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STATE OF CALIFORNIA - THE RESOURCES AGENCY

W 186
PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

Filed: October 31, 1997
49th Day: December 22, 1997
180th Day: May 2, 1998
Staff: John T. Auyong *mm*
Staff Report: February 19, 1998
Hearing Date: March 10-13, 1998
Commission Action:



STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: 5-97-309

APPLICANT: The William Lyon Property Management Group

PROJECT LOCATION: The Bluffs Apartments, 32400 Crown Valley Parkway,
City of Dana Point, County of Orange

PROJECT DESCRIPTION: Conversion of 294 carport spaces and 20 uncovered standard parking spaces to up to 262 garage spaces by enclosing existing carports and uncovered parking spaces at the Bluffs Apartments (resulting in the elimination of 32 carport spaces and 20 standard uncovered spaces), and the addition of one 1 uncovered space.

LOCAL APPROVALS RECEIVED: City of Dana Point Approval-in-Concept

SUBSTANTIVE FILE DOCUMENTS: City of Dana Point Local Coastal Program; Coastal development permit P79-5539; Type II permit (April 25, 1985 letter from the Coastal Commission to the Stein-Brief Group)

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends denial because the proposed project would not conform to the certified local coastal program provisions regarding required parking.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Denial

The Commission hereby denies a permit for the proposed development on the grounds that it would not be in conformity with the provisions of the certified City of Dana Point Local Coastal Program.

II. Findings and Declarations.

A. Project Description

The applicant is proposing to convert both existing carport parking spaces and uncovered parking spaces to enclosed garage spaces at the existing 418 unit Bluffs Apartments residential complex. Currently, 737 parking spaces exist on-site, comprised of 450 carport spaces, 207 standard uncovered spaces, and 80 compact uncovered spaces.

The conversion would occur by enclosing 294 carports and building garages on 20 uncovered parking spaces. Up to 262 garage spaces would be created as a result. Out of an existing total of 450 carports, 156 carports would remain after the proposed project is completed. Therefore, the proposed project would eliminate 32 carport spaces as well as 20 standard uncovered spaces, for a total of 52 lost spaces. The addition of one compact uncovered space is proposed, for a total net loss of 51 parking spaces.

The proposed development would result in a reduction of on-site parking spaces to 686 parking spaces (262 garage spaces, 156 carport spaces, 187 standard uncovered parking spaces, and 81 compact uncovered parking spaces). The loss of parking spaces is due both to the installation of walls to enclose the carports and building garages on the uncovered spaces, as well as widening the proposed spaces to eleven feet, up from the existing nine foot width.

A "Type II" permit was issued by the Executive Director for the proposed project. (see Exhibit C) A Type II permit is essentially the submission of final detailed plans for compliance with the special conditions of coastal development permit P79-5539 approved by the Commission. Permit P79-5539 approved a variety of development on the subject site and in the nearby vicinity. Prior to actual construction, permit P79-5539 requires either the submission of detailed plans to the Executive Director for approval via a Type II permit or a subsequent coastal development permit to be approved by the Commission, depending on the development site in question.

B. Standard of Review

Section 30604 of the Coastal Act states, in part:

- (b) After certification of the local coastal program, a coastal development permit shall be issued if the issuing agency or the commission on appeal finds that the proposed development is in conformity with the certified local coastal program.

Section 13546 of Title 14 of the California Code of Regulations states, in part:

At the time of delegation of coastal development permit authority there may be permit applications that have received local government approval and have not been voted upon by the Commission. The permit applicant may:

- (b) proceed with Commission review for consistency with the certified local coastal program.

Similarly, Section 9.69.030(c)(2)(A)2. of the certified LCP states, in relevant part:

Any coastal development permit application for proposed development within the currently uncertified areas of the City which the City preliminarily approved before effective certification of the Local Coastal Program and for which an application has been filed complete with the Coastal Commission may, at the option of the application, remain with the Coastal Commission for completion of review and action. Coastal Commission review of any such application shall be based solely upon the requirements of this certified Local Coastal Program and, for development between the sea and the first public road paralleling the sea, the Chapter 3 public access and recreation policies of the Coastal Act.

The subject site is located in an area of the City which was not certified at the time the application was filed complete. The Commission effectively certified the LCP for the area on November 5, 1997. The subject permit application was filed complete on October 31, 1997, prior to effective certification of the LCP.

The applicant has elected to continue processing the coastal development permit application with the Coastal Commission rather than with the City of Dana Point. As described above, the standard of review for the proposed development is consistency with the certified local coastal program.

The land use plan ("LUP") portion of the LCP is comprised of the Land Use, Urban Design, and Conservation/Open Space Elements of the City of Dana Point General Plan. The implementing actions of the LCP are comprised of the City of Dana Point Zoning Code.

C. Public Access - Parking

Certified Land Use Plan Land Use Element Policy 1.8 states:

The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses. (Coastal Act/30252)

The certified implementing actions portion of the City of Dana Point certified local coastal program ("LCP") are comprised of the City of Dana Point Zoning Code. The zoning code contains standards by which to determine whether on-site parking provided for development is adequate. In this case, the proposed project involves a redesign of existing on-site parking for an existing multi-family residential development.

Section 9.35.080 of the Zoning Code contains requirements for parking which must be provided for different types of uses. The LCP does not make a distinction in required parking between new development and improvements to existing structures. For multi-family residential uses, Section 9.35.080(e) of the zoning code requires 1.7 parking stalls (1.0 covered, 0.5 uncovered, and 0.2 visitor) per each unit containing one bedroom or less, and 2.2 parking stalls (1.0 covered, 1.0 uncovered, and 0.2 visitor) for each two-bedroom unit.

The 418 existing residential units consist of 185 one-bedroom units and 233 two-bedroom units. Based on the LCP parking standards, the development would require 827 parking spaces. Only 737 parking spaces currently exist on site. The proposed project would reduce this number to 686 parking spaces. As a result of the proposed project, the existing apartment complex would be deficient by 141 parking spaces.

The applicant contends that the proposed project would not reduce the ratio of parking provided. As built, there were 450 units and 737 parking spaces for a ratio of 1.6 spaces per unit. In the early 1990's, 32 units were destroyed in a landslide. Those 32 units are not proposed to be rebuilt, given the instability of that portion of the site. Therefore, 418 units remain in existence. The proposed project would result in a reduction of on-site parking spaces to 686 spaces on site. The ratio of 418 units to 686 parking spaces result in the same ratio of 1.6 spaces per unit.

However, this ratio of 1.6 spaces per unit is less than the 1.7 spaces which the LCP requires for one-bedroom units, and even less than the 2.2 spaces which the LCP requires for two-bedroom units. The proposed project would continue the existing parking deficiency and not reduce the deficiency. Further, in the Type II permit approved for the project prior to LCP certification, the Executive Director approved five hundred units with 1,035 parking spaces. This results in a ratio of approximately 2 parking spaces per unit approved by the Type II permit, more than the 1.6 ratio which exists.

The proposed project should not be approved because feasible alternatives exist. First, there is the no project alternative. A no project alternative would result in 737 parking spaces for 418 residential units, increasing the ratio of parking to 1.7 spaces per unit from the 1.6 ratio proposed. Second, the proposed parking spaces could be left at a nine foot wide width, rather than being increased to eleven feet wide. This would decrease the proposed reduction in number of parking spaces. Third, additional surface parking could be built on the site where a future recreation area is planned, which is the site of the destroyed buildings near the landslide area.

Therefore, the Commission finds that the proposed project does not provide the parking required by the LCP which is necessary for public access, and there are feasible less environmentally damaging alternatives. Thus, the Commission finds that the parking proposed is not consistent with the requirements of the certified local coastal program

D. Local Coastal Program

The City of Dana Point ("City") Local Coastal Program ("LCP") was certified on September 13, 1989 for the majority of the City. However, the Laguna Niguel LCP segment was not certified at that time. The subject site is located in this area. On May 13, 1997, the Commission certified with suggested modifications an LCP amendment for this area which would eliminate the separate LCP segment. The suggested modifications are needed to bring the LCP into conformity with the provisions of the Coastal Act. On August 26, 1997 and September 9, 1997, the City of Dana Point City Council took actions accepting the suggested modifications. The LCP was effectively certified by the Commission on November 5, 1997, when it concurred with the Executive Director's determination that the City's actions accepting the suggested modifications are legally adequate.

E. California Environmental Quality Act

Section 13096 of Title 14 of the California 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)(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 should not be approved because feasible alternatives exist. First, there is the no project alternative. A no project alternative would result in 737 parking spaces for 418 residential units, increasing the ratio of parking to 1.7 spaces per unit from the 1.6 ratio proposed. Second, the proposed parking spaces could be left at a nine foot wide width, rather than being increased to eleven feet wide. This would decrease the proposed parking reduction. Third, additional surface parking could be built on the site where a future recreation area is planned, which is the site of the destroyed buildings near the landslide area.

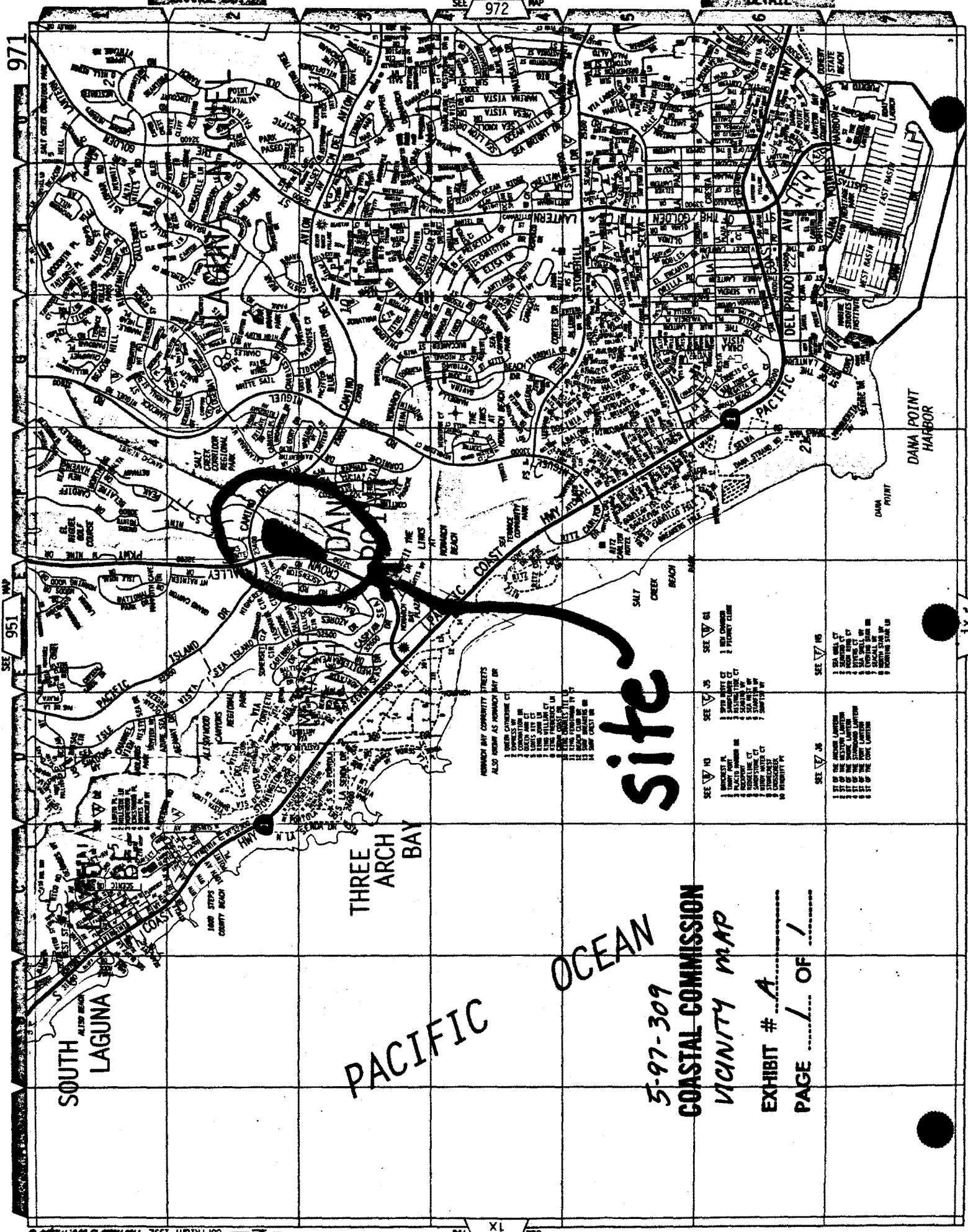
Therefore, there are feasible alternatives available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project cannot be found consistent with the requirements of the Coastal Act to conform to CEQA and that the project cannot be approved as proposed.

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SEE 951 MAP

SEE 1X MAP



THREE ARCH BAY

PACIFIC OCEAN

site

5-97-309
COASTAL COMMISSION
VICINITY MAP

EXHIBIT # A
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State of California, George Deukmejian, Governor

California Coastal Commission
SOUTH COAST DISTRICT
245 West Broadway, Suite 380
P.O. Box 1450
Long Beach, California 90801-1450
(213) 590-5071

April 25, 1985

FILE COPY

5-97-309

James W. Smith
Stein-Brief Group
29982 Ivy Glen
Laguna Niguel, CA 92677

Dear Mr. Smith:

We have received your submittals for the development of Tract 12366, Area 15A, a 12.5 acre area within Area 15 that lies within the Coastal Zone.

This letter is to authorize you to proceed with the development of Area 15A under the provisions of a Type II Coastal Development Permit.

Please be advised that you will be required to comply with the Coastal Access Program provisions of the condition placed upon Coastal Development Permit P-79-5539. This requires that the transit in lieu fees for the development be paid prior to the issuance of any permit for hook-up to a sewer service system.

Very truly yours,



D. H. Pickens
Project Coordinator

DHP/sws

cc: (with attachments)
Murray Storm
Director, Orange County, EMA

5-97-309
COASTAL COMMISSION
Type II Permit

EXHIBIT # C

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