

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036



Staff: LRO-SD
 Staff Report: 4/21/99
 Hearing Date: 5/11-14/99

RECORD PACKET COPY

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-83-201-A5

Wed 16a

Applicant: Crystal Pier Partners

Agent: Roger Boesky

Original Description: Remodelling and one-story, detached, 6,965 sq.ft. retail addition to an existing 30,000 sq.ft. department store to be used as specialty shops. The project also includes the removal of 2,500 sq.ft. of the existing structure.

Proposed Relocation of approved 26 off-site parking spaces from APN 423-044-07 to APN 423-044-08.

Site: 4775 Mission Boulevard, Pacific Beach, San Diego, San Diego County.

Substantive File Documents: Certified City of San Diego LCP - Pacific Beach segment; CCC CDP #s F9226; 6-83-201, 6-83-201-A, 6-83-201-A2, 6-83-201-A3 and 6-83-204-A4; 6-84-289; 6-91-17; and 6-91-208.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment request with a special condition that notifies the applicant that 102 parking spaces shall be maintained for the center at all times and that any changes to the parking will require review by the Commission. As conditioned, adequate parking will continue to be provided for the existing retail/commercial building, consistent requirements of the certified LCP and Chapter 3 policies 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 amendment for the proposed development, subject to the conditions below, on the grounds that the development, as proposed, 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. Special Conditions of the Original Coastal Development Permit. Approval of the subject amendment request adds the following conditions to permit 6-83-201. All other special conditions of the subject permit shall remain in full force and effect.

2. Parking Requirements. One-hundred-two (102) parking spaces shall be maintained at all times on APN Nos. 423-044-8, 9 and 10 for exclusive use of Sea Coast Square (APN No. 423-044-1, 2) for the duration of the development by Coastal Development Permit 6-83-201. No reduction in the number of parking spaces shall occur unless approved by the Coastal Commission through an amendment to this permit.

3. Rescind Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that the existing deed restriction on APN No. 423-044-8 pursuant to CDP #6-84-289 has been rescinded.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Amendment Description/Project History. Presently, the applicant is proposing to modify the location of the approved off-site parking (26 parking spaces) for an existing three-story mixed-use building (Sea Coast Square) which includes the rescission of a previous deed restriction. Sea Coast Square consists of two separate buildings (Building #1 and Building #2) with a courtyard that separates them. Building #1 is located at the southeast corner of Garnet Avenue and Mission Boulevard and Building #2 is located adjacent and directly east of Building #1. Presently, the leaseholds in the commercial complex total to 35,172 sq.ft., consisting of 29,926 sq.ft. of retail use and 5,246 sq.ft. of restaurant use. The property owner also owns a large parking lot (known as the "main lot") which is located immediately across the alley and to the south of the existing mixed-use building (APN 423-044-9, 10) where the majority of the required parking for the subject building currently is located. The applicant also has 26 off-site parking spaces located two lots east of the main lot. Through the subject amendment request, the off-site

parking location is proposed to be relocated to APN 423-044-08, which is immediately adjacent to, and contiguous with, the main parking lot (reference Exhibit No. 1). No other modifications to the existing building or changes in use are proposed at this time. The project site is located approximately one block from the ocean. The surrounding area consists of several other visitor-serving commercial uses (i.e., restaurants, retail shops, etc.).

The project site has a long history of past coastal development permits and amendments approved for various development proposals related to the existing commercial building on the subject site. The original permit (CDP #F7010), was approved in 1978 for remodelling and construction of a detached, one-story addition to an existing, vacated, two-story department store resulting in a mixed-use building totaling 36,350 sq.ft. in size. Subsequently, in 1978 the Commission approved CDP #F9751 for the construction of a detached one-story addition to Building #2, including the remodelling of Building #1. However, the applicant never commenced with the approved development. Subsequently, the Commission approved CDP #6-83-201-A (material amendment which amended CDP #F7010) on 4/29/83 for conversions of use involving a creation of a sit-down restaurant and coffeebar (Upstart Crow) resulting in a 33,450 sq.ft. retail/restaurant building. As part of that permit amendment, off site parking was approved and recordation of a parking agreement was required though condition approval. The off-site parking, consisted of 23 spaces located on APN 423-043-07 of block 228 on the north side of Hornblend Street. Through a subsequent amendment to the permit, the location of the off-site parking was changed to different lots located closeby. Specifically, CDP #6-83-203-A4 was approved on 11/30/95 for relocation of twenty-six (26) off-site parking spaces, from APN 423-043-07 to APN 423-044-07, and recordation of a parking requirement agreement. This resulted in transferring the off-site parking from the south side of Hornblend to the north side of Hornblend Street. At that time, the off-site parking represented an increase of three parking spaces above what had originally been provided on the previous off-site lot.

A second immaterial amendment to CDP #6-83-201-A was approved on 12/26/84 for the conversion of an additional 1,600 sq.ft. retail area to sit-down restaurant space, resulting in a revised project of 4,500 sq.ft. restaurant leaseholds and 31,850 sq.ft. retail/general commercial leaseholds. A third immaterial amendment was approved on 8/7/85 consisting of conversion of an additional 1,500 sq.ft. retail area to sit-down restaurant space, resulting in a revised project of 6,000 sq.ft. restaurant leaseholds and 30,350 sq.ft. retail/general commercial leaseholds. As described above, a fourth immaterial amendment was approved on 11/30/95 for relocation of twenty-six (26) off-site parking spaces, from APN 423-043-07 to APN 423-044-07, and recordation of a parking requirement agreement.

In addition, separate coastal development permits were also approved by the Commission for the subject site. CDP #6-91-17 was approved on 3/21/91 for the conversion of an existing retail leasehold to restaurant use and expansion into an adjacent retail leasehold (Building #2) and conversion of a restaurant leasehold to retail use in Building #1. CDP

#6-91-208 was approved on 10/8/91 for conversion of a 1,940 sq.ft. retail leasehold to restaurant use.

The subject site is located in the City of San Diego's LCP permit jurisdiction, however, the applicant is amending a previously approved permit issued by the Commission prior to certification of the City's LCP. Therefore, the Commission must review the amendment, utilizing the certified LCP as the standard of review.

2. Parking/Public Access. The City's certified LCP requires that adequate parking be provided in the coastal zone. Upon reliance of Section 30252(4) of the Coastal Act which states, in part, "the location and amount of new development should maintain and enhance public access to the coast by...providing adequate parking....", the City also developed more stringent parking requirements in what is identified as the Beach Impact Area (BIA), where the subject site is located. The BIA generally includes the 3-4 blocks immediately adjacent to sandy beach or coastal bluffs for most nearshore communities within the City boundaries bordering both Mission Bay and the Pacific Ocean. These areas are most impacted by beach visitor traffic, as public recreational areas or viewpoints would be within reasonable walking distance. Therefore, more stringent parking standards are enforced throughout the BIA Overlay zone. The parking standards for the BIA are 1 space per each 400 sq.ft. of retail use and 1 space per each 200 sq.ft. of restaurant use.

In coastal communities, and particularly in their nearshore or key visitor destination spots and along major coastal access routes, the Commission is concerned about assuring the adequacy of off-street parking to support proposed development. This concern arises out of the fact that should sufficient off-street parking not be provided, displacement of available public parking or street parking may result which could have adverse impacts on access to the coastline. In Pacific Beach, like most other areas of the City of San Diego, there is very little available public parking facilities. Most beach visitors must rely on street parking in the nearshore area for public access.

As noted previously, the project site is located within one block of the ocean at the southeast corner of Garnet Avenue and Mission Boulevard in Pacific Beach within the LCP identified BIA Overlay. The current breakdown of uses in the existing mixed-use building is 29,926 sq.ft. of retail use and 5,246 sq.ft. of restaurant use. Therefore, the required parking for the existing uses are as follows:

Retail - 29,926 sq.ft. at 1:400 sq.ft.	=	75
Restaurant - 5,246 sq.ft. @ 1:200 sq.ft.	=	<u>27</u>
		102

With the provision of 78 parking spaces at the subject main parking lot and 26-off site spaces to be relocated adjacent to the main lot, the total amount of parking that will continue to be provided to accommodate the existing center is 104 spaces. Thus, adequate parking will continue to be met for all existing uses in the building.

As stated, the applicant is proposing to relocate the approved 26 off-site parking spaces to a site directly adjacent to the existing main parking for the Sea Coast Square. In previous Commission actions addressing this center, because adequate parking could not be provided within the main parking lot (adjacent to the center) to accommodate the center, the Commission approved off-site parking (secured through a deed restriction). In this way, the Commission was assured that the required off-site parking spaces would not be used to for required parking for some other use in the area. However, the applicant has now purchased the site directly adjacent to the existing main parking lot for the center and with this amendment proposes to provide the required 26 spaces necessary to assure that a total of 102 parking spaces are provided to accommodate the center. Because the 26 spaces will become part of the main parking lot, there is no need for off-site parking. In this particular case, there is no need to require a deed restriction for the 26 parking spaces because they will become a part of the main lot (reference Exhibit No. 2). In addition, any development on the site (parking lot) would require a coastal development permit or amendment to the existing coastal development permit which would trigger review by the Coastal Commission. Therefore, it can be assured that the parking on the site will be monitored through subsequent review of any proposed development to assure that required parking will continue to be provided for the existing commercial building.

However, pursuant to a previous Commission action (ref. CDP #6-84-289), 11 parking spaces within the proposed new parking location (APN 243-044-08) were restricted through a recorded deed restriction for exclusive use for another use. However, the development associated with that restriction is no longer in use and thus, the deed restriction is no longer applicable and the site is currently not secured for exclusive use for any other uses or businesses in the area. As such, the applicant is also proposing to rescind the existing deed restriction on this site. To assure this is completed, Special Condition #2 requires the applicant to provide evidence, that the deed restriction has been rescinded. In addition, through Special Condition #1, the applicant is notified that 102 parking spaces shall be maintained at all times for exclusive use of Sea Coast Square on APN Nos. 423-044-08, 09, 10. The condition further states that if such parking is not provided, the applicant or any assigned successors will need to receive approval from the Commission through an amendment to this permit.

In summary, the proposed amendment involves the relocation of 26 off-site parking spaces required to meet the parking requirements for an existing commercial center. As conditioned, the Commission finds that adequate parking will continue to be provided, consistent with the BIA provisions of the certified City of San LCP.

3. Local Coastal Planning. Section 30604(a) also 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, as conditioned, such a finding can be made.

The subject site is located within the Pacific Beach segment of the City of San Diego's certified LCP. The subject site is located in the City's permit jurisdiction, however, the

applicant is amending a previously approved permit issued by the Commission prior to the City's permit authority being transferred. As such, the standard of review is the certified LCP. The site is currently zoned "CV" and is designated for visitor-serving commercial development in the certified Pacific Beach Land Use Plan and City of San Diego LCP Implementing Ordinances. The proposed relocation of the required off-site parking does not raise any conflicts with these designations and can be found consistent with the City's certified LCP and all applicable policies of the Coastal Act, as well. Therefore, the Commission finds that approval of the amendment, as conditioned, should not result in any adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue to implement its fully-certified LCP for the Pacific Beach area.

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

Section 13096 of the Commission's 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)(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.

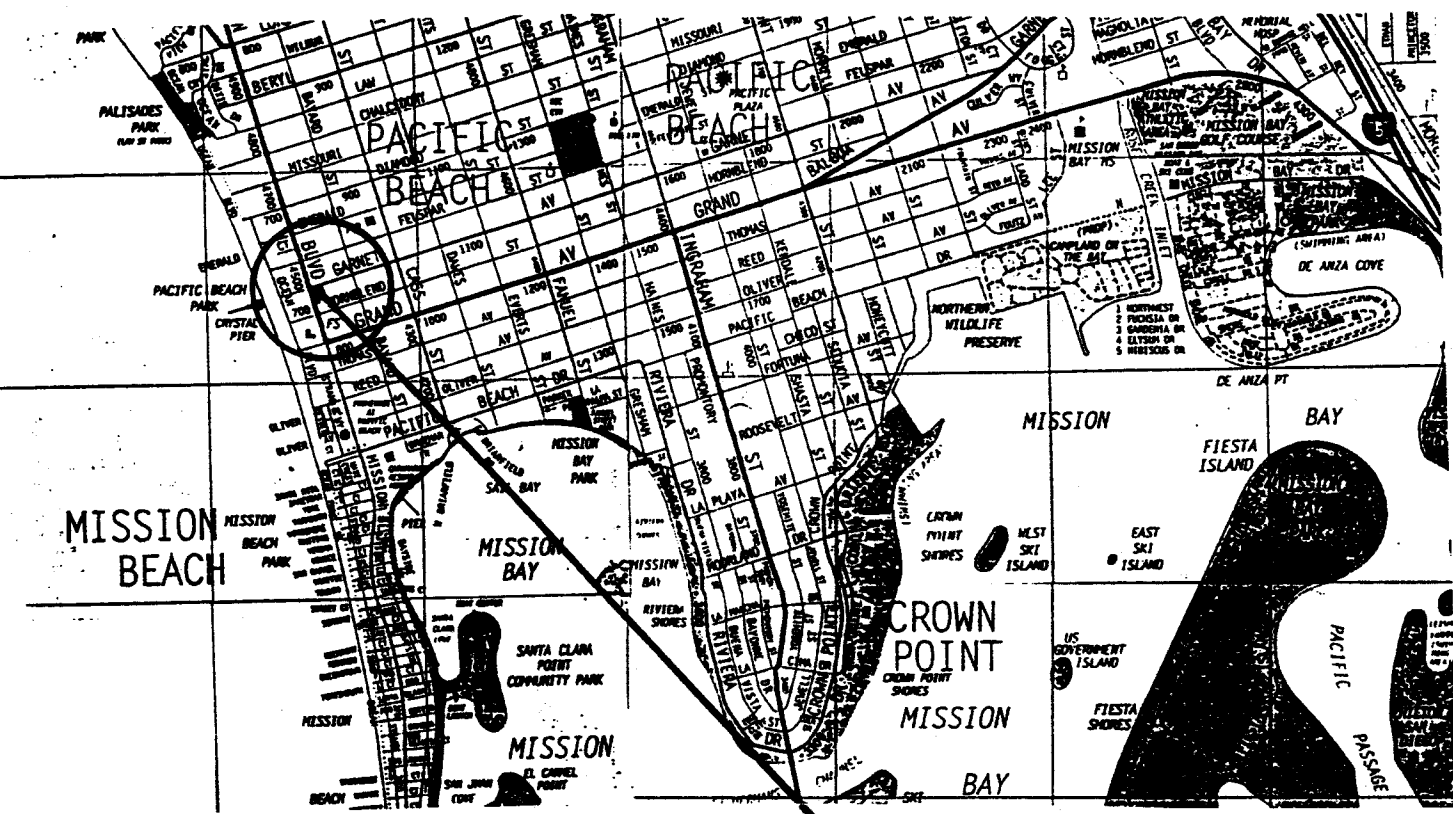
The proposed amendment has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including conditions addressing off-site parking, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or 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 amendment 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:

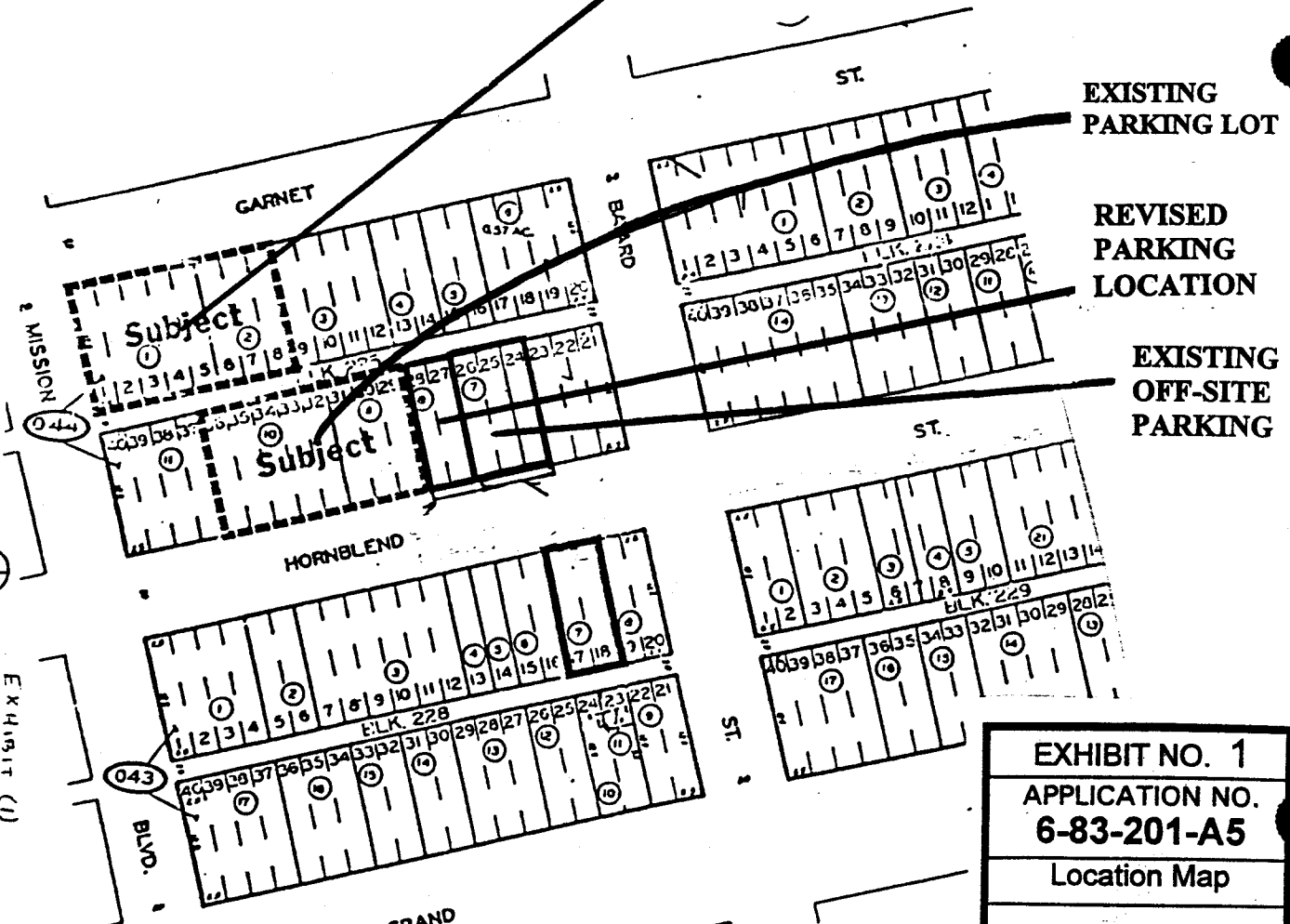
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.

(6-93-201 Crystal Pier Partners stfrpt)



SITE



**EXISTING
PARKING LOT**

**REVISED
PARKING
LOCATION**

**EXISTING
OFF-SITE
PARKING**

EXHIBIT NO. 1
APPLICATION NO.
6-83-201-A5
Location Map

GARNET AVE.

SEA COAST SQUARE BUILDING

PARKING TOTALS

EXISTING MAIN LOT

- 38 STANDARD
- 11 COMPACT
- 5 HANDICAP

NEW AUXILIARY LOT

- 16 STANDARD
- 18 COMPACT

TOTAL

- 54 STANDARD & HANDICAP (47.5%)
- 29 COMPACT (22.5%)

108 TOTAL SPACES (100%)

ZONE: C1



BAYARD

HORNBLEND STREET

MAIN
PARKING
LOT

REVISED
PARKING
LOCATION

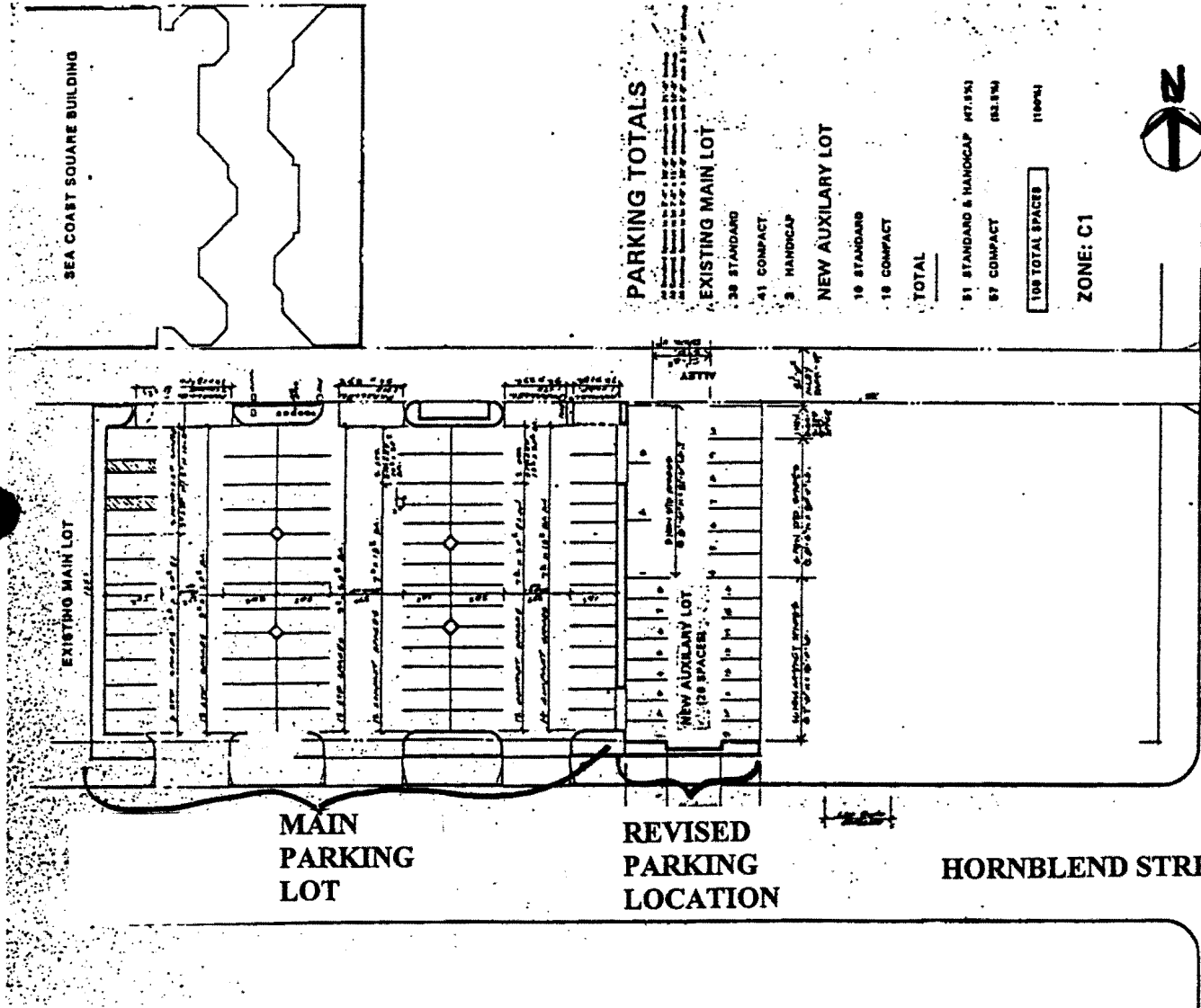


EXHIBIT NO. 2
APPLICATION NO. 6-83-201-A5
Parking Lot Plan
California Coastal Commission