

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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Filed: April 8, 1998
 49th Day: May 27, 1998
 180th Day: October 5, 1998
 Staff: EL-SD
 Staff Report: April 20, 1998
 Hearing Date: May 12-15, 1998

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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-93-167-A2

Applicant: City of Coronado, Engineering and Project Development Agent: Ann McCaul

Original Description: Placement of a temporary construction trailer and associated facilities (deck, utilities, equipment) and 8 parking spaces for a three year period on one-half of a 13,200 sq. ft. vacant City-owned parcel at the northwest corner of 1st Street and A Avenue commonly known as the "A Avenue extension".

Previous Amendment: Increase in the size of the proposed trailer from single-width (720 sq.ft.) to double-width (1,056 sq.ft.); also resiting of the proposed trailer from the west side of the site to the east side, with retention of the eight parking spaces.

Proposed Amendment: Increase in the size of the existing trailer from 1,056 sq.ft. to 2,184 sq.ft., addition of four parking spaces, and retention of the temporary facilities for an additional eight year period to expire August 29, 2006. The increase in trailer size and number of parking spaces has already occurred without a coastal development permit.

Lot Area	13,200 sq. ft.
Parking Spaces	12 minimum
Zoning	Civic Use-Open Space
Plan Designation	Civic Use

Site: 50 and 51 "A" Avenue, Coronado, San Diego County. APN 536-110-13

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of an amended coastal development permit with a special condition setting an August 29, 2006 expiration date which replaces Special Condition #1 of the original permit, and a new special condition requiring additional landscaping. Issues addressed in the staff report include the enhancement of visual resources, public access and appropriate use of the site. It is staff's understanding that the applicant accepts the recommended conditions, including the requirement for additional landscaping.

Substantive File Documents: Certified City of Coronado Land Use Plan and LCP
Implementing Ordinances

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development, as amended, 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 amended permit is subject to the following conditions:

1. Existing Use. This condition replaces Special Condition #1 of the original permit in its entirety. The amended coastal development permit authorizes the existing development to remain for an additional eight years, as proposed by the applicant. Retention of the facilities beyond August 29, 2006 will require a separate coastal development permit or an amendment to this permit.

2. Landscaping Plan. Prior to the issuance of the amended coastal development permit, the applicant shall submit a detailed landscape plan for all unimproved portions of the subject site, indicating 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. Special emphasis shall be placed on the treatment of the parking areas, particularly the site's First Street frontage. The plan shall include low-growing ground-covers and shrubbery, not to exceed four feet in height at maturity to protect existing views across the center of the site, with taller species concentrated along the eastern and western site perimeters where existing views would not be impacted. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History. The applicant is proposing to amend a permit issued in 1993 for a temporary office trailer to house one City department, to be removed when permanent replacement facilities had been constructed elsewhere

in the City. At the time, the applicant proposed the placement of a temporary construction trailer and associated facilities (deck, utilities, equipment) and eight parking spaces on the western half of a 13,200 sq. ft. vacant City-owned parcel at the northwest corner of 1st Street and A Avenue commonly known as the "A Avenue extension." The trailer was proposed for three years to accommodate the construction of several public facility buildings proposed in other areas of the City of Coronado. It was to be removed upon completion of those projects. Adequate parking was proposed for office staff. The original coastal development permit authorized the temporary use for up to three years from the date of placement, as proposed by the City. After the three year period, the trailer was to be removed, with any change in the status of the project requiring either a separate coastal development permit or an amendment to this permit.

In May, 1995, the administrative permit was amended to allow a larger trailer and different siting on the property. The City proposed a double-width, 1,056 sq.ft. trailer instead of the single-width, 720 sq.ft. trailer originally proposed. Because of the nature of the development (a temporary, moveable trailer), no permanent foundations were proposed. At that time, no trailer had been placed on the site, so the three year period was not yet running. The amendment also relocated the proposed siting from the western half of the lot to the eastern half, and retained the eight proposed parking spaces, which were still adequate for 1,056 sq.ft. of office use, which required only five spaces. In October, 1995, the Commission received notification that the project had commenced on August 29, 1995, such that the three-year temporary use would expire on August 29, 1998.

Although the City has a certified Local Coastal Program, the site is located within the Commission's original jurisdiction on filled tidelands; thus, a coastal development permit from the Coastal Commission is required. While the City's LCP designates the site as being within the Civic Use and Tidelands Overlay Zones, the site is flat and contains no biological resources. However, there is an existing view of San Diego Bay across the subject site and across adjacent San Diego Unified Port District property located just north of the site.

2. Proposed Amendment. On March 17, 1998, the City submitted an amendment request to retain the temporary facilities for up to an additional eight years, to expire on August 29, 2006. The additional time is requested because the City has decided to permanently house this City department in the Glorietta Bay area of the City, and the Glorietta Bay Master Plan is still being drafted. It could be as long as eight years before any development authorized by the Master Plan, which will require Coastal Commission approval through the LCP or permit process (or potentially both), may be complete.

Along with the amendment request, the City submitted a site plan which showed a somewhat different lot configuration and larger trailer than that approved in the 1995 amendment. A site visit confirmed that the trailer the City ultimately placed on the site is larger than previously approved, although sited in the same general location. In addition, the site has been paved for parking on both sides of the existing driveway, and now accommodates a minimum

of twelve vehicles. The City recently modified their amendment request to include a change in the project description to accurately reflect the development that is actually on the site. According to the submitted CEQA exemption and the dimensioned site plan, the temporary trailer is 2,184 sq.ft. in size.

3. Land Use. The applicant, the City of Coronado, is proposing to continue an existing temporary use on filled tidelands and to expand that use. Although tidelands, the site is not immediately adjacent to the shoreline, and is separated from San Diego Bay by a significant amount of San Diego Unified Port District filled tidelands, which include both existing structures and new structures currently under construction. Since this particular property is owned by the City, not the State, the Commission accepts the City's determination that the proposed use is consistent with the terms of its original tidelands grant and the general principles of public trust policy. The site is designated as Civic Use in the City's certified LCP, and the temporary housing of the Engineering and Project Development Department on the subject property is consistent with that designation.

4. Visual Resources. Section 30251 of the Coastal Act provides that new development not adversely impact scenic features. The temporary trailer is not readily visible from the shoreline of San Diego Bay, since there is a significant distance and a two-story building on Port property between the trailer and the Bay. Two future restaurants on Port property are currently under construction, within this area between the site and the Bay and the existing two-story building is being retained as well. The new restaurants will be an extension of the Ferry Landing commercial development, a collection of visitor-serving boutiques and eateries, with associated pedestrian and bicycle paths. The existing Ferry Landing development is immediately west/northwest of the project site.

Significant views of San Diego Bay are present across the site from "A" Avenue and First Street. The view corridor basically follows the line of the existing driveway, which bisects the site from north to south in a slightly diagonal fashion. According to a conceptual plan on file in the San Diego Coastal Commission office, the new restaurant development on the Port property appears to preserve this view corridor. Thus, it is important that the City's temporary facilities maintain and enhance the high quality of existing scenic resources.

The trailer is earth tone in color and one-story in height to minimize visual impacts and be sensitive to the surrounding environment and existing views. The City has landscaped a small area immediately in front of the trailer. However, the remainder of the site, outside the delineated parking areas, is unimproved and not visually appealing. While significant site improvements are often not required for temporary structures, the City is requesting to retain the facility for an additional eight years, affording it a more permanent status than previously. Since the site is sensitively located within an identified view corridor, Special Condition #1 requires that the City landscape the remainder of the site to improve its appearance. Particular care should be taken to landscape the parking area perimeters,

especially along the First Street frontage. In the interest of maintaining maximum views, however, chosen plant materials within the more central portion of the site should not exceed four feet in height at maturity. Taller species, including trees, could be planted along the eastern and western site perimeters, where view blockage is not an issue. As conditioned, the Commission finds the project to be consistent with Section 30251 of the Coastal Act.

5. Public Access. Section 30604(c) of the Coastal Act requires that a public access finding be made for any development located between the sea and first coastal roadway; also, Section 30252 requires that new development provide adequate parking. In this area of Coronado, First Street is the first through public road, although there is a named public alley (Marine Way) and Port District property bayward of the subject site. The proposed amendment does not affect any existing informal public access to the Bay which could be gained across the site via the existing paved driveway. When the restaurant development north of the site is complete, it will include relocated pedestrian and bicycle access adjacent to the Bay.

The larger trailer and additional parking spaces which are existing on the site, and which are being formally authorized through this amendment, do not impede public access. Moreover, the number of parking spaces provided on the site exceeds the number required in Coronado's certified parking standards for the existing temporary office use. The certified LCP standard is one parking space for every 500 sq.ft. of office use plus one parking space for every two employees. The City's Engineering and Project Development Department has a total of eight employees, and the existing trailer is just under 2,200 sq.ft. in size. Thus, required parking under the certified LCP would be eight parking spaces; a minimum of twelve spaces are provided on the site. Therefore, the Commission finds the proposed amendment, as conditioned to enhance visual resources, consistent with the cited access policies of the Coastal Act.

6. No Waiver of Violation. Since the development built by the City does not conform to the Commission's approval as to trailer size and parking layout/amount, the City is herein seeking after-the-fact approval of the existing development, which represents a violation of the original permit. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

7. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit, or permit amendment, 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. As conditioned, such a finding can be made for the proposed amendment.

The subject site is designated for civic uses in the certified City of Coronado LCP, which contains policies and implementing measures that ensure coastal resources, including visual amenities and public view corridors, will be protected, maintained, and enhanced. However, this site lies within the Coastal Commission's original permit jurisdiction and it must be found that the project is consistent with Chapter 3 policies of the Coastal Act. As conditioned, the amended project will not have adverse visual or public access impacts and is thus consistent with the cited policies of the Coastal Act. Previous findings have also determined the project, as proposed in this amendment request and as existing on the site, is an acceptable interim use for the site and that adequate parking is provided. Therefore, the Commission finds that approval of the amended project will not prejudice the ability of the City of Coronado to continue implementation of its fully certified LCP.

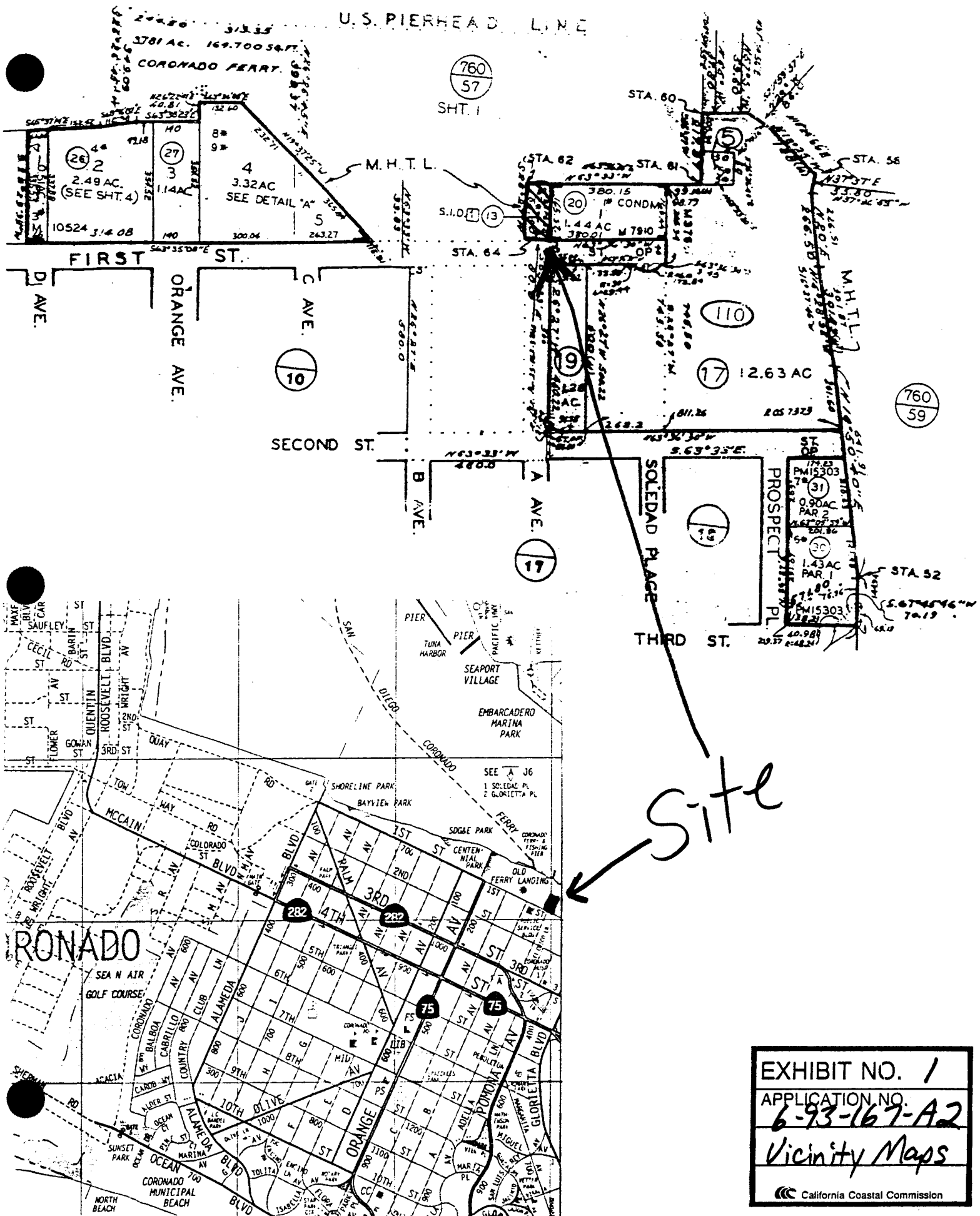
8. Consistency with the California Environmental Quality Act (CEQA).

Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits and permit amendments to be supported by a finding showing the permit or amendment 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.

As discussed herein, the proposed project amendment will not cause significant adverse impacts to the environment. Specifically, the amendment, as conditioned, has been found consistent with the visual resource and public access policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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6-93-167-A2



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SHT. 1

760
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17

110

17

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STA. 52

Site

EXHIBIT NO. 1
 APPLICATION NO.
 6-93-167-A2
 Vicinity Maps
 California Coastal Commission

6-93-167-A2

EXISTING STRUCTURE

BIKE PATH

MARINE WAY

20'

EXST. SDG & E POWER
POLES & PROPOSED
OVERHEAD CONNECTION

EXST. BOLLARDS TO REMAIN

36'

OFFICE
TRAILER

24'

55'

79'

EXISTING A/C
DRIVEWAY

24'

PARKING

PARKING

R

EXST.

SIDEWALK

80'

FIRST STREET

EXHIBIT NO. 2

APPLICATION NO.

6-93-167-A2

Existing Site Plan

FERRY LANDING ASSOCIATES, LLC

P.O. Box 751
San Diego, CA 92112
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Fax: (619) 522-6320

April 2, 1998

California Coastal Commission
San Diego Coast Area Office
3111 Camino Del Rio North, #200
San Diego, Ca. 92108-1725

RECEIVED

APR 06 1998

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

(VIA FACSIMILE AND US MAIL)

Re: Application #6-93-167-A, AKA City of Coronado, 1395 First Street, Coronado, Ca. 92118

Dear Commission:

We request you do not extend the term of the existing agreement and/or issue a new agreement for any term. At a minimum we request a public hearing.

The reasons we object to any additional time are:

1. The trailers are unsightly and are not in keeping with adjacent facilities. They are directly next to a beautiful shopping center and directly in front of our current development for two first class restaurants.
2. Facilities serving coastal access should enhance not detract from the environment.
3. The original authorization was based on a temporary use. Why do they need more time? They have failed to do what they said they would do.
4. Please keep in mind that their failure is by design. They had and have the opportunity to operate in one or more other locations. They simply choose not to.
5. Prior to occupying their premises they had the ability to locate their offices in downtown Coronado. In fact they actually occupied space in the shopping center next door for more than one year. They moved because they wanted more space. They were not willing to move downtown because they wanted to be in a more pleasant environment.
6. No other person or entity could get away with occupying trailers on the subject site for three years let alone 11 years. The City itself would never have agreed to let anyone occupy the site with two trailers for any length of time.

6-93-167-A2

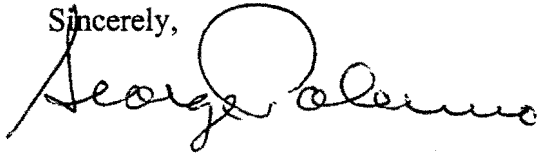
Letter of Opposition

7. We believe public notification would have been in order. The notice is small, 8 1/2 x 11 and while posted on the front door the notice lacks any indication of a Coastal Commission issue. Further the front door does not front on First Street. The front door fronts on their driveway.

In summary the adjacent facilities for visitor-serving coastal access have been enhanced to include a public fishing pier, San Diego Bay pedestrian/bicycle ferry, commuter ferry, shopping center and now two first class restaurants which include the final linkage of the waterfront bike path. As a result the proposed extension of time would be incompatible with the existing adjacent commercial and residential uses.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "George Palermo". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

George Palermo
General Manager