

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: February 14, 1996
49th Day: April 3, 1996
180th Day: August 12, 1996
Staff: LRO-SD
Staff Report: February 20, 1996
Hearing Date: March 13-15, 1996

STAFF REPORT: CONSENT CALENDAR**F5C**

Application No.: 6-96-11

Applicant: W.W. Grainger, Inc.

Agent: Salerno/Livingston Architects

Description: Construction of a one-story, 20,850 sq.ft. concrete masonry industrial building on a vacant 3.8 acre site.

Lot Area	165,525 sq. ft. (3.8 acres)
Building Coverage	17,250 sq. ft. (10%)
Pavement Coverage	29,775 sq. ft. (18%)
Landscape/Unimproved Area Coverage	118,500 sq. ft. (72%)
Parking Spaces	46
Zoning	ILP
Plan Designation	Research & Limited Manufacturing
Ht abv fin grade	30 feet

Site: 1150 Bay Boulevard, Chula Vista, San Diego County.
APN 617-011-08

Substantive File Documents: Certified County South Bay Islands LCP; City of Chula Vista Negative Declaration, Case # IS-90-20 dated 12/13/90 and subsequent addendum dated 1/3/96; City of Chula Vista Design Review Committee/Case #DRC-96-09 - 1/10/96

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development 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 is subject to the following conditions:

1. Revised Plans for Buffer Wall. The project shall be constructed in accordance with final revised plans for the buffer wall, as approved by the Executive Director. Prior to the issuance of the coastal development permit, the applicant shall submit revised plans for the proposed concrete masonry wall on the southern property line, to the Executive Director for review and written approval. The plans shall indicate that the wall will be extended an additional approx. 100 feet from its presently proposed alignment to the eastern property line and shall incorporate anti-perching materials on the top of the wall.

2. Grading Restriction during Nesting Season of Environmentally Sensitive Species. All grading shall be conducted in compliance with final grading plans as approved by the Executive Director. Prior to the issuance of the permit, the applicant shall submit final grading plans to the Executive Director for review and written approval. The final grading plan shall indicate that no grading shall occur within 100 feet of the drainage ditch located to the south of the subject site between March 15 to September 1 of each year to prevent disturbance to the environmentally sensitive species which breed and feed adjacent to the site. Also, prior to issuance of the coastal development permit, the permittee shall submit a grading schedule which indicates that grading will be completed within the permitted time frame designated in this condition.

3. Drainage Plan. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan. This plan shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged. Runoff directed toward the environmentally sensitive habitat areas adjacent to the site shall be discharged at a non-erosive velocity and elevation in order to protect the habitat areas.

In addition, said plan shall include the placement of oil/sediment traps to be located at the proposed drains and/or spillways before the water discharges into the drainage ditch. Said devices shall be cleaned of accumulated oil from the parking lots at least once a year, especially after the first inch of rainfall in order to ensure good water quality before discharging the water into the drainage ditch.

4. Final Landscaping Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant

plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the installation of plant materials in the buffer area that are not noxious and do not attract predators. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director in consultation with the Department of Fish and Game. The permittee shall implement the landscape plan in accordance with the plan as approved by the Executive Director.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Project History. Proposed is the construction of a one-story (with mezzanine), 20,850 sq.ft. concrete masonry industrial building on a vacant 165,525 sq.ft. (3.8 acre) site. Also proposed, is 3,200 cy. of balanced cut and fill grading to prepare the site for development. The vacant bayfront site is located at the northwest corner of Bay Boulevard and Palomar Street in Chula Vista. The proposed building will consist of a warehouse with sales room and office. A total of 46 parking spaces are also proposed in association with the proposed structure and will be located to the south and east of the building. An access driveway is proposed along the eastern property line adjacent to Bay Boulevard. The applicant is also proposing to construct a six-foot high concrete masonry wall along the middle section of the southern property line for a linear distance of approx. 220 feet, which represents approx. half of the southern property line, which is 413 linear feet long. The wall will be situated south of, and parallel to, the proposed parking area and building.

The aforementioned improvements represent Phase I of the development proposed on the site. Phase II for a 37,750 sq.ft. future expansion including additions to the north and east sides of the proposed building, along with an additional 34 parking spaces, will be proposed in the future under a separate coastal development permit application.

The site of the proposed development is located within the city limits of the City of Chula Vista in an area which was previously governed by the South Bay County Islands LCP. The site was subsequently annexed to the City of Chula Vista (Montgomery Annexation). In the County Islands LCP as well as the Chula Vista General Plan, the site is both planned and zoned for limited industrial uses.

Previous development was approved on the subject site in 1990 by the Coastal Commission under Coastal Development Permit No. 6-90-254 which was for construction of two, two-story industrial buildings on the subject site. Although the permit has been extended four times and is still valid, the approved development has never been constructed. The site has since been sold to the subject applicant.

2. Environmentally Sensitive Habitat-Wetlands. Coastal Act Sections 30231 and 30240 call for the preservation of sensitive habitat areas, including wetlands. The project site is located immediately adjacent to, and

east of, the salt ponds and wetlands associated with San Diego Bay. The proposed building will be situated approximately in the center of the site with paved parking provided to the east and south of the proposed building. To the south of the subject site is a drainage ditch which has been identified by the State Department of Fish and Game as a nesting area for the Belding's savannah sparrow which is on both the State and U.S. endangered species list. The drainage ditch is lined on both sides with stands of salicornia which is a salt march indicator species that supports the nesting of several endangered bird species including the Belding's savannah sparrow. Thus, the drainage ditch is a wetland area. A few of these birds have been observed in this area during past inspections of the subject site. Just north of, and parallel to the ditch, there is an existing dirt road which provides access to the Western Salt property to the south of the site, which is used daily. To the south of the ditch are salt mounds associated with the salt works facility.

In the original negative declaration issued for development on the subject site by the City of Chula Vista it was recognized that the site was in close proximity to the salt ponds and salt works which are used by a variety of sensitive bird species such as the Belding's savannah sparrow, the California least tern, the black skimmer, the elegant tern, and the snowy plover. These species and others are known to also use the levees and salt ponds on the adjacent properties to the south and west. In addition, the dikes which border the salt ponds and adjacent salt works area support nesting colonies of several types of birds, some of which include state and federally-listed endangered species.

The major issue raised by this proposal for development is the buffers between the proposed development and the wetland area to the south as well as the buffer between the proposed development and the salt pond area to the west. The subject proposal differs from the originally proposed development on this site by the fact that only one structure is proposed instead of two. Also, larger buffers are proposed at the western and southern portions of the site, and the parking areas are being limited to only the east and south sides of the building, as opposed to the west, south and east sides of the buildings, as in the original proposal. Additionally, the majority of the area to the west of the proposed structure will remain unimproved, with the exception of minor landscaping which will be installed just inside the western property line. Specifically, from the salt ponds to the west to the proposed structure, there will be a buffer of 170 feet. The original proposal included buffers of only 25-30 feet to the edge of a proposed parking lot at this location, and only 75-80 feet to the proposed building. From the south, a buffer of approx. 37 feet is proposed from the north end of the concrete channel to the edge of the proposed parking lot and a distance of 110 feet to the proposed structure itself. The original proposal only included a buffer of 15-20 feet to the edge of the parking lot and a buffer of 90-95 feet to the building.

The Commission has historically found that a minimum of a 100-foot wide buffer between all proposed development and environmentally sensitive wetland areas is necessary to protect the wetlands from adverse impacts of development. Moreover, the Chula Vista Bayfront Land Use Plan calls for the provision of a

100-foot upland buffer around much of the existing wetlands for Caltrans/Corps of Engineers projects along the bayfront. Thus, while the salt ponds are environmentally-sensitive habitat areas, the Commission finds an adequate buffer is proposed.

Also, because the existing salt works facility is located on the lot immediately to the south of the subject site, the dirt road adjacent to the drainage ditch is used heavily by tractors and other vehicles in order to harvest the salt. Thus, the portion of the drainage ditch south of the site is not considered as desirable an area for nesting as some of the other salt pond areas within the South Bay.

Lastly, the applicant has proposed to construct a wall on the south side of the property which, when coupled with the 37-foot setback, will serve as a sufficient buffer between the proposed development and the wetland area to the south. However, it must be noted that in the original permit for industrial development on the site, it was only through the former property owner's proposal to construct a buffer wall along the southern property line that the buffers proposed by the applicant, which were less than 100 feet, were found to be acceptable. In the subject proposal, the buffer wall is proposed for a linear distance of approx. 220 feet which represents only the middle portion of the southern property line, as opposed to extending along the entire length of the southern property line. Since an access driveway from Bay Boulevard is proposed in close proximity to the southeast corner of the property and a paved parking lot is also proposed near the southern property line at this location, the Commission finds the extension of the buffer wall to the eastern property line is necessary to further reduce any potential adverse impacts to the wetlands vegetation and the sensitive bird species that use the salt marsh habitat in the drainage ditch south of the site. It is important to note that the wall will serve as a buffer to prevent disturbance associated with the parking and industrial use to the environmentally sensitive habitat at this location.

Although the wall is not proposed to extend all the way to the western property line, the western part of the site is proposed to remain relatively undeveloped and undisturbed, with the exception of proposed landscaping. Thus, an adequate area of open space (i.e., no paving or building) is provided to protect the habitat area without extension of the masonry wall in a westerly direction. As such, Special Condition #1 has been attached which requires that the proposed buffer wall be extended to the eastern property line. The applicant has concurred with this proposed change. In addition, the condition specifies that anti-perching materials shall also be incorporated into the wall to prevent birds of prey from perching atop the wall. This was a requirement of CDGF in the original permit on the subject site that is still warranted in the current proposal.

Therefore, the Commission finds that the setbacks proposed by the applicant, in conjunction with the construction of a buffer wall, as conditioned to be extended to the eastern property line, are adequate and will not result in any adverse impacts to environmentally sensitive resources in this area. The California Department of Fish and Game has concurred that the applicant's

proposed setbacks, along with the construction of the buffer wall that incorporates anti-perching materials, would serve as an adequate buffer between the sensitive bird species and the proposed development.

However, CDFG also indicated that due to the potential for construction-related impacts to the sensitive bird species, grading and construction activities should not be permitted within a 100-foot distance of the drainage ditch between March 15 - September 1, which covers the breeding seasons of sensitive bird species in the area. The applicant has indicated that a timing of construction restriction could be problematic as they had planned to commence with construction in June of this year. In response to this concern, CDFG indicated that the applicant could have a qualified biologist conduct a wildlife survey of the drainage ditch to the south of the property and immediate surrounding area to determine if the environmental conditions which existed five years ago, as documented by CDFG, have changed and no longer support sensitive bird species in this area. If the applicant so chooses to have this survey completed, and the findings of the study conclude that the conditions of the area have changed and birds no longer feed and nest at this location, the applicant could apply for an amendment to the subject permit to have the construction/grading restriction removed, based on the new information. Therefore, Special Condition #2 has been attached which requires that no grading or construction occurs within 100 feet of the drainage ditch between the months of March 15 - September 1.

In summary, Special Condition #1 requires submittal of revised plans for the buffer wall extending to the eastern property line and incorporating anti-perching materials, as recommended by the Department of Fish and Game. Special Condition #2 includes a restriction on construction activities within 100 feet of the drainage ditch during the breeding season of the bird species. As conditioned, the Commission finds the project consistent with Sections 30231 and 30240 of the Act.

3. Runoff/Erosion Control. Section 30231 of the Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

As cited earlier, the subject site is located adjacent to environmentally sensitive areas. A drainage ditch supporting salt marsh vegetation exists to the south of the site and an approx. 12-foot wide levee exists to the west of the site. There is also a drainage channel east of the site. Since no drainage plan was submitted with the subject proposal, and there remains the possibility that some drainage may be directed to the drainage ditch to the south of the site that contains sensitive bird species, Special Condition #3

has been attached which requires that a drainage plan be submitted to the Executive Director for written review and approval. Said plan shall document that any runoff from impervious surfaces that is discharged into the environmentally sensitive areas be discharged at a non-erosive velocity (less than five feet per cubic second) to prevent impacts to biologically sensitive resources. In addition the plans should include the placement of oil/sediment traps or other filtering device at the top of the proposed drains and spillways before the water discharges into the drainage ditch and that such devices are cleaned at least once a year in order to ensure good water quality before discharging into the drainage ditch which leads to the bay. As conditioned for submittal of a drainage plan to this effect, the Commission finds the project consistent with applicable Chapter 3 policies and provisions of the certified LCP.

4. Visual Resources. Section 30251 states, in part, that new development shall be visually compatible with the character of the surrounding community. In the subject proposal, surrounding uses include an industrial park to the north, a salt extraction company and adjacent salt ponds to the south and west, and additional industrial uses coupled with retail development to the east. As such, the proposed industrial building can be found compatible with the character of the surrounding area. In addition, the applicant proposes to install wall signage on the proposed structure, which is consistent with the certified County South Bay Islands LCP. The applicant has submitted a conceptual landscape plan for the proposed development which indicates the planting of vegetation to the west and south of the building and throughout the proposed parking lot. However, due to the presence of sensitive bird species in the area, as noted in the first permit approved for the subject site, it was a requirement that no noxious plants or plants that attracted predators be installed on the site. The subject project is thus conditioned to include a requirement which mirrors the original condition of approval pertaining to landscaping. Special Condition #4 will assure the site is appropriately landscaped for purposes of protecting both visual resources and nearby environmentally sensitive habitat areas. In addition, said plan shall be reviewed by the Executive Director, in consultation with the Department of Fish and Game and shall contain appropriate plant materials for the site which are not noxious, and do not attract predators. As such, the proposal can be found consistent with Section 30251.

5. 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, only as conditioned, can such a finding be made.

The subject site was previously in the County of San Diego's County Islands Segment Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Chula Vista as a result of the Montgomery Annexation. While the City of Chula Vista has not yet taken such action, it is assumed that eventually the City's certified LCP will be amended to include this area.

Although the certified County Islands LCP no longer serves as the valid LCP for the area, the issues regarding protection of coastal resources in the area contained in the County Islands LUP and Implementing Ordinances as well as the City of Chula Vista certified LCP will be utilized by the Commission for guidance in review of development proposals in this area. As noted in the findings of this staff report, the Commission has found that since this particular site is impacted by the adjacent access road and the applicant is proposing to construct a wall between the development and the drainage ditch/habitat area, a less than 100-foot wide buffer would be adequate in this case. However, this action should not be considered a precedent for other development in the future in the South Bay area which may be located in close proximity to wetlands and other environmentally sensitive areas. As conditioned, the subject development can be found consistent with all applicable Chapter 3 policies of the Coastal Act and project approval should not prejudice the ability of the City of Chula Vista to complete a certifiable LCP for this area.

6. Consistency with the 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)(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.

The proposed project has been conditioned in order to be found consistent with the biological, visual resource and hydrology policies of the Coastal Act. Mitigation measures, including conditions addressing extension of a buffer wall, timing of construction to avoid impacts to sensitive bird species, drainage and landscaping, 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.

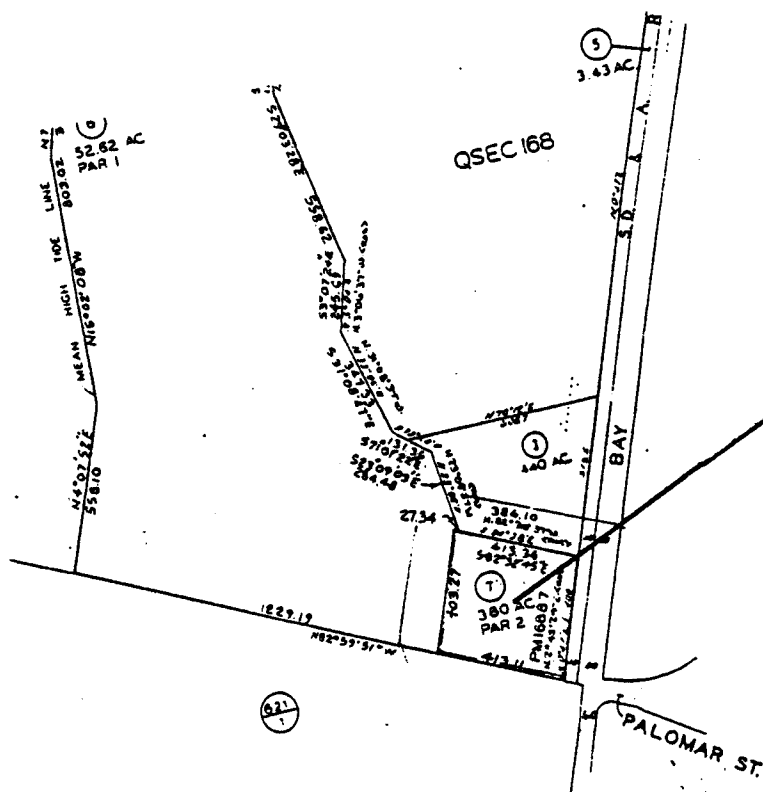
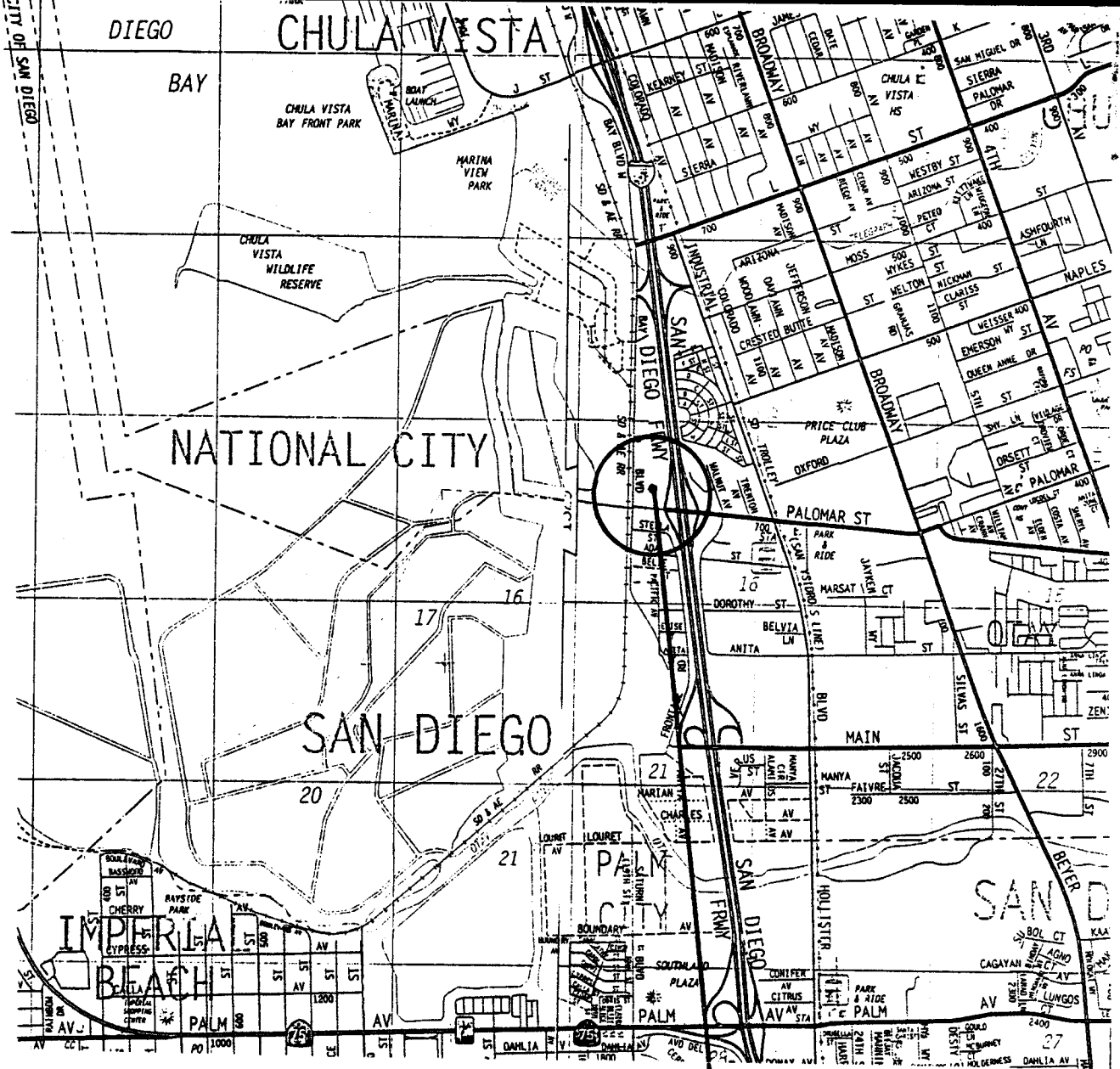
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

(6011R)



SITE

EXHIBIT NO. 1
APPLICATION NO. 6-96-11
Location Maps
California Coastal Commission

6-96-11

RECEIVED

JAN 31 1995

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT**PROJECT DATA****LEGAL DESCRIPTION**

Being in the City of Chula Vista, CA, County of San Diego, State of California, more particularly described as a portion of Quarter Section 168 of Rancho de la Nacion according to Map thereof No. 166 recorded in the office of the Recorder of said County of San Diego, on May 11, 1869.

PROJECT ADDRESS

1150 Bay Boulevard, Chula Vista, CA 91911

ASSESSOR'S PARCEL NUMBER

617-011-08

ZONE

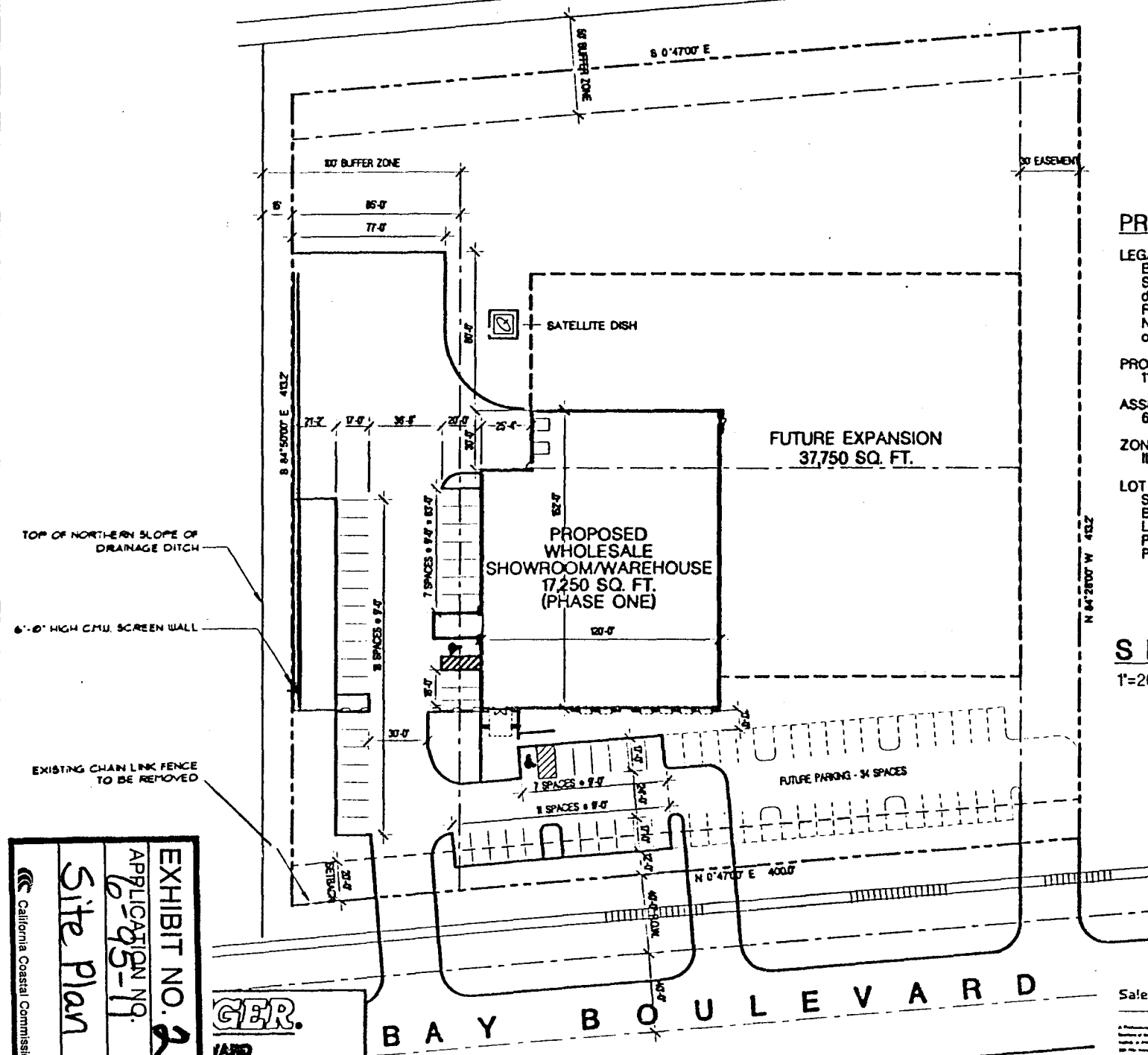
ILP

LOT COVERAGE

Site Area:	165,525 s.f. (3.8 ac)
Building Coverage:	17,250 s.f. 10%
Landscape Coverage:	118,500 s.f. 72%
Paving Coverage:	28,775 s.f. 18%
Parking:	46 SPACES

SITE PLAN

1"=20'-0"



GER.
LAND
L.P.C.D.B.A.

EXHIBIT NO. 2

APPLICATION NO.

6-95-11

Site Plan

California Coastal Commission

Salerno/Livingston Architects

A Professional Architect
Member of the American
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