

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: March 12, 1998  
49th Day: April 30, 1998  
180th Day: September 8, 1998  
Staff: DL-SD  
Staff Report: March 18, 1998  
Hearing Date: April 7-10, 1998

**STAFF REPORT: CONSENT CALENDAR**

Application No.: 6-98-17

Applicant: Gene Lake

Agent: Allard Jansen

Description: Demolition of two existing retail structures and construction of a 2-story, 18,303 sq.ft. retail/warehouse building including a 1,000 sq.ft. studio apartment on a 20,484 sq.ft. lot with roof-top parking and installation of a parking lot on an unimproved parcel on an adjacent lot to the north.

Lot Area	20,484 sq. ft.
Building Coverage	13,903 sq. ft. (68 %)
Pavement Coverage	2,970 sq. ft. (15 %)
Landscape Coverage	3,611 sq. ft. (17 %)
Parking Spaces	72
Zoning	Special Commercial
Plan Designation	Special Commercial
Ht abv fin grade	28 feet

Site: 240 South Cedros Avenue, Solana Beach, San Diego County.  
APN 298-076-18; 298-07-53.

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 CUP #17-97-09, DRP #17-97-09.

**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. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program for all proposed signage documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director, and signs shall subsequently be installed consistent with the approved plans.

2. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit final site, floor, and elevation plans, and plans for the off-site parking area, that have been stamped and approved by the City of Solana Beach. Said plans shall be in substantial conformance with the submitted plans dated February 6, 1998. Plans shall be subject to the review and written approval of the Executive Director, and construction shall subsequently take place consistent with the approved plans.

3. Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a final landscape plan, stamped and approved by the City of Solana Beach, in substantial conformance with the submitted landscape plan submitted March 12, 1998. Said plans shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director and landscaping shall subsequently occur consistent with the approved plans.

4. Future Development. This permit is for demolition of two existing retail buildings and construction of a 2-story, 18,303 sq.ft. retail/warehouse building with a 1,000 sq.ft. studio apartment, roof-top parking, and installation of a parking lot. All other development proposals for the site including conversion of the retail, residential or warehouse uses to other uses (such as restaurant, additional retail, etc.), or the construction of additional floor area, shall require review and approval by the Coastal Commission under an amendment to this permit. Future development or conversion of the parking lot would also require a separate coastal development permit or amendment by the Coastal Commission or its successor in interest.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the demolition of two existing retail buildings totaling approximately 1,500 sq.ft. and construction of a new 2-story mixed use structure. The building would consist of 11,880 sq.ft. of retail floor area and 2,023 sq.ft. of warehouse storage space on the first story, and 3,400 sq.ft. of warehouse space and a 1,000 sq.ft. studio apartment on the second story. Thirty-three parking spaces would be provided on the roof of the proposed structure. In addition, the applicant is leasing a 13,720 sq.ft. area adjacent to the building site to the north which will provide up to an additional 40 parking spaces. The parking area would be located on one corner of a larger lot, and the lot has been renumbered for tax purposes from APN 298-073-39, to parcels 52 and 53--the parking area. However, no subdivision has occurred. This unimproved dirt area is currently used as informal parking not specifically designated for any particular business. The applicant is proposing to pave, stripe and landscape the 13,720 sq.ft. parcel, which requires a coastal development permit as a change in intensity of use.

The project site is located east of Highway 101, on the east side of Cedros Avenue, approximately 800 feet south of Lomas Santa Fe Drive.

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. The nearest coastal access route is located at Lomas Santa Fe Drive, approximately 800 feet north of the site. 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 commercial structure of this size be provided at a ratio of 1 space for every 200 square feet of retail floor area, 1 space

for every 300 sq.ft. of warehouse floor and 1 parking space for a studio apartment. Thus, the proposed project would require 78 parking spaces.

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, 1 space for each 1,000 square feet of warehouse floor area, and 1 parking space for a studio unit is required. Therefore, under these standards, 32 spaces would be required.

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. Over the past several years, the Commission has reviewed a number of projects for new construction or redevelopment in the City's Design District (CDP #6-97-147; 6-97-002; 6-96-27; 6-94-184) and has approved both on and off-site parking arrangements using the City's parking standards, finding that the amount of parking provided would not result in adverse impacts to public access or beach parking.

Although many of the existing developments in the vicinity of the proposed project do not provide parking consistent with current standards, in recent discussions with the staff of the City of Solana Beach, it was determined that there is no evidence that inadequate on-site parking is causing a "spill-over" impact onto surrounding streets. Commission staff has also reviewed the existing beach parking facilities in the city to determine if increased intensity of development in the Cedros Design District in general would have the potential to impact beach parking in the future. There are approximately 267 free public parking spaces at Fletcher Cove which are generally not filled to capacity during the off-season, and there are lots south of Lomas Santa Drive on the east and west sides of South Sierra Avenue with a total of 41 spaces which are underutilized even during the summer season.

Thus, it appears that although under the County LCP considerably more parking would be required for the use than required by the City's regulations, the parking ratios imposed by the City in this location have not resulted in impacts to public beach access. Furthermore, none of the existing beach lots are close enough to the project site that if there were parking deficiencies in the subject area, the beach parking facilities would be impacted. Thus, the 33 on-site parking spaces can be found adequate to serve the proposed development.

Although additional parking spaces are not required, the applicant is also leasing an approximately 13,720 sq.ft. parcel adjacent to the building site that will be paved and striped to provide up to an additional 40 parking spaces. (The remainder of the lot is not proposed for improvement at this time). The area is currently available as informal parking. The applicant has indicated that the parking lot will not be restricted for use by patrons of the proposed development only.

Because the City of Solana Beach has not given final approval to the configuration of parking spaces on the off-site lot, and the project plans have received only preliminary approvals from the City, Special Condition #2 requires the applicant to submit final project plans substantially consistent with the submitted plans.

To ensure that in the future the floor area in the proposed structure is not converted to higher intensity uses (such as warehouse to retail or restaurant) which may require more parking spaces, Special Condition #4 notifies the applicant that future changes or additions to the building require review by the Commission as an amendment to this permit. Additionally, any conversion of the proposed parking lot to another use would require a coastal development permit. Therefore, as conditioned, the Commission finds the proposed project consistent with the public access policies 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 buildings will be located within an existing commercial area, and have been designed to be compatible in size, scale, and architectural design to surrounding development. 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. For this reason, strict limits on the size and height of commercial signs were included within the previously certified County of San Diego Local Coastal Program (LCP). To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #1 has been proposed. The condition requires the submittal of a sign program for the proposed building documenting that only monument signs not exceeding eight feet in height or facade signs are proposed.

In addition, the applicant has proposed providing landscaping for the site, including five queen palms (36-48 box minimum) along the street frontage and 21 palms in the leased parking area. The provision of landscaping as proposed will ensure the visual resources of the area are protected. Special Condition #4 requires the submission of a final landscape plan, and implementation of the proposed landscaping. 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 Limited 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 draft Land Use Plan, and the proposed retail/warehouse construction is consistent with this designation. As discussed above, the proposed project can be found consistent with the Chapter 3 policies regarding the provision of adequate parking facilities and the protection of visual resources. The site was not subject to any of the special area overlays established in the County LCP. 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)(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 visual quality policies of the Coastal Act. Mitigation measures, including submission of a sign program, landscaping plan, and a future development notification, 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

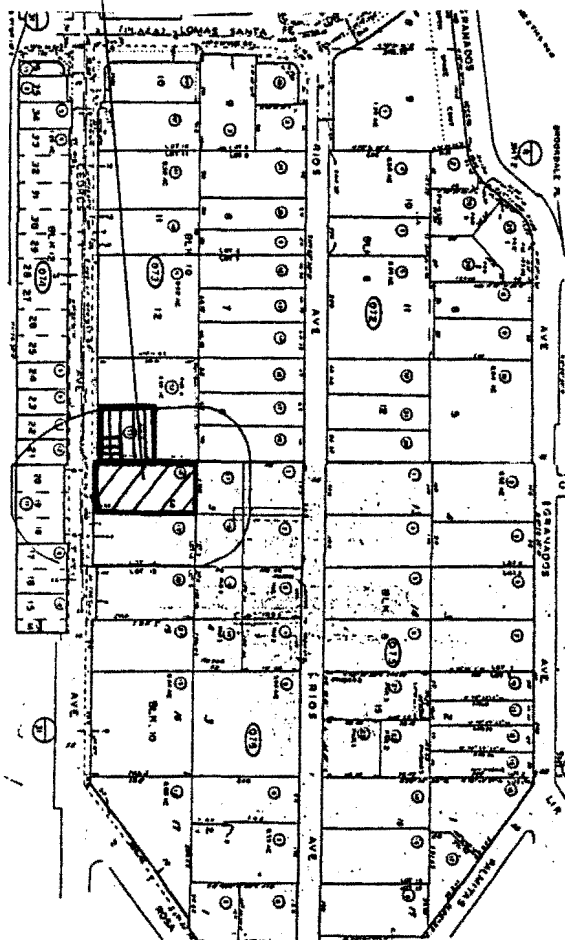
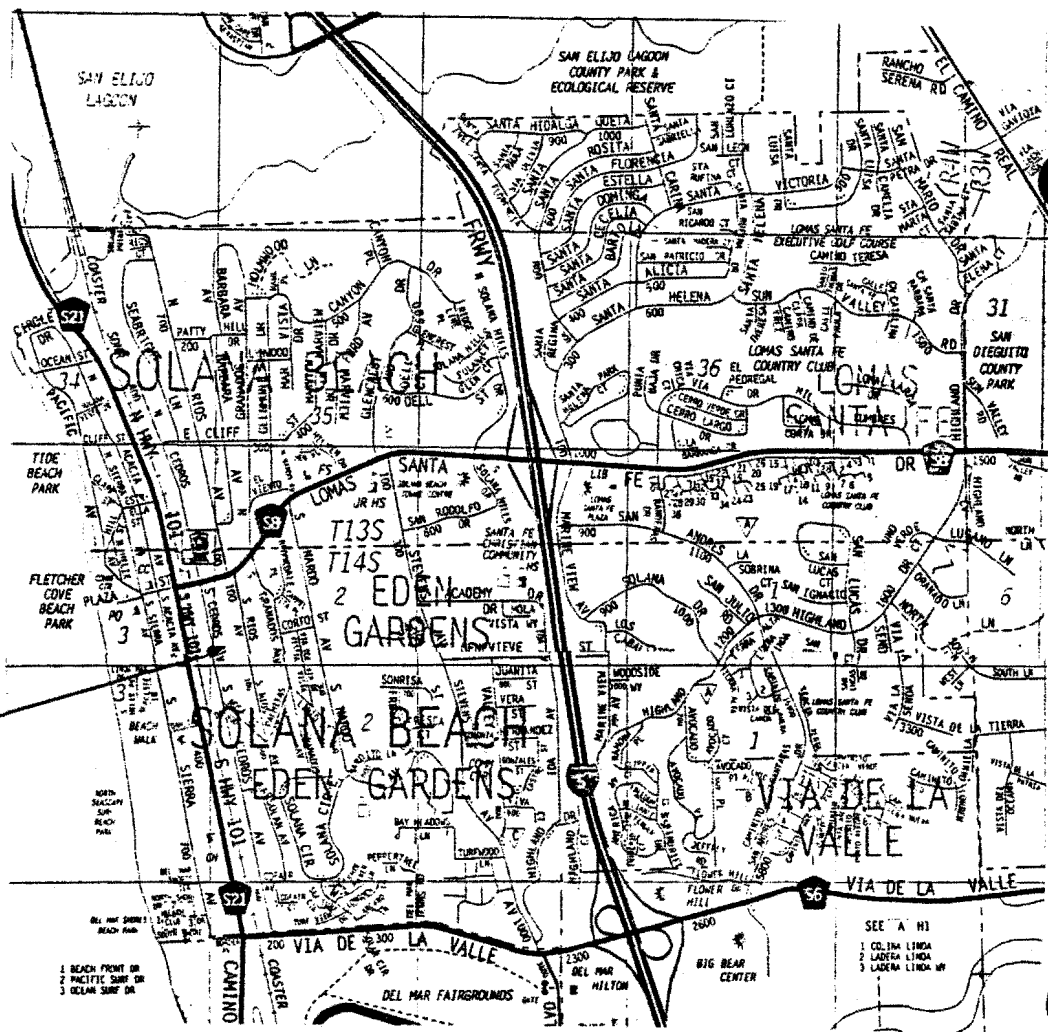


EXHIBIT NO. 1
APPLICATION NO.
6-98-17
Location Map
California Coastal Commission



CUT & DRIED HARDWOOD

SOUTH CEDROS

PARKING LOT

17'-0" RETRACK

30'-0" SETBACK  
25'-0" RIGHT OF WAY  
2'-6" UTILITY EASEMENT

8'-0" REWER EASEMENT

ELEV. at TOP OF PARAPET 88.7

SHED BUILDING

NEW RAMP UP - 20%

THIS AREA COVERS 25' MINIMUM OF THE SET OF 30' AT EACH

RETAIL DISPLAY

RETAIL SPACE  
11,880 s.f.

WAREHOUSE SPACE  
2,083 s.f.

LINE OF ROOF AT ELEV. 97.3

LINE OF DECK AT ELEV. 94.2

EXISTING HOUSE (COLOMBO)

OUTDOOR STREET PLAZA

OUTDOOR STAIR

EXTENT OF RETAIL BELOW

LINE OF MEZZANINE ABOVE

FIRE RATED EXIT CORRIDOR

EXISTING ROOFS TO BE BLOWN TO GROUND

30' OUTDOOR STREET PLAZA

ADJACENT CONCRETE RAMPED DRIVEWAY

ELEV. at TOP OF PARAPET 104.0

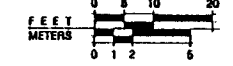
ELEV. at TOP OF PARAPET 98.0

CEDROS EXECUTIVE PLAZA

DITIONS BUILDING

STREET LEVEL FLOOR PLAN 3


DROS  
H, CALIFORNIA



444 SOUTH CEDROS  
STUDIO 200  
SOLANA BEACH  
CALIFORNIA  
9 4 9 5 6  
PAX 700-7142  
FAX 700-7001



ALLARD  
JANSEN  
& ASSOCIATES  
ARCHITECTURE



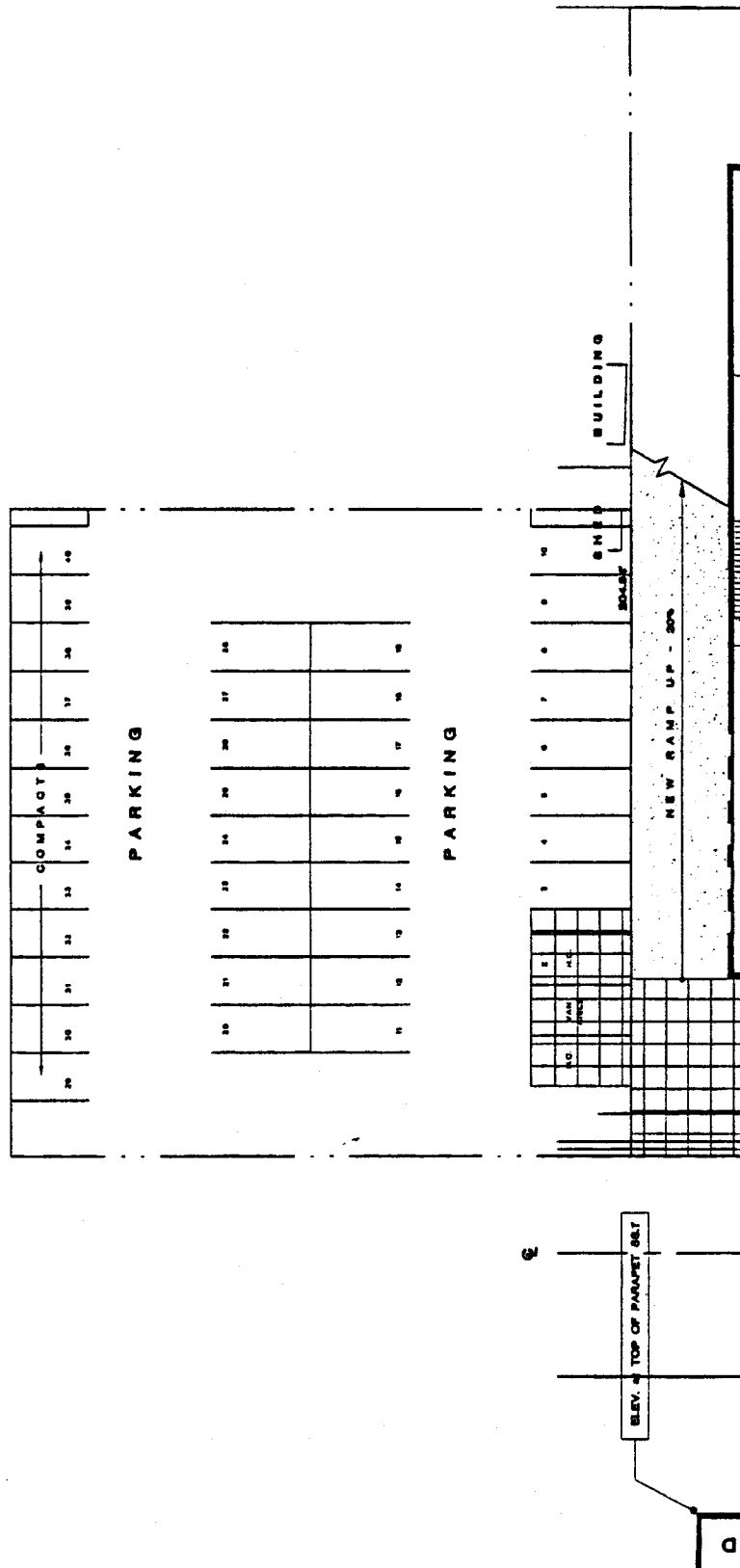
California Coastal Commission

EXHIBIT NO. 2

APPLICATION NO.

6-98-17

Site Plan

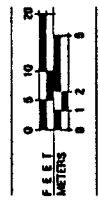


ALLARD  
JANSEN  
& ASSOCIATES  
ARCHITECTS

4

STREET LEVEL PARKING PLAN

DATE: 10/10/98  
PROJECT NO.: 98-001  
SHEET NO.: 4 OF 4  
SCALE: 1/8" = 1'-0"



DITONS BUILDING

DROS  
H, CALIFORNIA

EXHIBIT NO. 3
APPLICATION NO.
6-98-17
Parking Lot
California Coastal Commission