

CALIFORNIA COASTAL COMMISSION
San Diego Coast
3111 Camino Del Rio North Ste. 200
San Diego, CA 92108
(619) 521-8036

RECORD PACKET COPY

W18a

Filed: November 4, 1996
49th Day: December 23, 1996
180th Day: May 3, 1997
Staff: EL-SD
Staff Report: November 19, 1996
Hearing Date: December 10-13, 1996

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-83-321-A2

Applicant: Dura Pharmaceuticals

Agent: AI Associates Architects

Original Description: Grading of approximately 880,000 cubic yards (870,000 cubic yards export) and construction of three four-story office buildings (268,000 sq.ft. total) and associated parking structures.

Lot Area	14.92 acres
Building Coverage	58,370 sq. ft. (9%)
Pavement Coverage	61,300 sq. ft. (9%)
Landscape Coverage	530,561 sq. ft. (82%)
Parking Spaces	1,139
Zoning	M-1-B
Plan Designation	Industrial
Ht abv fin grade	55 feet

Proposed Amendment: Reduce scope of project, resulting in two, three-story corporate office and light industrial buildings, totalling 197,500 sq.ft., located on a different portion of the site; perform approximately 45,000 cu.yds. of balanced finish grading on previously graded pads; and modify Special Condition #2 of the original approval to allow incremental grading with appropriate temporary erosion controls between November 1st and March 31st of any year.

Site: Northeast corner of Lusk Blvd. and Vista Sorrento Parkway, North City, San Diego, San Diego County. APN 340-090-30

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the proposed permit amendment, with a replacement special condition addressing grading and erosion control and an advisory condition that all prior terms and conditions of approval, except as changed herein, remain in full force and effect.

Substantive File Documents: Certified City of San Diego North City LCP Land Use Plan and LCP Implementing Ordinances

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 amended, 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. Standard Conditions.

See attached page.

III. Special Conditions.

The permit amendment is subject to the following conditions:

** The following condition replaces Special Condition #2 of the original permit in its entirety.

1. Grading and Erosion Control.

A. From November 15 to March 31 of each year, grading may only occur in increments as determined by the City Engineer and in conformance with Section 62.0417.1 of the Land Development Ordinance of the City of San Diego, as certified by the Commission in January, 1988. Prior to commencement of any grading activity, the permittee shall submit a grading schedule to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director.

B. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

C. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

E. Prior to the issuance of the coastal development permit amendment, the applicant shall submit final grading plans which shall incorporate the above items as construction notes on the plans.

2. Prior Conditions of Approval. All terms and conditions of the original permit, except as specifically modified herein, remain in full force and effect.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History. The Coastal Commission approved the original permit for this development on June 21, 1983. The proposal was for approximately 880,000 cu.yds. of grading, with 870,000 cu.yds. of material to be exported. Also, the proposal included construction of three, four-story office buildings, totalling 268,000 sq.ft. of gross floor area, and the provision of 1,139 parking spaces in three parking structures and a surface lot. Special conditions attached to the permit addressed the submittal of final plans, provision of adequate grading and erosion controls including seasonal prohibitions on grading, and Los Penasquitos Lagoon Enhancement Fund requirements. An amendment was subsequently approved to allow issuance of the permit prior to the submittal of final building plans, to accommodate site grading while building plans were being refined. The adopted special conditions were met, the permit issued and the site graded. Further development as approved (construction of buildings) has not occurred to date, but the permit is deemed valid and vested.

2. Proposed Amendment. The permit is being assigned to a new owner of the approximately fifteen-acre site who has proposed an amendment to the previous permit, to accommodate a reduced and redesigned project. Under the proposed amendment, two, three-story structures, totalling 197,500 sq.ft. would be constructed, rather than the three, four-story structures previously approved. Although both buildings are currently proposed, it is expected they will be constructed separately as two separate phases of development. The amendment would essentially reverse the approved site plan, with the two proposed buildings located on the portion of the site previously approved for surface parking, and with surface parking now located where the three previously-approved buildings were shown. Because of the reduction in overall floor area, 792 parking spaces are now proposed, rather than 1,139 parking spaces. In addition, approximately 45,000 cu.yds. of balanced finish grading is proposed within the existing building pads, which were created about ten years ago to prepare the site for the previously-approved structural improvements.

The second element of the proposed amendment would modify Special Condition #2 of the approved development. That condition addressed grading and erosion controls and prohibited any grading activity between November 1st and March 31st of any year. Since the time of original approval, the City's LCP has been certified, and seasonal grading restrictions are addressed in a different manner than in 1983. Instead of an outright prohibition on all grading

activity, the certified LCP allows incremental grading, under the direction of the City Engineer, as long as adequate erosion control measures are in place. Thus, circumstances have changed since the original approval, and the proposed amendment request, with regard to grading season restrictions, is acceptable, since it will not lessen or avoid the intended effect of the original condition, but only seeks to apply the current regulations to the subject site.

3. Consistency with Certified Land Use Plan. The subject site is in an area where permit authority was delegated to the City of San Diego in October, 1988, upon effective certification of the LCP. Any new coastal development permits for this site would be processed by the City of San Diego, however the Coastal Commission retains the authority to process amendments to its own prior permits, as in the subject amendment request. Although the proposed revisions exceed those typically processed as an amendment rather than a new coastal development permit, in this particular case, no new coastal issues are raised by the amendment proposal and the City has found the revised project to be in substantial conformance with the previously-approved Planned Industrial Permit. It is more expeditious to address the Coastal Act requirements under an amendment to the previously-issued coastal development permit, which was approved by the Commission. However, the standard of review for the proposed amendment is now the certified North City Land Use Plan and LCP Implementing Ordinances, not Chapter 3 of the Coastal Act. The North City Land Use Plan contains both general policies applicable to the entire segment and more specific policies contained in the many individual community plans which make up this LCP segment.

The subject site is located within the Sorrento Mesa portion of the Mira Mesa Community Plan boundaries, which is one of several planning areas which comprise the North City Land Use Plan segment. LCP provisions which could be applied to the subject site include land use plan policies addressing the minimization of landform alteration, grading and erosion controls, and the protection of visual resources. Also applicable would be zoning regulations on land use, grading, building height and parking. As conditioned herein, and in the original permit, the Commission finds the proposed amendment consistent with all such policies.

The proposed balanced grading operation and subsequent site development is wholly contained on that portion of the project site already disturbed by the mass grading operations that occurred several years ago. No extension of grading into undisturbed areas is herein proposed. Moreover, the proposed development is reduced from the number of buildings and total square footage approved originally, and resulting building heights will be equal to or less than those previously approved.

Because the two proposed buildings will be sited on a different part of the graded site than the three buildings approved originally, there was a concern that the amended development might impact visual resources which weren't affected by the original proposal. However, the applicant has produced sightlines indicating that intervening landforms and development will screen the proposed structures from the Los Penasquitos Canyon Preserve. The buildings, or portions of the buildings, may be visible from I-805, but will

not be prominent against the backdrop of existing development within the larger subdivision where this particular property is located. Therefore, the Commission finds the proposed amendment consistent with the visual resource policies of the certified LCP.

In addition, the balanced finish grading herein proposed must comply with the City's grading regulations, which are part of the certified LCP. These include a provision that only incremental grading may occur during the rainy season, and only with provision of temporary erosion control measures acceptable to the City Engineer. The original approval had an outright grading prohibition during the rainy season, which is being modified herein to comply with the current restrictions as just cited above and as found in the attached Special Condition #1. As conditioned, the Commission finds the proposed, amended grading consistent with the policies and regulations of the certified LCP.

Special Condition #2 is included to remind the applicant that all other terms and conditions of the original permit remain in full force and effect. These included a requirement for a contribution to the Los Penasquitos Lagoon Enhancement Fund to address the impacts of sedimentation, resulting from both site grading and ultimate impervious surfaces, on the downstream resources of the lagoon. The only other special condition of approval was for the submittal of final plans, but the standard conditions are also part of the ongoing permit, as amended.

In summary, the applicant is proposing to amend the previously-approved permit to accommodate a smaller development within the already-disturbed portions of the subject site. Moreover, the City has found the amended proposal to be in substantial conformance with the Planned Industrial Development Permit issued several years ago; this and all other local approvals are still valid. The Commission has found the proposed amendment, with the inclusion of the special conditions, consistent with the certified City of San Diego, which is the standard of review for this proposal. Therefore, approval of the proposed amendment request will not prejudice the ability of the City of San Diego to continue implementation of its fully-certified LCP.

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, or permit amendments, to be supported by a finding showing the permit, or permit as amended, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As discussed herein, the proposed project amendment will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the visual resource and water quality policies of the Coastal Act, as certified and implemented through the City of San Diego LCP. 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 permit amendment is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(1461A)

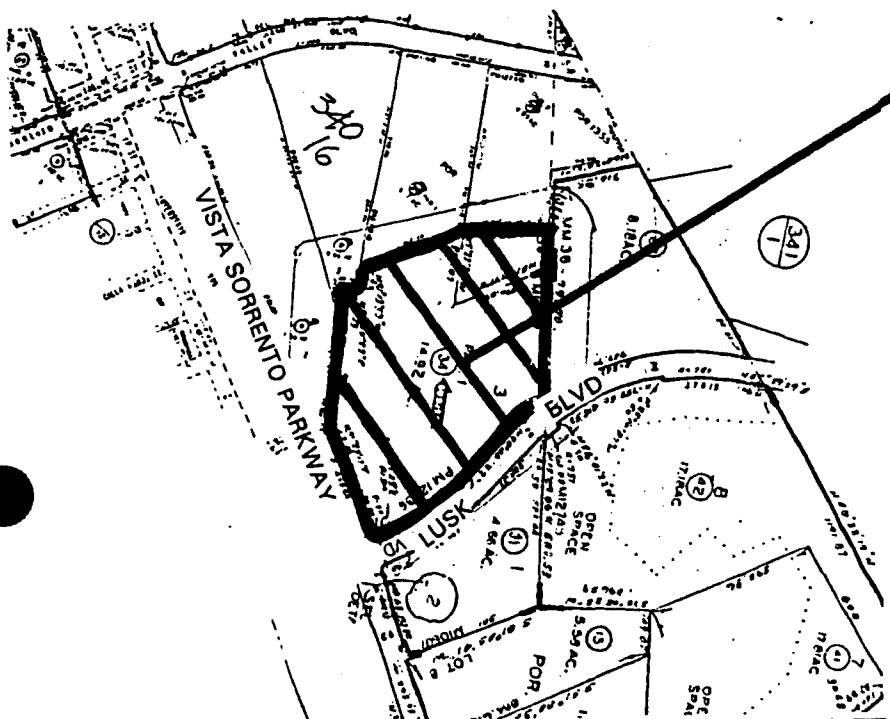
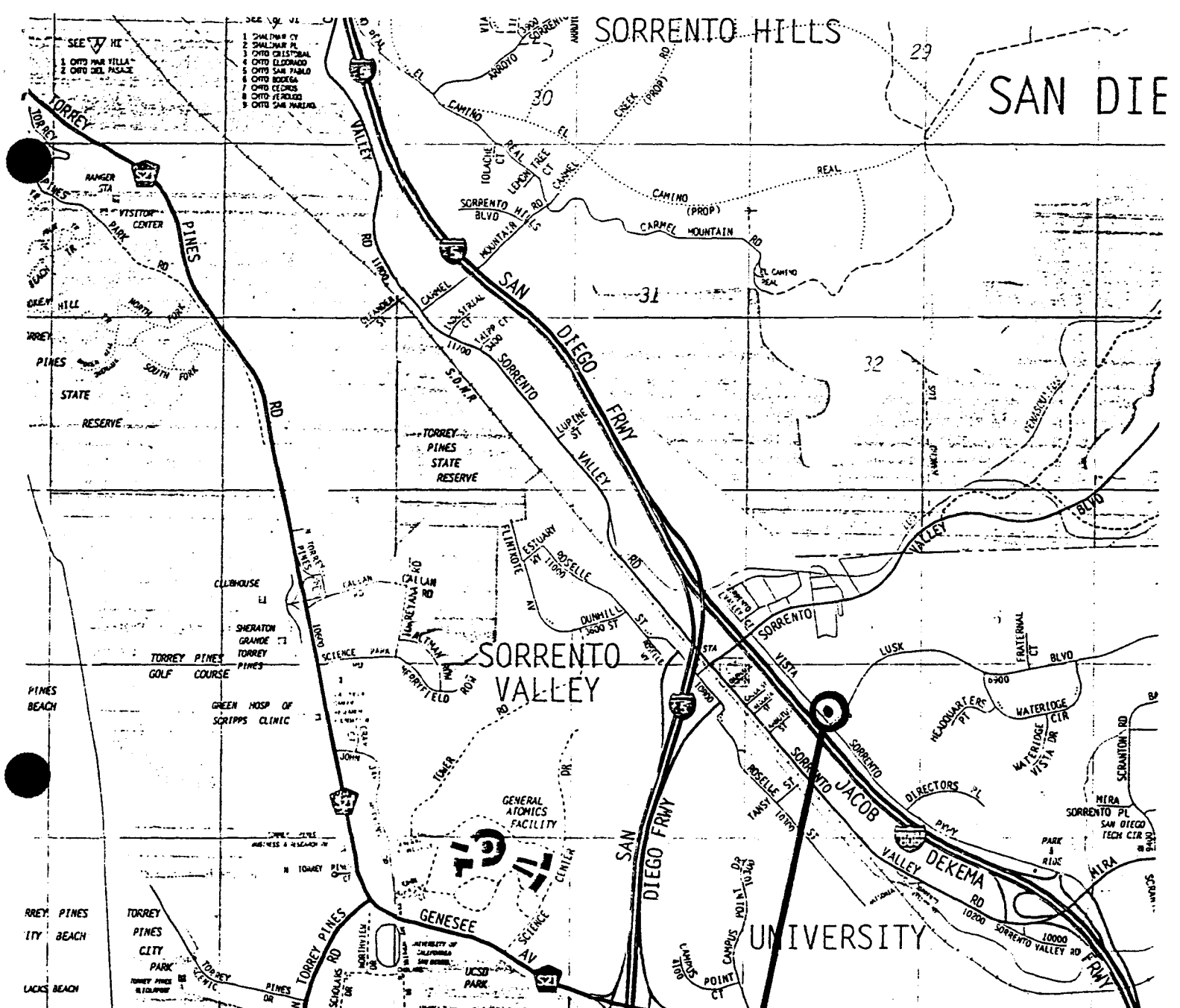


EXHIBIT NO. 1
APPLICATION NO.
6-83-321-A
Location Maps

California Coastal Commission

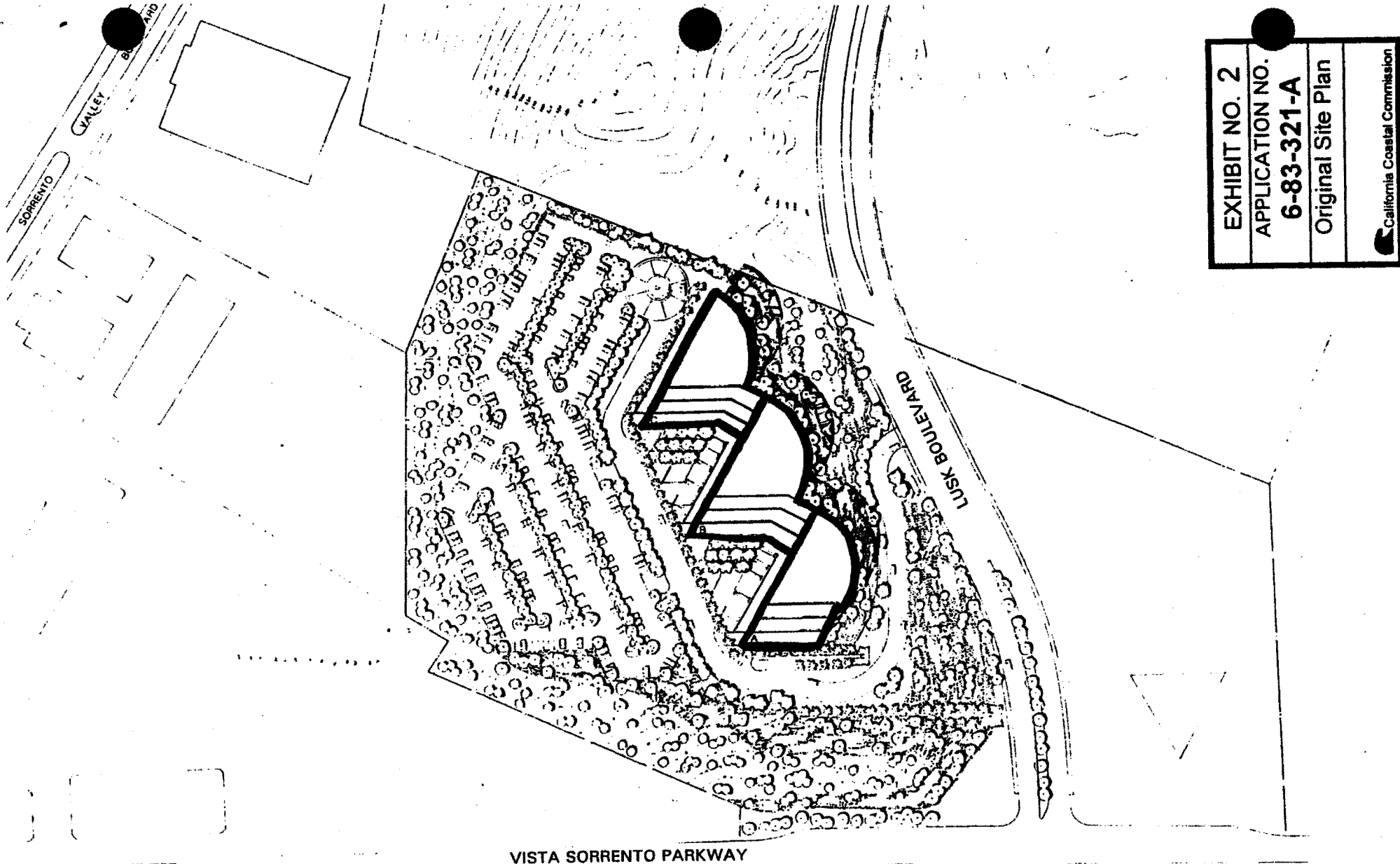


EXHIBIT NO. 2
APPLICATION NO. 6-83-321-A
Original Site Plan
California Coastal Commission



WATERIDGE

The Business Environment for Corporate Excellence

OWNER/DEVELOPER
EQUIDON

10515 VISTA SORRENTO PKWY
SAN DIEGO, CA 92121
(619) 457-4705

ARCHITECTS
WZMH GROUP CALIFORNIA, INC.

2500 MICHELSON DR. BLDG. 300
IRVINE, CA 92615
(714) 851-1494

LANDSCAPE ARCHITECT
R D I & A

1302 CAMINO DEL MAR
DEL MAR, CA 92014
(619) 452-7371

CIVIL ENGINEER
SHOLDERS & SANFORD, INC.

3545 FIFTH AVENUE
SAN DIEGO, CA 92103
(619) 259-1272

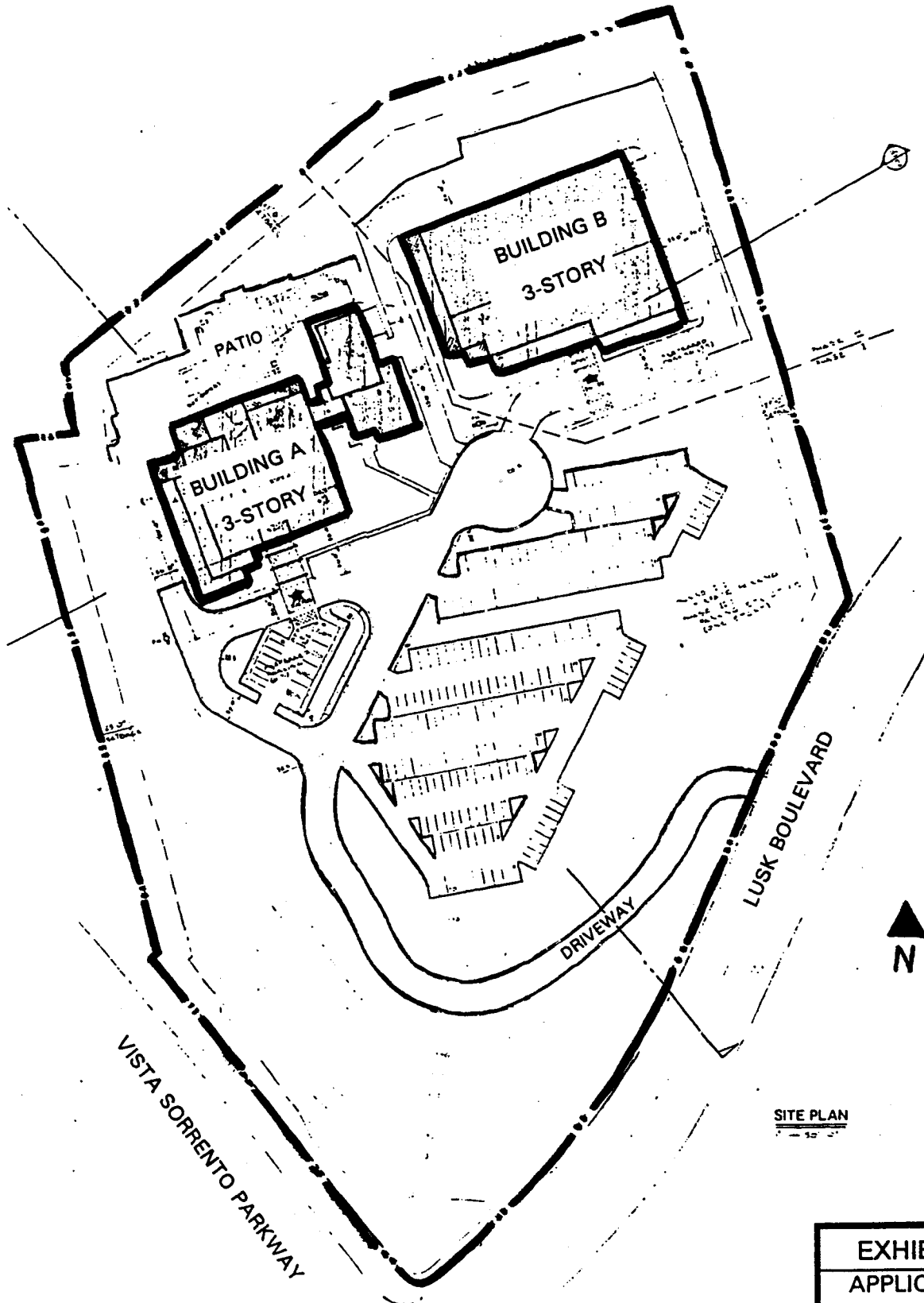
3 BUILDINGS (4 OFFICE LEVELS EACH BUILDING)
REQUIRED PARKING SPACES

268,000 OFFICE GROSS SF
893 0 10 20 120

VISTA SORRENTO PARKWAY

LUSK BOULEVARD

MASTERPLAN



SITE PLAN
1" = 10' - 0"

EXHIBIT NO. 3
APPLICATION NO.
6-83-321-A
Proposed Site Plan