

CALIFORNIA COASTAL COMMISSION

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Wed 3d

Filed: 10/28/05
 49th Day: 12/16/05
 180th Day: 4/26/06
 Staff: GDC-SD
 Staff Report: 11/23/05
 Hearing Date: 12/14-16/05

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-05-109

Applicants: City of Solana Beach
 Solana Beach Chamber of Commerce

Agents: Nancy Kerry
 Sean McLeod

Description: Conduct farmer's market on Sundays from 12:00 p.m. 6:00 p.m. in the parking lot of an existing office/retail complex.

Site: 410-444 South Cedros Avenue, Solana Beach, San Diego County.
 APN 298-092-01, 02 and 11.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Conditional Use Permit 17-05-27; CDP #6-95-143, 6-98-30 and 6-95-143/City of Solana Beach.

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 12:00 p.m. to 6:00 p.m. every Sunday occupying 5,100 sq. ft. of existing 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 legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The applicants propose to install and operate an approximately 5,100 sq. ft. farmer's market on Sundays from 12:00 p.m. to 6:00 p.m. in an existing parking lot of a commercial/office complex. The applicant proposes to provide 52 parking spaces onsite to accommodate both users and vendors. The project site is located on South Cedros Avenue, approximately ¼ mile south of Lomas Santa Fe Drive (a major coastal access route) and approximately ½ mile east of the shoreline. The location of the farmer's market will not adversely public access to the shoreline during its operation.

The Commission has previously authorized the operation of a farmer's market approximately ¼ mile north of this location on Lomas Santa Fe Drive (Ref. CDP #6-95-143, 6-98-30 and 6-95-143/City of Solana Beach). Because of its location along a busy coastal access route and adjacent to the public transit center and businesses that operated on Sundays, the City determined that user's of the farmer's market had great difficulty in finding nearby available parking. The applicants believe that the operation at this new location will not have such conflicts since very few surrounding business are open on Sundays.

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 20 vendors and approximately 5,100 sq. ft. of market area, this new development would require 46 parking spaces (5,100 sq. ft @ 1 space per 200 sq. ft. = 26 parking spaces + 20 vendor spaces = 46 parking spaces). The applicants have identified that 52 parking spaces will be available within the existing parking lot to accommodate the proposed

farmer's market. Therefore, the proposed development will have in excess of what is necessary at the subject site. In addition, the City's Conditional Use Permit for the project requires that 52 parking spaces be available for use at all times for the farmer's market and prohibits enlarging the farmer's beyond its proposed 5,100 sq. ft.

If the proposed farmer's market were to have insufficient onsite parking for its use, it is unlikely that such lack of parking could adversely affect public access to the shoreline. The project site is located ½ mile east of the shoreline and is not located in an area that public currently uses for beach parking. Beachgoers generally park on the west side of Highway 101. Although the City has recently constructed a pedestrian bridge that crosses Highway 101 toward the west near the proposed farmer's market location, this pedestrian bridge is designed to accommodate nearby residents access to the commercial areas on either side of Highway 101 across the existing railroad tracks. It also offers local residents access to the shoreline from their homes. However since parking exists on the west side of Highway 101, it is unlikely visitors from outside of the City would park near the proposed farmer's market and walk to the beach. Therefore, even if customers of the farmer's market user's park on the adjacent public street adjacent, they will not interfere with beachgoers. However, to assure that there is no potential of adverse impacts to public access over time, Special Condition #1 has been attached which prohibits the expansion of hours of operation or to additional days without an amendment to the subject permit, unless the Executive Directors no amendment is necessary.

B. Public Access/Parking. As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

C. Community Character /Visual Quality. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Solana Beach to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the

identified impacts, is the least environmentally damaging feasible alternative and is 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.