

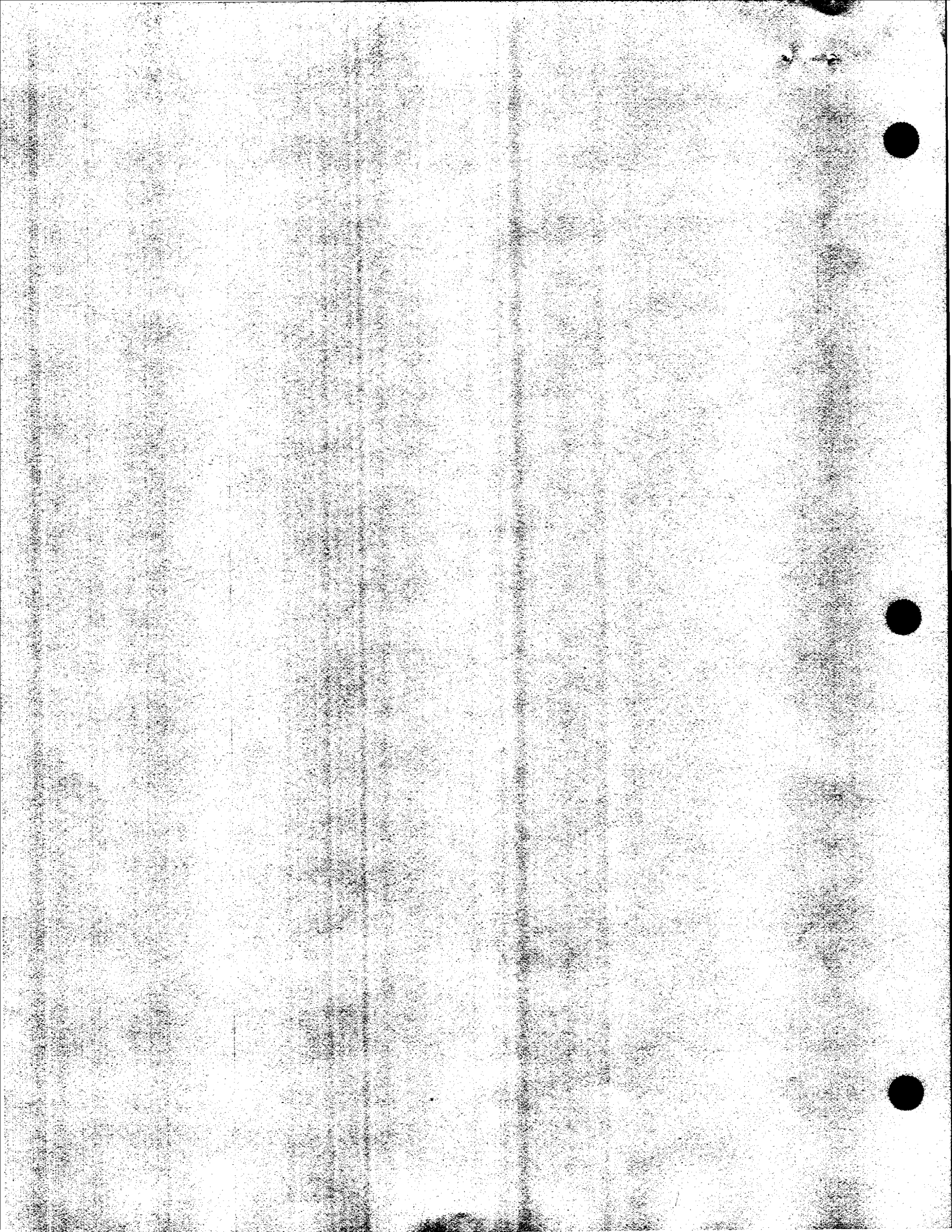
Mon 5a

San Diego Coast District

CONSENT CALENDAR

Monday August 6, 2001

6-01-092



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

15 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370**Mon 5a**

Filed: June 18, 2001
 49th Day: August 6, 2001
 180th Day: December 15, 2001
 Staff: DL-SD
 Staff Report: July 13, 2001
 Hearing Date: August 6-10, 2001

STAFF REPORT: CONSENT CALENDAR

RECORD PACKET COPY

Application No.: 6-01-92

Applicant: City of Solana Beach

Agent: Matilda Hlawek

Description: Continue operation of a Farmer's Market from 2:00 p.m. to 5:00 p.m. every Sunday within an existing parking lot serving a 30,195 sq. ft. commercial center using 45 parking spaces.

Lot Area	2.10 acres
Zoning	SC - Special Commercial
Plan Designation	SC - Special Commercial

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

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 17-95-24; CDPs #6-95-143, #6-98-030.

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. Future Development. This permit is for operation of a Farmer's Market from 2:00 p.m. to 5:00 p.m. every Sunday occupying 45 parking spaces. The permittee shall undertake the development in accordance with the approved project. Any proposed changes to the approved project such as an alteration in the days, increase in hours or frequency of operation, or expansion into additional parking spaces, shall be reported to the Executive Director. No changes in operation 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 is the continuing operation of a Farmer's Market currently being held on Sundays from 2:00 p.m. to 5:00 p.m. in the parking lot of an existing approximately 30,195 sq. ft. commercial retail center. The Farmer's Market occupies 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 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.

On May 14, 1998 the Commission approved the continued operation of the market with special conditions limiting the term of the permit to three years of operation, and requiring continued monitoring of parking conditions at the commercial center and the adjacent Transit Center (#6-98-30).

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 site, which is located adjacent to Lomas Santa Fe Drive, a major coastal access route, is less than ½ 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 applications 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, the Commission 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 terms of the previously approved permit were limited with requirements to monitor the parking occupancies during the operation of the market, to justify any further continuation of the market.

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 that 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 run on Sundays, only five 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. The City has provided parking counts taken on one Sunday each month, from May 15, 1998 to May 15, 2001 between the hours of 4:00 p.m. and 5:00 p.m., and on all Sundays that coincide with the operating times of the Del Mar Fair. The data indicates that parking at both the Transit Center and the commercial center where the Farmer's Market is operating continues to be underutilized, with a combined parking space availability of approximately 40%. Only eight of the existing twenty-five tenants of the commercial center are open on Sundays during the operation of the Farmer's Market, and thus, there is little competition for parking at that time.

As such, the Commission finds that continued 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. At this time, as long as the Market does not expand or alter operating hours, there does not appear to be a need to limit the term of the permit or requiring additional parking monitoring. Therefore, Special Condition #1 informs that applicant that any changes to the size or operation of the Farmer's Market beyond the current proposal would require an amendment to this permit or a new coastal development permit. As conditioned, the proposed development can be found consistent with Section 30252 of the Coastal Act.

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, 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.

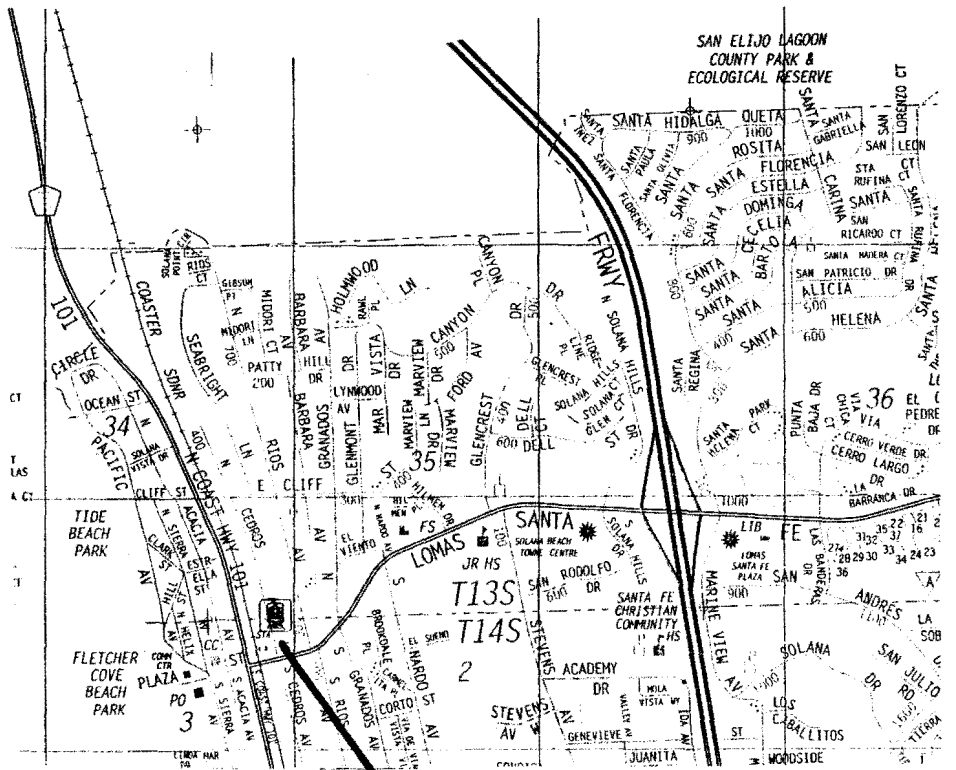
The site is zoned and designated for commercial uses in the City of Solana Beach as well as in the previously-certified County of San Diego LCP which applied to this site prior to Solana Beach's incorporation. The proposed development is consistent with these designations. In addition, the project, as 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.

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, 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 public access policies of the Coastal Act. Mitigation measures, including conditions addressing the size and scope of the proposed Farmer's Market 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 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.



SUBJECT SITE

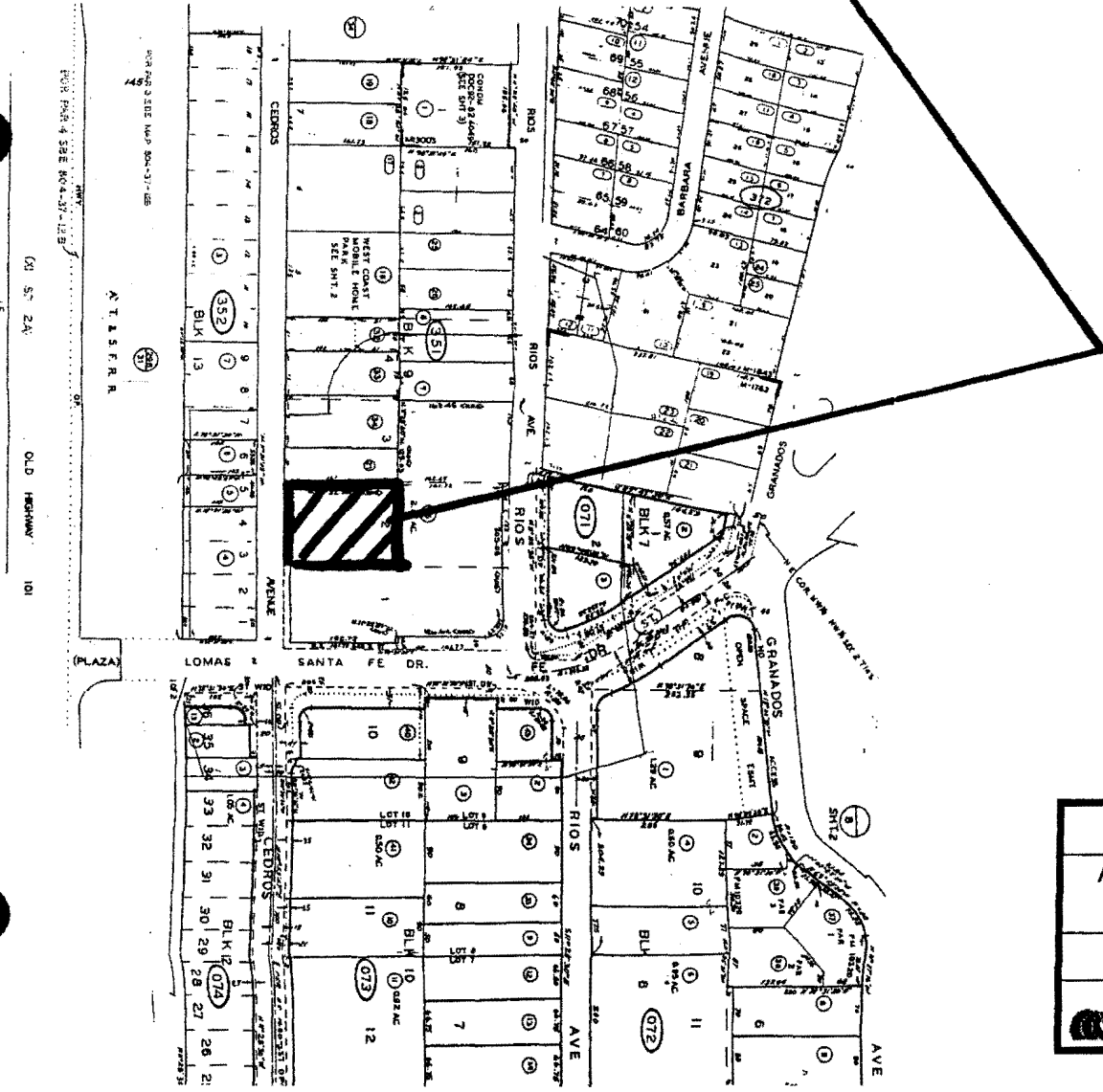


EXHIBIT NO. 1
APPLICATION NO.
6-01-92
Location Map



