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# **San Diego Coast District**

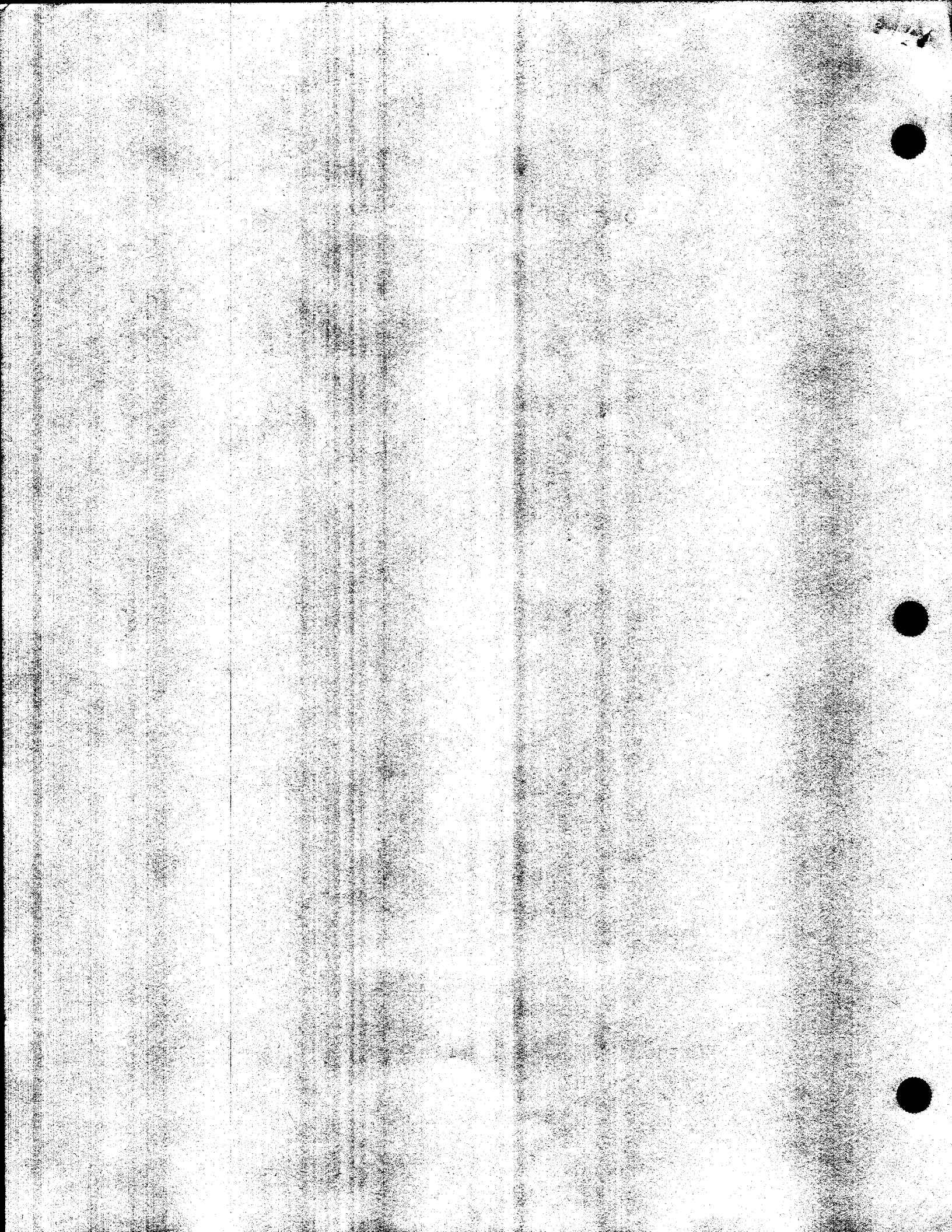
## **CONSENT CALENDAR**

**Tuesday May 8, 2001**

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## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

METROPOLITAN DRIVE, SUITE 103  
 SAN DIEGO, CA 92108-4402  
 (619) 767-2370



# Tu 3a

Filed: March 5, 2001  
 49th Day: April 23, 2001  
 180th Day: September 1, 2001  
 Staff: GDC-SD  
 Staff Report: April 19, 2001  
 Hearing Date: May 8-11, 2001

## STAFF REPORT: CONSENT CALENDAR

Application No.: 6-01-039

Applicant: Tracy Weiss and Terrence Wardell

Description: Convert 3,816 sq.ft. restaurant to office use and install trellis & other landscape improvements, on 10,524 sq.ft. site with 2 existing residences.

Lot Area	10,524 sq. ft.
Building Coverage	4,677 sq. ft. (44%)
Pavement Coverage	3,392 sq. ft. (32%)
Landscape Coverage	2,455 sq. ft. (24%)
Parking Spaces	7 (on site)
Zoning	Commercial
Plan Designation	Commercial

Site: 646 Valley Avenue, Solana Beach, San Diego County. APN 298-133-15

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance

### I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

### STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

## II. Standard Conditions.

See attached page.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the conversion of an existing approximately 3,816 sq. ft. restaurant to office use on an approximately 10,524 sq. ft. lot that also contains an apartment above the restaurant and a detached single-family residence. Other than the installation of a trellis and other landscape features, no other improvements are proposed (other than interior remodeling). The applicant also proposes to maintain use of the existing restaurant parking which consists of 7 spaces on site and 55 spaces in a parking lot directly across the street.

The subject development requires a coastal development permit because the development involves a change in the intensity of use (restaurant to office). The subject site is located in the "Eden Gardens" community of Solana Beach which is approximately 1 mile east of the shoreline near Interstate 5. However, the subject site is not visible from Interstate 5 or any coastal access or view corridor. The proposal will be located in a mixed-use community consisting of several restaurants and multi-family residences.

The project site is located within an area that was previously covered by the County of San Diego's Certified Local Coastal Program (LCP). However, the County LCP was never effectively certified and therefore is used as guidance with Chapter 3 Policies of the Coastal Act used as the standard of review.

2. New Development/Visual Resources. Section 30250 (a) of the Coastal Act requires that new development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or in other areas with adequate public services, and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources.

In addition, Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and the permitted development be sited and designed to protect views to and along the ocean, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding areas.

The proposed development is located in an established mixed-use community which consists of several restaurants, a commercial building and multi-family residences. The proposal only involves the conversion of an existing restaurant to commercial use and, therefore, the proposed development will be consistent with the character of the surrounding neighborhood.

Although the property is located near Interstate 5, the site is not visible from Interstate 5. The project site is also not located within any designated view corridors and there are no existing public views of the ocean or other coastal areas available across the development site. In addition, the site is not subject to any of the special overlays identified in the previously certified County LCP. Therefore, the Commission finds the proposed development consistent with Sections 30250(a) and 30251 of the Coastal Act.

3. Parking. Section 30252 of the Coastal Act requires that new development provide adequate parking facilities so as not to compete with or preclude the public's access to the coast by usurping on-street public parking spaces. The existing approximately 3,816 sq. ft. restaurant and two residential dwelling have 7 parking spaces on site and 55 spaces across the street on a separate parcel that was also owned by the restaurant. The subject applicant has also acquired the parking lot across the street to accommodate parking for the new office building. Therefore, the applicant is proposing use of 62 spaces for the office and the pre-existing two residential dwellings.

The previously certified County of San Diego LCP and the City of Solana Beach parking standard requires that 1 parking space be provided per 225 sq. ft. of office space for offices ranging in size between 2,001 and 7,500 sq. ft. (For restaurant use, the previously certified County LCP required 1 parking space per 200 sq. ft. of restaurant and the City of Solana Beach currently requires 1 parking space per 100 sq. ft. of restaurant use.) In this case, the approximately 3,816 sq. ft. office would require 17 onsite spaces if developed today as a new structure. However, the proposed development involves the conversion of a restaurant to office use which will result in a decrease in the intensity of use and a decrease in demand for parking. Under the City of Solana Beach's regulations, conversions or additions to existing structures erected prior to the City incorporation in 1986 (which is applicable in this case) are required only to provide sufficient parking to accommodate the increase in intensity. In other words, the City requires additional on-site parking be provided only to accommodate the increased square footage of the development, not to bring the entire site up to current parking standards. There is a similar provision in the previously certified County of San Diego LCP, which the Commission uses for guidance in review of development in Solana Beach. In this case, therefore, the proposed project does not require the provision of additional parking because the development will result in a decrease in intensity of use. In addition, because of the excess availability of parking in the parking lot across the street, which is also owned by the applicant, adequate parking for the proposed conversion will be provided.

In addition, the project site is located approximately 1 mile from the shoreline, such that the surrounding streets are not used for beach parking. Any "spillover" parking on adjacent streets by the office patrons caused by any inadequate parking availability would not displace beach visitors. Therefore, since adequate parking is provided for the proposed development and public access to the shoreline will not be affected, the Commission finds the development consistent with Section 30252 of the Act.

4. 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, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

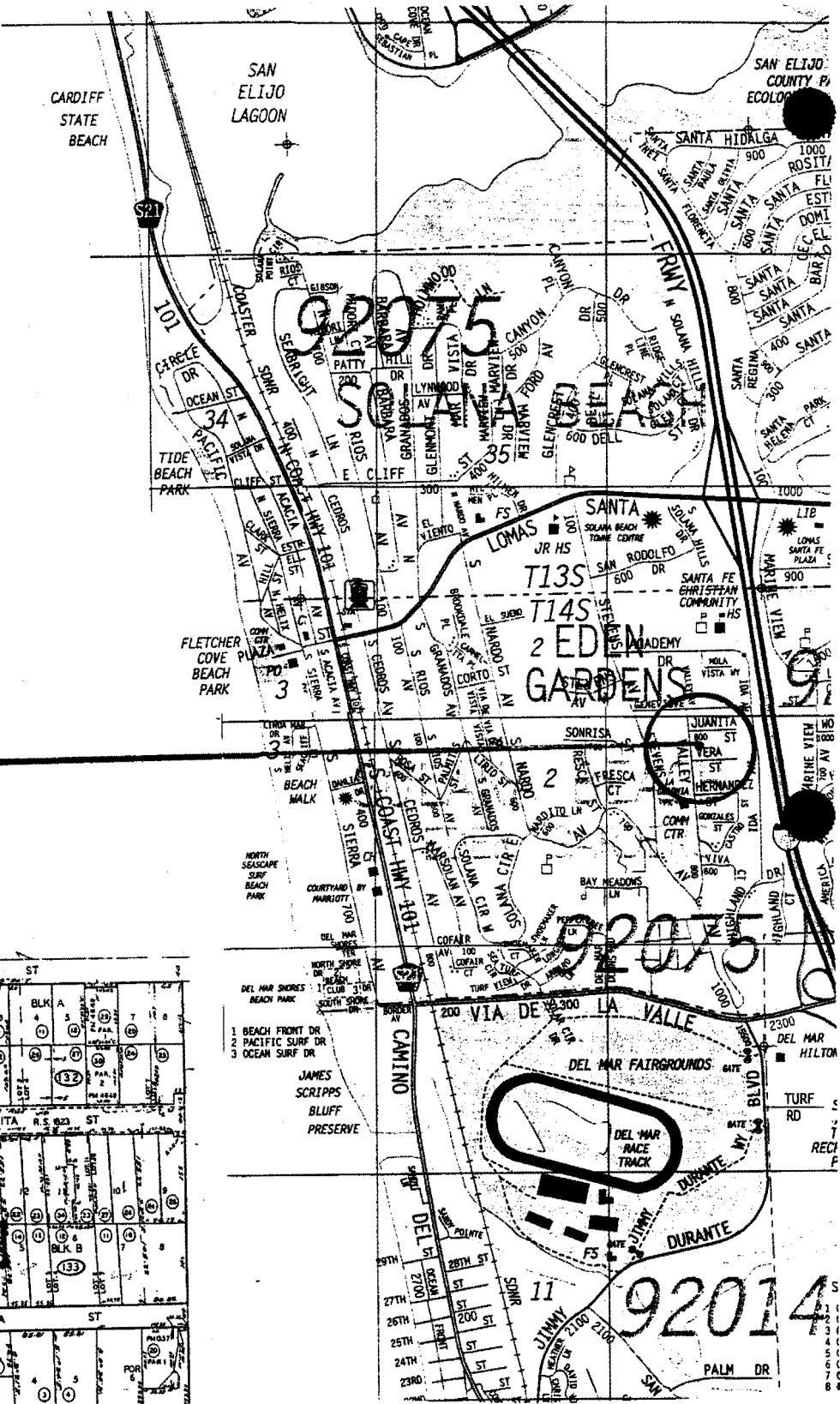
The subject site was designated as General Commercial in the previously certified County of San Diego LCP. The City of Solana Beach has also zoned and designated this area for General Commercial uses, and the proposed office conversion is consistent with this designation. As discussed above, the proposed 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. 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 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.

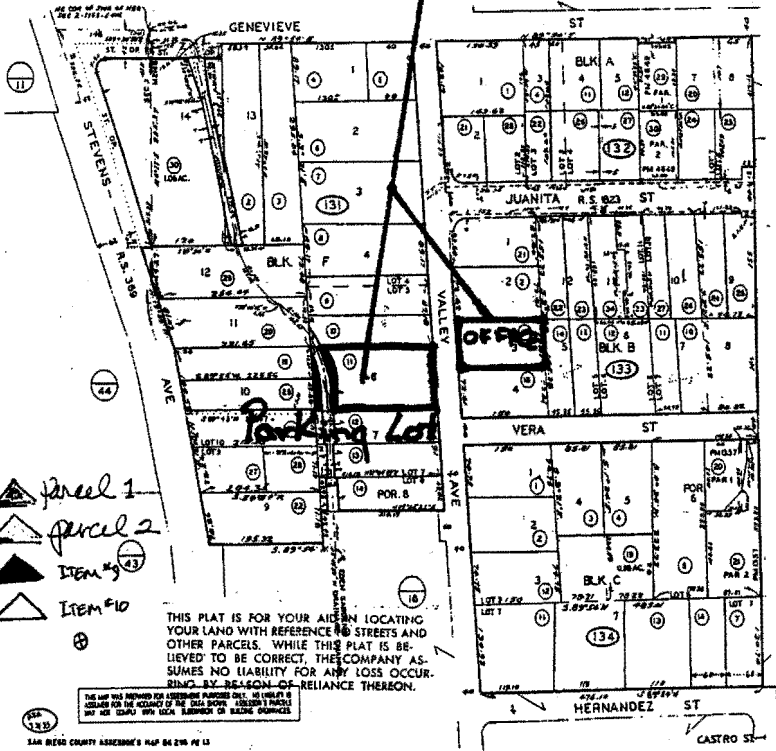
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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**



- ▲ Parcel 1
- ▲ Parcel 2
- ▲ Item #43
- ▲ Item #10

THIS PLAN IS FOR YOUR USE IN LOCATING YOUR LAND WITH REFERENCE TO STREETS AND OTHER PARCELS. WHILE THIS PLAN IS BELIEVED TO BE CORRECT, THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCUR-  
RING BY REASON OF RELIANCE THEREON.

THE MAP WAS PREPARED BY A PROFESSIONAL SURVEYOR UNDER THE CLOSE SUPERVISION OF THE SURVEYOR'S LICENSEE. THE SURVEYOR'S LICENSEE IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE TO ANY PERSON OR PROPERTY BY REASON OF RELIANCE ON THIS MAP.



<b>EXHIBIT NO. 1</b>
<b>APPLICATION NO</b>
<b>6-01-39</b>
<b>Location Map</b>
California Coastal Commission

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**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

15 METROPOLITAN DRIVE, SUITE 103  
DIEGO, CA 92108-4402  
(619) 767-2370**Tue 3b**

Filed: March 20, 2001  
 49th Day: May 8, 2001  
 180th Day: September 16, 2001  
 Staff: GDC-SD  
 Staff Report: April 19, 2001  
 Hearing Date: May 8-11, 2001

**STAFF REPORT: CONSENT CALENDAR**

Application No.: 6-01-050

Applicant: Chris Huxley  
Mike Morris

Description: Demolish "service station" canopy and two 30 ft-high poles and install approximately 100 sq. ft. "drive-thru" coffee cart at site of existing retail establishment on an approximately 13,939 sq. ft. lot.

Lot Area	13,939 sq. ft.
Parking Spaces	11
Zoning	Commercial
Plan Designation	Commercial
Ht abv fin grade	8 feet

Site: 343 South Coast Highway, Solana Beach, San Diego County.  
APN 298-052-14

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Director's Use Permit #17-00-33.

**I. STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

**STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**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, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed or that no signage will be installed. 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. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

**IV. Findings and Declarations.**

The Commission finds and declares as follows:

1. **Detailed Project Description.** The proposed development involves the installation of an approximately 100 sq. ft. detached "coffee cart" with foundation and removal of a "service station" canopy and two approximately 30 foot-high metal poles on a 13,939 sq. ft. site that contains an existing retail business. The coffee cart has been designed to accommodate "drive-thru" patrons only and does not include outdoor seating. The existing use involves the sale and display of carved stone items such as benches, sculptures, fountains and other outdoor decorative garden items. The site is located on the west side of Highway 101 in Solana Beach adjacent to other commercial developments.

The project site is located within an area that was previously covered by the County of San Diego's Certified Local Coastal Program (LCP). However, the County LCP was never effectively certified and therefore is used as guidance with Chapter 3 Policies of the Coastal Act used as the standard of review.

2. **Public Access/Parking.** Section 30252 of the Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coast 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 proposed project is located along Highway 101, which is designated as a major coastal access route in the previously certified County of San Diego Local Coastal Program. In addition, the project is located within walking distance of a public beach access stairway at Seascapes Surf Beach Park. The existing retail garden stoneworks facility currently provides 11 onsite parking spaces. Under the previously certified County of San Diego local coastal program, approximately 7 spaces would be required for customer parking for the existing retail establishment based on 1 space per 200 sq. ft. of the structure. The City of Solana Beach Zoning Code has a similar requirement of 1 space per 200 sq. ft. and also requires that 1 space be provided for each 800 sq. ft. outdoor display areas. The existing stoneworks facility has approximately 1,600 sq. ft. of display area which requires two additional parking spaces. Therefore, to conform to the existing parking requirements for the existing use, the site would require a total of 9 spaces. In this case, the existing site has 11 spaces, two more than required. The proposed development represents the addition of approximately 100 sq. ft. to the existing site. As a "drive-thru" restaurant facility under the both the previously certified County of San Diego and City of Solana Beach parking requirements, 1 parking space per 100 sq. ft. of gross floor would be required. Because there are 11 spaces on site, 2 more than needed to serve the existing retail use, the proposed development will have adequate parking to serve the facility. Because adequate parking exists onsite to support the new development, the proposed development will not affect the public's ability to park on adjacent streets to access the shoreline. Therefore, the proposed development is consistent with Section 30252 of the Coastal Act.

3. New Development/Visual Resources. Section 30250 (a) of the Coastal Act requires that new development be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it or in other areas with adequate public services, and where it will not have significant adverse impacts, either individually or cumulatively, on coastal resources.

In addition, Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be protected and the permitted development be sited and designed to protect views to and along the ocean, minimize the alteration of natural land forms, and be visually compatible with the character of surrounding areas.

As stated previously, the proposed project site is located along Highway 101, which is designated as a scenic corridor in the previously-certified County of San Diego LCP. In order to fully implement the provisions of Section 30251 of the Coastal Act, the previously certified County LCP contained provisions requiring site plan review of any new commercial development along the Highway 101 corridor. Among the provisions of the site plan review are the requirements for review of sign plans and increased landscape standards along this scenic corridor. In the case of the proposed development involving

the construction of an approximately 8 ft-high, 100 sq. ft. "coffee cart" and the removal of a former service station canopy and two 30 foot-high metal poles, additional landscaping is not required. The existing development on the site has been designed with substantial landscaping improvements to include approximately 40 potted trees. In addition, approximately one-half of the site fronting Highway 101 has previously been designed to be landscaped with these potted trees and will include a water fountain. The proposed coffee cart will be placed behind these potted trees and water fountain such that its placement will not adversely affect the visual resources of the area. In addition, the proposed development will enhance the visual resources along Highway 101 because it will result in the removal of the visual blight created by the former service station canopy and 30 ft-high metal poles.

Although additional landscaping is not required for the proposed development, the addition of new signage for the development could adversely affect the visual resources of the area. Although the applicant has not included signage as part of the application, Special Condition #1 has been attached which requires the applicant to submit a sign program which documents that only monument signs not higher than 8 feet or facade signs will be installed and which excludes the use of pole or roof signs. With this condition, the Commission can be assured that any future signage will be consistent with other signage in the area and be minimized to not adversely affect the visual resources of the area. This condition is similar to other Commission permits approved along the Highway 101 corridor in Solana Beach (ref. CDP Nos. 6-96-106/Surfride; 6-97-78/Car Trader; 6-98-58/Gross, Segal and 6-98-105/Khandwala). Because the proposed development, as conditioned, will be located in an area of similar character and will not adversely affect the visual resources of the coastal zone, the Commission finds the proposed development consistent with Sections 30250(a) and 30251 of the Coastal Act.

4. 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, such a finding can be made.

The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. Because of the incorporation of the City, the certified County of San Diego Local Coastal Program no longer applies to the area. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

The subject site was designated as General Commercial in the previously certified County of San Diego LCP. The site is zoned and designated in the Solana Beach General Plan and Highway 101 Specific Plan as Commercial and the proposed use 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. 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.

6. 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 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. 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 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:

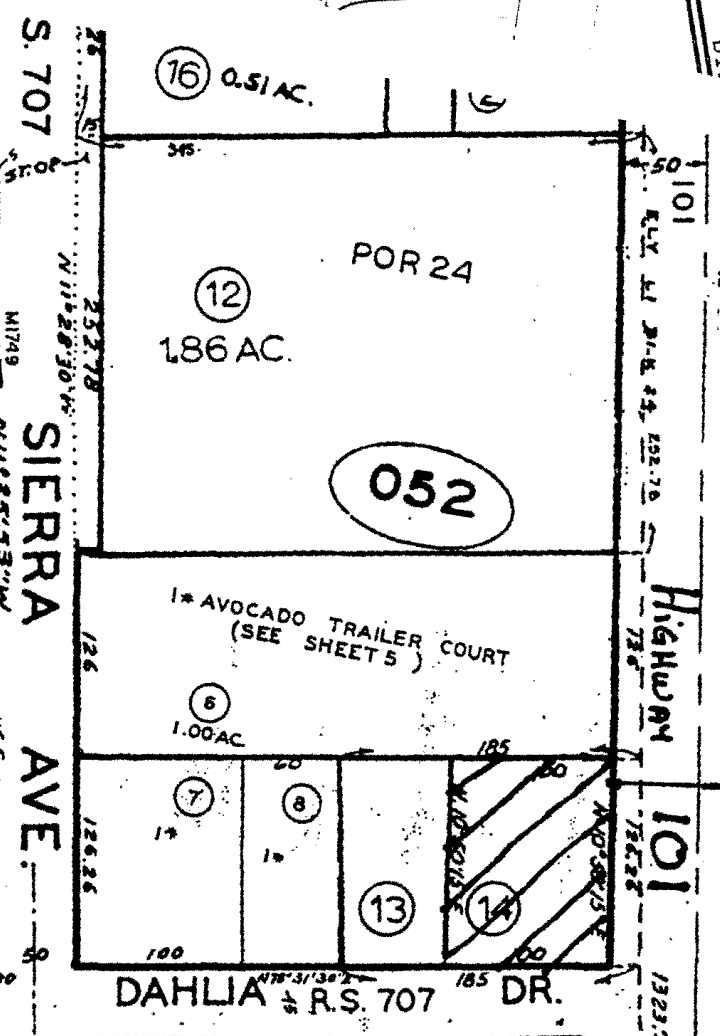
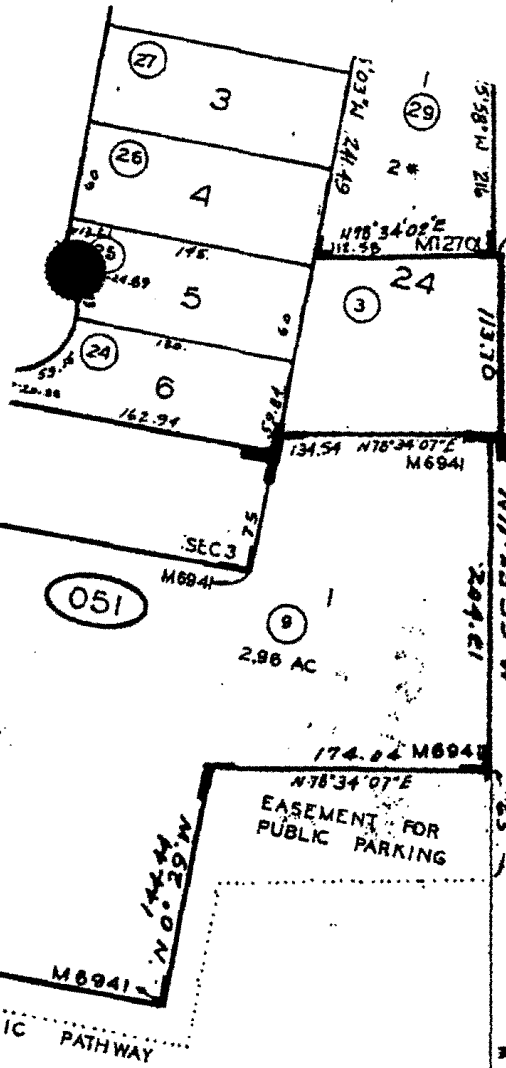
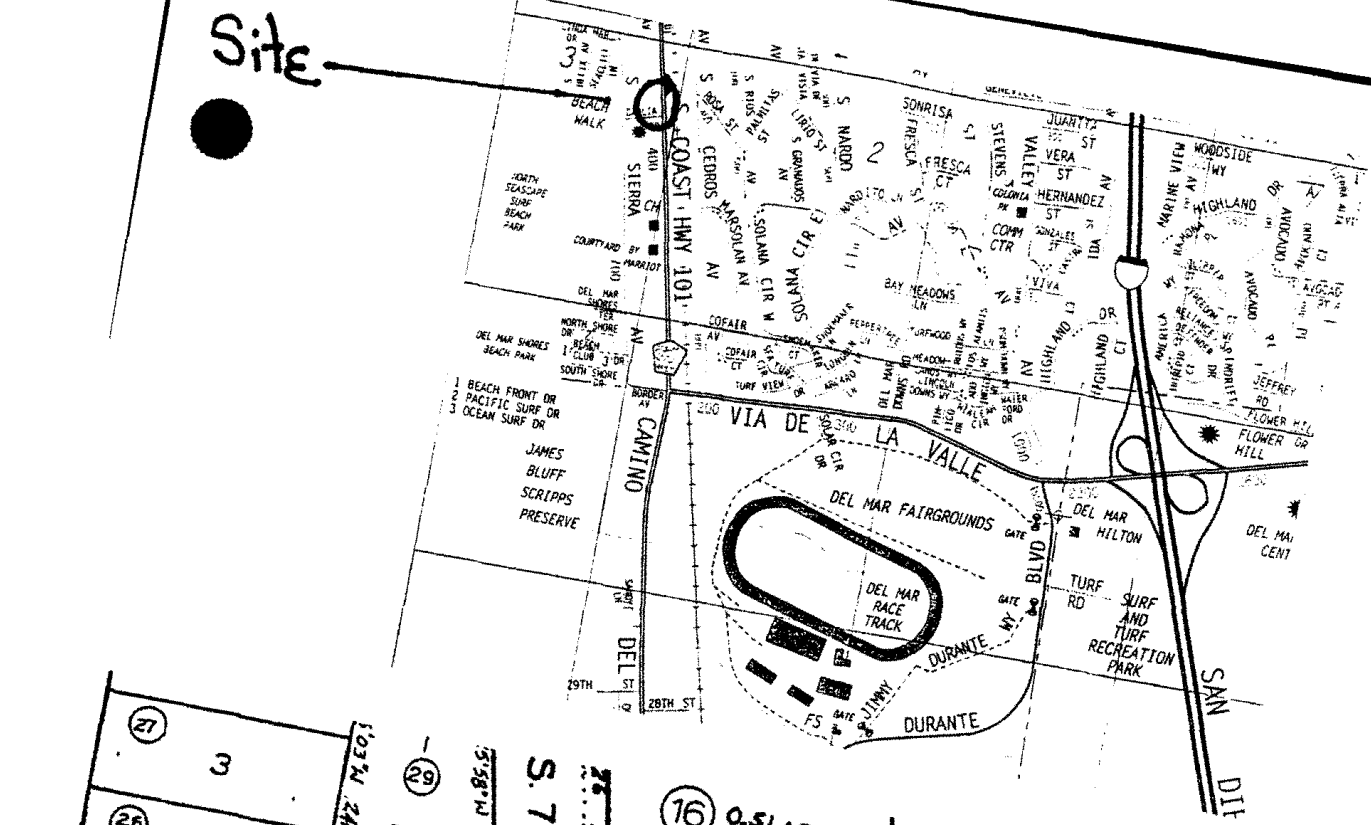
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.

5. 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.

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Site



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Site

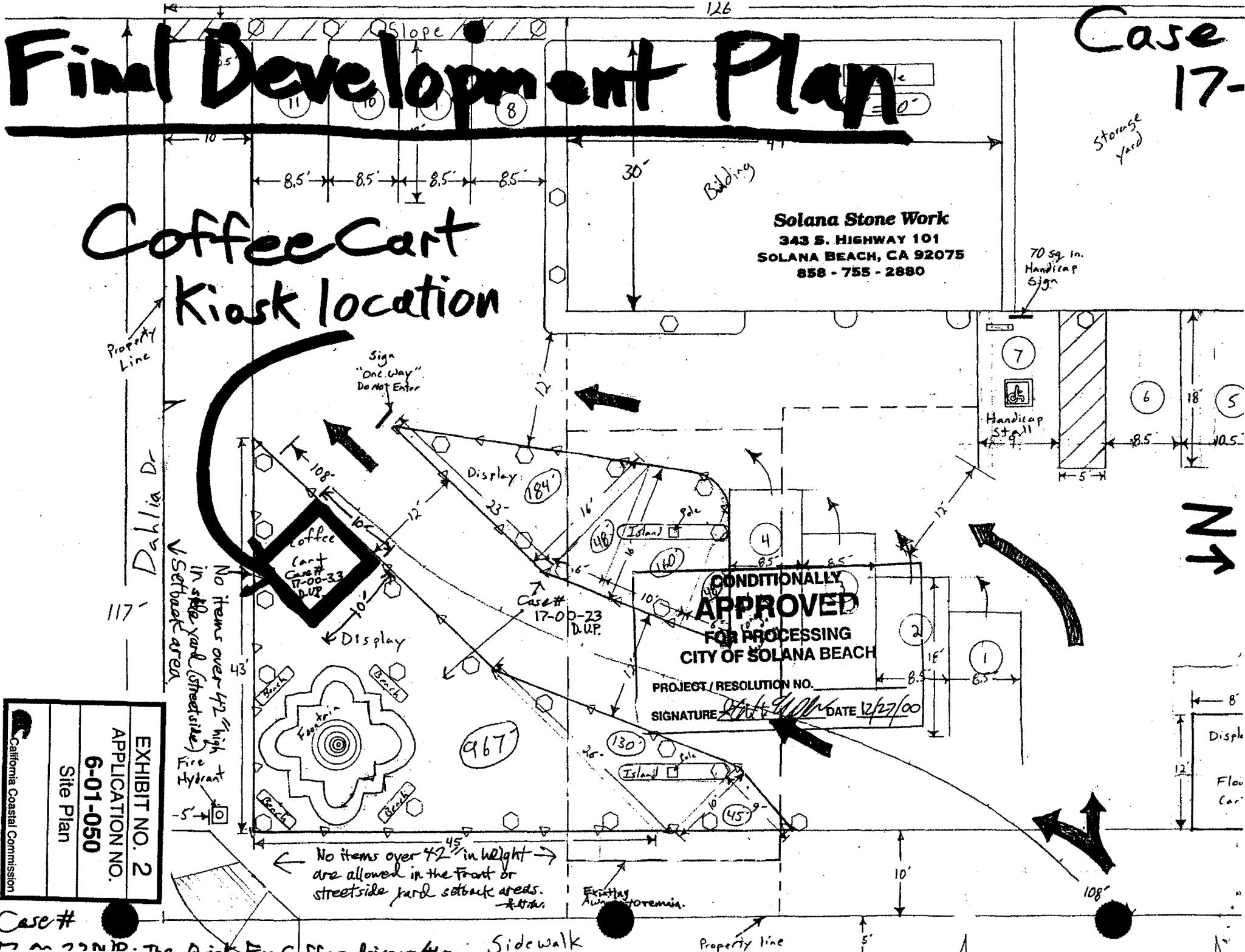
EXHIBIT NO. 1  
 APPLICATION NO.  
**6-01-050**  
 Location Map

California Coastal

# Final Development Plan

Case 17-

Coffee Cart  
Kiosk location



California Coastal Commission  
EXHIBIT NO. 2  
APPLICATION NO.  
6-01-050  
Site Plan

Case # 17-00-33 D.U.P. The Display Plan... Sidewalk