

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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SAN DIEGO, CA 92108-1725
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Permit Application No. 6-98-30/LJMDate April 21, 1998ADMINISTRATIVE PERMIT

APPLICANT: City of Solana Beach

PROJECT DESCRIPTION: Operation of a Farmer's Market from 2:00 p.m. to 6:00 p.m. every Sunday within an existing parking lot serving a 30,195 sq. ft. commercial center using 45 parking spaces. The market has operated since Memorial Day 1997 without a coastal development permit.

PROJECT LOCATION: 124-140 Lomas Santa Fe Drive, Solana Beach, San Diego County.
APN 263-351-35

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: May 14, 1998
10:30 a.m., Thursday

LOCATION: Resources Building
Auditorium, Main Floor
1416 - 9th Street
Sacramento, CA 95814

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS
Executive Director

By: 

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.** The permit will expire one year 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The proposed development involves after-the-fact approval for the operation of a Farmer's Market to be held on Sundays from 2:00 p.m. to 6:00 p.m. in the parking lot of an existing approximately 30,195 sq. ft. commercial retail center. The Farmer's Market

will occupy up to 45 parking spaces (15,200 sq. ft.) of the existing 160 parking spaces provided for the commercial center. The 2.1 acre site is located on the north side of Lomas Santa Fe between Rios Avenue and Cedros Avenue in the City of Solana Beach.

The Farmer's Market was originally approved by the Commission on January 12, 1996 with conditions which required the applicant to monitor parking at the commercial center and the adjacent Transit Center to determine parking occupancies during operation of the market (ref. CDP #6-95-143). In addition, the Commission's action limited the term of the permit to just over one (1) year to expire on Memorial Day 1997 and that for the market to continue beyond that date, an amendment or new permit would be required. The term of the permit subsequently expired, however the market has continued to operate in an apparent violation of the Coastal Act. As such, the subject application is for the after-the-fact approval for continued operation of the Farmer's Market.

Although use of 45 parking spaces and operation of a Farmer's Market has occurred without benefit of a coastal development permit, consideration of the application has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the 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. Resolution of the alleged violation may involve further enforcement actions.

Section 30252 of the Coastal Act states that the location and amount of new development should maintain and enhance public access to the coast by providing, among other things, adequate parking facilities. The site, which is located adjacent to Lomas Santa Fe Drive, a major coastal access route, is less than 1/2 mile inland from the City's main beach park, Fletcher Cove. As such, if adequate parking for the proposed development is not provided, the potential for adverse impacts on public access could be significant.

The existing 30,195 sq. ft. commercial retail center was originally approved by the Commission in 1987 (ref CDP #6-87-549) with 133 parking spaces to serve the center. Once constructed however, 160 parking spaces were provided. While only 133 parking spaces are needed to serve the existing commercial center, the applicant has indicated that 27 of the 160 parking spaces have been reserved for use by the North County Transit Center through an informal agreement between the two property owners. Although the 27 parking spaces are not specifically assigned or designated, they should not be counted as available parking for the commercial center. Therefore, while the lot includes 160 parking spaces, the available parking is the required 133 spaces.

The County of San Diego's previously-certified Local Coastal Program applied to this site prior to the incorporation of the City of Solana Beach. The Commission has continued to use this document for guidance in review of development proposals in the City of Solana Beach. The County LCP's parking standard for swap meets, a use comparable to a

Farmer's Market, is 6.5 spaces for every 1,000 sq. ft. of selling area. Utilizing this standard, the proposed development would require 98 additional parking spaces beyond the 160 currently provided for the center (15,200 sq. ft. @ 6.5 spaces per 1,000 sq. ft. = 98 parking spaces). Under the City of Solana Beach's zoning ordinances, which the Commission has not yet reviewed as part of an LCP, the required parking for outdoor markets is 1 space for each 200 sq. ft. of gross sales area, plus 1 space per vendor space. With the City's proposed maximum of 25 vendors, this new development would require up to 101 additional parking spaces (15,200 sq. ft @ 1 space per 200 sq. ft. = 76 parking spaces + 25 vendor spaces = 101 parking spaces).

As stated above, the installation of the Farmer's Market will eliminate 45 of the existing 160 parking spaces within the commercial center. With the 101 maximum additional spaces needed to accommodate the market (utilizing the City's parking standard for outdoor markets) and the elimination of 45 existing spaces, the project will be approximately 146 parking spaces short of the required numbers needed to accommodate both the existing and proposed developments. If the previously-certified San Diego County LCP parking standards for swap meets and commercial uses are utilized, the project would still be short 143 spaces.

In review of the previous application for the Farmer's Market at this site, even though the number of parking spaces to accommodate the market and the commercial center was not provided, pursuant to the previously certified County of San Diego LCP or the City of Solana Beach parking standards, it was determined that adequate provisions for parking were available such that public access would not be adversely affected. This finding was based on the applicant's proposal for a shared parking arrangement utilizing the 202 public parking spaces at the adjacent North County Transit Center. However, because the proposed parking to accommodate the original Farmer's Market included such a shared parking arrangement, the term of the permit was limited to just over one year with a requirement to monitor the parking occupancies during the operation of the market, to justify any further continuation of the market. The applicant is again proposing the same arrangement with this application.

The previously approved coastal development permit for construction of the Transit Center (CDP #6-93-203) required that these 202 parking spaces be "available for use by the general public at all times." The proposed off-site parking spaces within the Transit Center parking lot are located within 200 feet of the project site. This distance is consistent with the requirements of the City of Solana Beach, which requires any off-site parking to be within 600 feet, and with past Commission action, which has typically required that off-site parking be located within 500 feet of the subject site.

The Transit Center serves both the Coaster, a commuter rail service, and Amtrak. The applicant has submitted information which documents that the Coaster, which is the primary traffic generator for the Transit Center, does not operate on weekends. In

addition, the applicant has provided information which documents that while Amtrak does runs on Sundays, only four (4) stops occur during the times proposed for the Farmer's Market and, according to Amtrak representatives, few parking spaces are used by Amtrak riders in this location because Solana Beach is not typically an Amtrak "destination city".

Because the Transit Center parking lot is available for use by the general public, beach users can use this lot to access the beach at Fletcher Cove as the lot is located less than 1/2 mile from Fletcher Cove Beach. As such, the applicant has submitted monitoring data on parking availability in this lot and the parking lot for the commercial center where the Farmer's Market is proposed taken during the period of March 1996 through January 1998. Based on the data provided, which includes parking counts taken between 4:00 p.m. and 5:00 p.m. for one (1) Sunday each month and all Sundays during the time when the Del Mar Fair is operating, both parking lots were under utilized during this time period. The data indicates that at no time was either of the lots entirely full and on average, over 50% of the parking spaces in the two lots were available during the time period monitored. Moreover, the applicant has provided a listing of current tenants of the center and their Sunday business hours. This information documents that only six (6) of commercial center's existing 24 tenants are open on Sundays during the operation of the proposed Farmer's Market.

As such, based on the above discussion and the submitted monitoring data, operation of the proposed Farmer's Market (and use of 45 parking spaces) on Sunday afternoons will not adversely impact public access to the beach in this location. However, as long-term plans call for commercial development of the vacant area immediately north of Transit Center, which would likely rely on the parking supply within the Transit Center lot, parking demand in the area may change. In addition, uses within the existing commercial center may change and intensify over time, the Coaster may revise its schedule and begin to operate on the weekends, Amtrak usage at this station may increase and demand for beach parking in this area may increase. As such, Special Condition Nos. 1 and 2 have been proposed. Special Condition #1 limits the operation of the Farmer's Market to three (3) years from the date of approval of this permit to expire on May 15, 2001. If the applicant proposes to continue the operation of the Farmer's Market beyond that date, an amendment to this permit or a new coastal development permit would be required.

Special Condition #2 requires the applicant to submit to the Executive Director, prior to authorization to proceed with development, a parking monitoring program to provide parking counts from the Transit Center and Solana Beach Plaza lots during the period of operation of the Farmer's Market. In addition, any changes in use or hours of operation by the Coaster, Amtrak or Solana Beach Plaza leaseholds need to be documented. The information generated through the monitoring program will then be used in determining the appropriateness of approving any future amendment request or new coastal development permit application for continuance of the Farmer's Market in this location.

With the proposed conditions, which limit the term of the permit to three (3) years and require monitoring of parking availability, adverse impacts on public access resulting from the proposed development will be minimized and the proposed development can be found consistent with Section 30252 of the Coastal Act.

Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. A permanent monument sign is proposed identifying the location of the weekly Farmer's Market. This sign will be placed within the planting bed of the shopping center on Cedros Avenue, in front of the proposed market area. In addition, a temporary, day-of-event banner will be installed on the facade of the existing commercial structure and should be included as a component of the required sign program. The applicant has submitted a sign program which indicates that only monument signs, not to exceed eight (8) feet in height are proposed. As conditioned, the proposed development will have no adverse visual impacts to scenic coastal areas and is consistent with the sign standards approved by the Commission for other Local Coastal Programs in San Diego County.

The site is zoned and designated for commercial uses in the City of Solana Beach as well as in the previously-certified County of San Diego LCP which applied to this site prior to Solana Beach's incorporation. The proposed development is consistent with these designations. In addition, the project, as conditioned, can be found consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program, and its implementation will not result in adverse impacts to any coastal resources.

SPECIAL CONDITIONS:

1. **Duration of Development.** This permit authorizes the permitted development for a three-year period commencing from the date of Commission action on this permit. The permitted Farmer's Market and use of 45 parking spaces within an existing commercial center must cease on May 15, 2001, unless the applicant has obtained an amendment to this permit or a separate coastal development permit to allow the use to continue. Any application to extend this use shall include the documented results from the parking monitoring program described in Special Condition #2 below.

2. **Monitoring Program.** The applicant shall implement a Parking Monitoring Program throughout the period of operation of the market and the term of this permit. The program shall include:

- a. Parking counts taken between 4:00 p.m. and 5:00 p.m. at both the Transit Center and Solana Beach Plaza lots, performed on one Sunday each month, and on all Sundays that coincide with the operating times of the Del Mar Fair.

- b. Any changes in use or hours of operation of the Coaster, Amtrak or Solana Beach Plaza leaseholds during the operation of the Farmer's Market.

Prior to authorization to proceed with development and within 30 days of Commission action on this permit, the applicant shall submit to the Executive Director for review and written approval, a Parking Monitoring Program, including measures necessary to document parking occupancy at the Transit Center and Solana Beach Plaza during the operation of the Farmer's Market. The applicant or the applicant's designee shall conduct the monitoring consistent with the approved monitoring program.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing