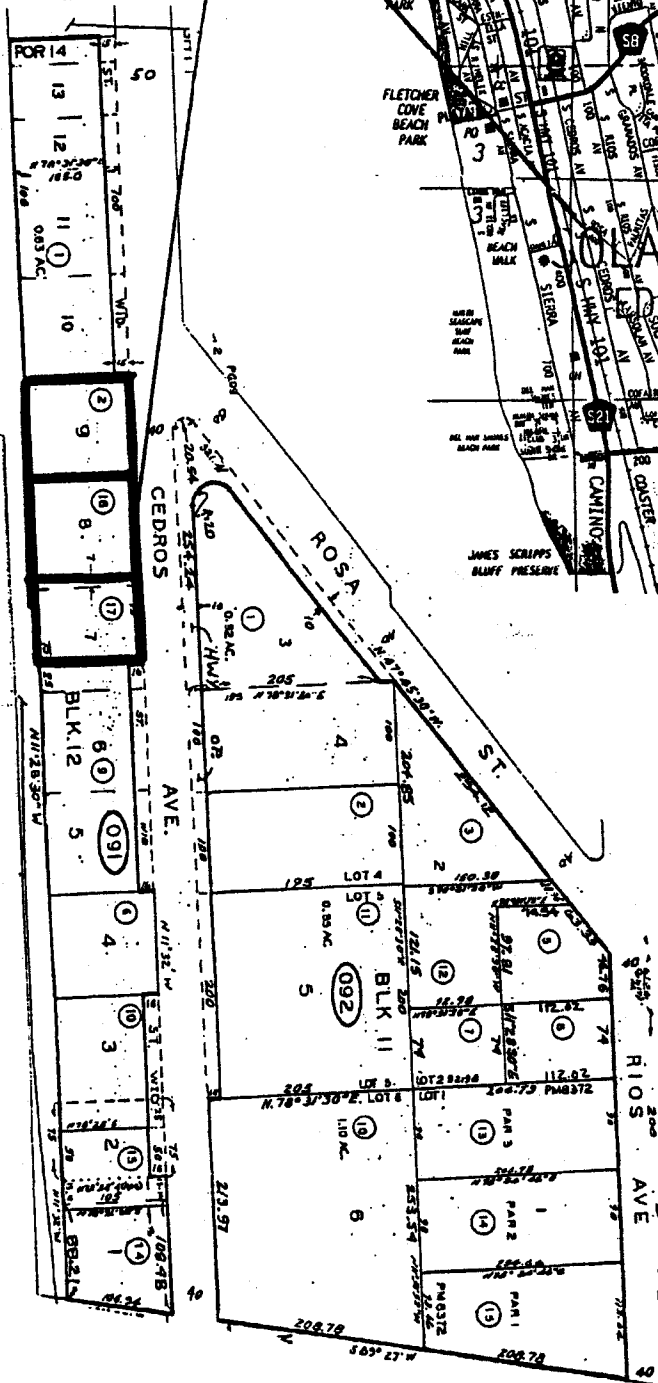


EXHIBIT NO. 1
APPLICATION NO.
6-96-27-A1
Location Map
California Coastal Commission

CEDROS AVENUE

SITE PLAN

7,380 SQ.FT. BUILDING

FUTURE BUILDING (NOT A PART)

8,014 SQ.FT. BUILDING

ONSITE PARKING

ONSITE PARKING

LEASED PARKING AREA

ONEWAY

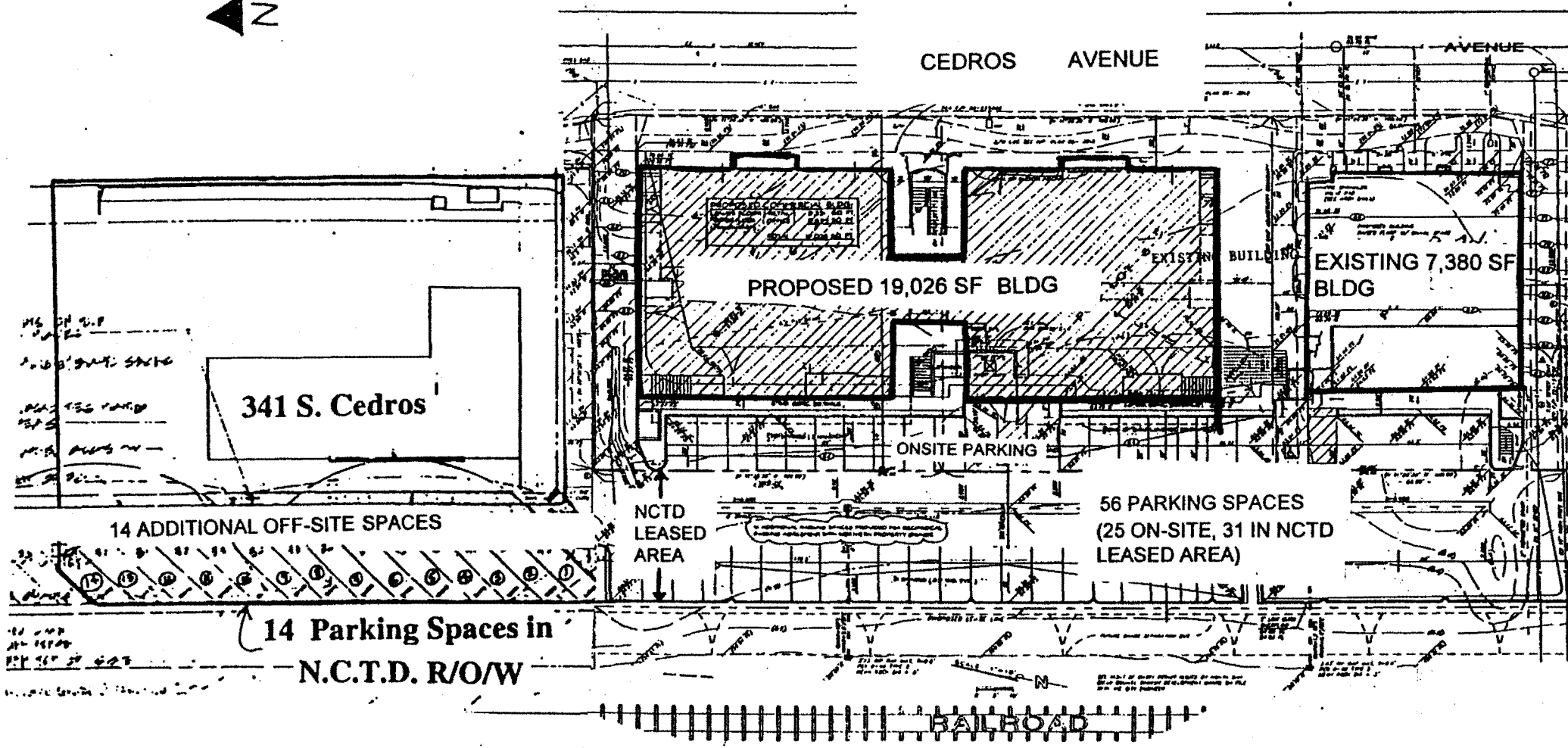
ONEWAY

A T & S F RR

ORIGINAL PROJECT SITE PLAN

EXHIBIT NO. 2
 APPLICATION NO.
 6-96-27-A1
 Original Project
 Site Plan

California Coastal Commission



14 Parking Spaces in
N.C.T.D. R/O/W

PROPOSED PROJECT SITE PLAN

	EXHIBIT NO. 3
	APPLICATION NO.
	6-96-27-A1
	Proposed Project
Site Plan	