

CALIFORNIA COASTAL COMMISSION

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**W10a**

Filed:	2/8/17
180th Day:	8/7/17
Staff:	A. Llerandi-SD
Staff Report:	5/18/17
Hearing Date:	6/7/17

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-17-0157

Applicant: Todd Brown

Agent: Ronnie Rollman

Location: 4325 Ocean Blvd, Pacific Beach, San Diego (San Diego County) APN: 423-111-05

Project Description: Demolish existing 2-story, 30-ft. tall, approximately 13,968 sq. ft. restaurant/parking garage and reconstruct a 2-story, 30-ft. tall, approximately 14,810 sq. ft. mixed-use building consisting of an 8,008 sq. ft. restaurant, 6,219 sq. ft. garage, and 583 sq. ft. of retail space with 29 parking spaces on a 0.36-acre site.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed mixed-use development project with special conditions. The subject site is a previously developed lot and the new structure will be essentially the same size and height and in the same location as the existing structure. The proposed mixed-used development will look out onto Ocean Blvd and the Pacific Beach boardwalk to the west and be surrounded by similar one- and two-story visitor commercial development on its other three sides. This infill redevelopment project will provide visitor commercial uses – a restaurant and locker rental facility – in a popular coastal destination, located within in the City of San Diego’s transit-overlay zone (meaning the property is in

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close proximity to major alternate transit routes), will provide bike racks, exceed applicable parking requirements, and provide on-site valet to maximize parking efficiency.

To ensure that any potential adverse impacts to coastal resources and public access are avoided, staff is recommending several special conditions. **Special Condition No. 1** requires the submittal of final plans to ensure that the proposed development will not encroach into the adjacent public access ways and provide adequate parking and bike racks to avoid adverse impacts to public access, as well as requiring the submittal of final construction staging and storage plans to ensure that all development activity is contained onsite and does not occupy public parking space or impede public access ways. While the development will provide adequate onsite parking, some of the parking spaces located in the garage area directly under the restaurant may be difficult to navigate and discourage their usage by patrons, increasing the possibility that they will instead occupy public street parking. Thus, the applicant has proposed valet parking services for the parking spaces located in the garage area under the second floor of the structure, as described in **Special Condition No 2**. Finally, because development on this site has occurred without the benefit of a coastal development permit, **Special Condition No. 3** requires that this permit be issued within 90 days of Commission action. Thus, the proposed development is not anticipated to have substantial adverse impacts on public access and is consistent with the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-17-0157 as conditioned.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Plans](#)

I. MOTION AND 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 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. Submittal of Final Plans.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of the following plans:

- i. Final construction plans that substantially conform with the plans submitted to the Commission titled “Water Bar Pacific Beach” dated February 1, 2017, by Baker Architecture.
 - ii. Final signage plans approved by the City of San Diego documenting that only monument signs, not to exceed (8) feet in height, or façade signs are proposed. No tall or free standing pole or roof signs or any projecting signs that encroach into a public right-of-way shall be allowed.
 - iii. Final construction staging and storage plans that demonstrate how all construction staging and storage, including worker parking and deliveries, shall occur on-site and within the bounds of the subject property.
- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. Parking Management/Valet Parking Program.

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director a final parking management program. If valet parking is included, it shall not apply to the open-air parking spaces at the rear of the property.
- B. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

3. Unpermitted Development Condition Compliance.

WITHIN 90 DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all conditions of this permit that are prerequisite to the issuance of this permit, or within such additional time as the Executive Director may grant for good cause.

IV. FINDINGS AND DECLARATIONS

A. PROJECT HISTORY/DESCRIPTION

The subject property contains an existing two-story structure that formerly housed a Joe's Crab Shack restaurant on the upper floor and 34 parking spaces on the ground floor. On May 2, 2014, the applicant received a Coastal Permit Exemption (No. 6-14-0189-X) for tenant improvements to the existing structure that included interior and exterior renovations, resurfacing of the onsite surface parking lot, and demolition of less than fifty percent of the existing exterior walls, with no change in the building height or internal floor area. However, over the subsequent course of development the scope and extent of development grew to include demolition of more than fifty percent of the exterior walls and an 842 sq. ft. addition to the structure. Due to these changes, the project no longer qualified for an exemption, and in response, the applicant modified their project and submitted an application for a coastal development permit to authorize the project changes as well as incorporate a new element consisting of a 583 sq. ft. storage locker rental facility on the first floor and provide valet parking for patrons. Thus, as now proposed, the project consists of demolition of the existing 2-story, 30-ft. tall, approximately 13,968 sq. ft. restaurant/parking garage and construction of a new 2-story, 30-ft. tall, approximately 14,810 sq. ft. mixed-use building consisting of an 8,008 sq. ft. restaurant, a 6,219 sq. ft. garage, a 583 sq. ft. retail rental locker, and a total of 29 parking spaces. Because the parking spaces located directly under the restaurant may be difficult to navigate and discourage their usage by patrons, the City of San Diego is requiring and the applicant has proposed that the 13 parking spaces located directly under the restaurant be serviced through valet parking each weeknight starting at 5:00 PM until close of the restaurant and all hours of restaurant operations on Saturdays and Sundays for patrons of the approved mixed-use development. The 16 open-air parking spaces in the rear of the property will be free of charge, with no valet service offered.

The 0.36-acre site is located on the inland side of Ocean Boulevard, in the Pacific Beach community of the City of San Diego, just across the street from the Pacific Beach pedestrian/bicycle boardwalk. The City of San Diego has a certified LCP for the Pacific Beach community, but the site is located in an area of retained jurisdiction of the Coastal Commission. Thus, Chapter 3 of the Coastal Act is the standard of review, with the certified LCP acting as guidance.

B. 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. The new structure will be no taller than 30 feet as required by the City's certified Coastal Height Overlay Zone. The structure will utilize pedestrian-oriented designs such as a zero setback from the street frontage in a pedestrian oriented community. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. 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 a mixed-use building in a transit overlay zone, the local LCP – which serves as guidance – requires that 18 parking spaces be provided on site; the proposed development will furnish 29 spaces. While approximately 93% of the building will be restaurant and only 7% of the total commercial square footage will be the rental lockers on the first-floor, the lower parking requirement associated with a mixed-use development is not expected to adversely impact public access in this particular case, given that the site is located in a pedestrian-oriented community in close proximity to major bus routes on Mission Boulevard and Grand Avenue. Both the restaurant and the locker rental facilities are uses that are expected to be patronized by pedestrians and bicyclists visiting the beach and other existing surrounding visitor-serving uses, thus reducing the demand for parking associated by this one development. **Special Condition No. 2** requires submittal of a final parking management program that allows valet parking to be offered to patrons of the development who wish to park in the spaces located immediately below the second-floor restaurant during its busiest hours of operation, while still offering open (non-valet) parking in the remainder of the lot. The development will also provide bike racks to encourage alternative means of travelling to the property. **Special Condition No. 1** requires all construction staging and storage, including worker parking and deliveries, to occur onsite and within the bounds of the subject property to limit construction impacts to public access. Any changes to the number of parking spaces or to charge for future parking for the non-valet spaces will require an amendment to this permit or a new coastal development permit. 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.

D. UNPERMITTED DEVELOPMENT

Development has occurred on the subject site without required coastal development permits, including demolishing more than 50% of the exterior walls of the existing structure and increasing the square footage of the structure. After discussion with Commission staff, the applicant submitted an application for this permit to authorize the demolition and reconstruction of the restaurant into a mixed-use structure. To ensure that the matter of the unpermitted development is satisfied in a timely manner, **Special Condition No. 3** requires the applicant to satisfy all conditions of this permit that are prerequisite to the issuance of this permit within 90 days of Commission action, or within such additional time as the Executive Director may grant for good cause.

Although development occurred prior to the submission of the permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act, with the certified LCP acting as guidance. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission

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as to the legality of any development undertaken on the subject sites without a coastal permit.

E. LOCAL COASTAL PLANNING

The subject property is located in the Pacific Beach community of the City of San Diego, which has a certified LCP for this community segment. However, the property is located in an area of retained jurisdiction of the Coastal Commission. Thus, Chapter 3 of the Coastal Act remains the legal standard of review, with the certified LCP acting as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to administer its Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of San Diego determined that the proposed development was categorically exempt under the 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.

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APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Pacific Beach Community Plan
- San Diego Land Development Code
- Final Project Plans dated February 1, 2017