

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: EL-SD
Staff Report: November 17, 1998
Hearing Date: December 8-10, 1998

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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-88-591-A1

Applicant: Scripps Wateridge Associates Agent: Steve Ziegler

Original Description: Construction of site improvements and three two-story, 34 ft. high commercial/industrial buildings (151,155 sq.ft. total) on a vacant site. Project includes approximately 38,800 cubic yards of balanced grading on-site.

Proposed Amendment: Construction of a redesigned Building C, increasing from a two-story, 34 ft. high, approximately 26,000 sq.ft. building to a three-story, 51 ft. high, 49,808 sq.ft. building, and construction of a one-story, 57,750 sq.ft. parking deck above a portion of an existing surface parking lot.

Site: Northwest corner of Lusk Boulevard and Telesis Court, North City, San Diego, San Diego County. APN 341-351-03 to -06

Substantive File Documents: Certified Mira Mesa Community Plan and City of San Diego LCP Implementing Ordinances; CCC Permits #F9039; 6-88-425

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff recommends approval of the proposed amendment, which will result in approximately 20,000 additional square feet of commercial/industrial use and approximately 100 additional parking spaces over what was approved in the original permit. Potential Coastal Act concerns are the protection of downstream biological resources and visual resources; the following findings demonstrate that the proposed development will not result in visual impacts. Special conditions address the payment of Los Penasquitos Lagoon Enhancement fees for new impervious surfaces.

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. Special Conditions.

The permit is subject to the following conditions:

1. Lagoon Enhancement Fund. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall enter into an agreement, suitable in form and content to the Executive Director, binding the applicant and all successors in interest to participate in a lagoon enhancement fund to aid in the restoration of Los Penasquitos Lagoon. Said agreement shall consist of an irrevocable letter of credit, an escrow account or similar account in an amount equal to three cents per square foot of new impervious surface (buildings and paving) created by this project.

Any funds shall be executed in a manner that allows use of the funds by the Coastal Conservancy, the Wildlife Conservation Board, the Department of Fish and Game or the City of San Diego. No such use of funds shall occur unless and until the Executive Director certifies that the funds are proposed for a bona fide Los Penasquitos enhancement activity. Examples of "bona fide enhancement" activities shall include, but not be limited to, the development of a lagoon restoration plan, the preparation of background technical studies for the development of the plan, the implementation of the plan and stewardship and management following implementation of the plan.

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

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History. The Commission has addressed the project site twice prior to the subject amendment request. On June 20, 1980, the Commission approved the subdivision of 109 acres into 27 lots for future development of business and industrial uses. The subdivision approval included approximately 800,000 cu.yds. of balanced

grading to create building pads, construct roads and install utilities. Most of the subdivision is located outside the coastal zone.

On February 10, 1989, the Commission approved the construction of three, two-story commercial/industrial buildings, totaling 151,155 sq.ft., and surface parking for 562 vehicles on six of the lots created in the subdivision (the site subject to this amendment). Two of the buildings (Buildings A and B) were constructed several years ago, vesting the permit. Also, the surface parking area was paved pursuant to that permit. Presently, the unimproved remainder of the site, where the third building is currently proposed, is used for informal surface parking.

2. Proposed Amendment. The original permit for buildout of this site, which is located in the Mira Mesa community of the City of San Diego's North City LCP segment, called for Building C to be a triangular-shaped, two-story, 34 ft. high, approximately 26,000 sq.ft. structure situated to the west of Buildings A and B. The applicant is now proposing a roughly-rectangular, three-story, 51 ft. high, 49,808 sq.ft. building to be sited within the area graded under the prior approval, although extending beyond the pad initially created for Building C. The proposed development would increase the commercial/industrial square footage by 22,506 sq.ft. over what was approved in the original permit.

In addition, the applicant is proposing construction of a parking deck over a portion of the existing surface parking lot. The original proposal included 562 parking spaces; however, that project was not fully built out and 463 parking spaces currently exist on-site. With construction of proposed Building C and construction of the proposed parking deck, a total of 679 parking spaces will be provided.

Portions of the development site are located within the City's coastal development permit jurisdiction under its certified LCP and portions are in an area of deferred certification where the Coastal Commission retains permit authority until the local planning process is complete. The proposed modifications to the original permit would occur in both jurisdictions. However, amendments to active Commission-approved coastal development permits are issued by the Coastal Commission, with Chapter 3 policies of the Coastal Act being the standard of review.

The recorded final map for the Wateridge subdivision included a number of small parcels, which were intended to represent the footprints of future buildings. The proposed Building C will be located partially on a triangular-shaped parcel (Lot 2) and partially on a larger "remainder" parcel (Lot 1) of the site. Likewise, the two existing buildings were approved and constructed partially on the small, hexagonal-shaped Lots 4, 5 and 6 of the original subdivision and partially on the larger Lot 3 (see site maps attached as Exhibit #1). Conversations with the applicant and City indicate that no lot merger is precipitated by permitting buildings to be constructed across these existing lot lines. The applicant should be aware, however, that, should the City ultimately determine that a lot consolidation, parcel map or other similar discretionary approval is required, such an action would also require a coastal development permit or permits from any and all agencies having coastal development permit jurisdiction over the site at that time.

3. Marine Resources/Los Penasquitos Lagoon Enhancement Fund. The following sections of the Coastal Act are most applicable to the proposed development:

Section 30230.

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231.

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.

The project site is located in northern Mira Mesa, along the southern rim of Lopez Canyon, a portion of Los Penasquitos Canyon Preserve. Drainage from the entire site (whether directed northwards into the Preserve or southwards and westwards into the existing municipal storm drain system) eventually reaches the downstream marine resources of Los Penasquitos Lagoon. Even with proper project design to minimize erosion and runoff impacts, development will have some degree of adverse effects on Los Penasquitos Lagoon. As noted in other permits (e.g. 6-82-100, Genstar; 6-82-106-A, Fieldstone; 6-83-13, Baldwin; A-69-81, Village Properties; and, 6-82-182, Lusk-Smith/Mira Mesa North), in the original approval of this permit, and in the findings of the predecessor Regional Commission to deny the North City Land Use Plan, development will increase the amount and rate of runoff; and, will increase the amount of urban pollutants in runoff. In addition, even with controls over the rate of runoff, a greater net volume of runoff will result because less water will percolate into the ground. The combined result will provide the potential for a substantial increase in sedimentation.

Some degree of the major causative factor in increased runoff and pollutants is the establishment of impervious surfaces. Such areas cause runoff to enter streams more rapidly, and the runoff contains increased pollutant loads particularly from such areas as parking lots. Both size of graded area and area of impervious surface are considerations important in commercial projects where grading is most often more extensive (to create large pad areas) and where impervious surfaces (for parking) are usually necessary. The Commission finds that it is appropriate to assess a fee to mitigate these short and long-range impacts. The fee would be based upon one-half cent per square foot of site surface area disturbed by grading and three cents per square foot of ultimate

impervious surface area. The smaller fee (grading) is for the shorter-term impacts before the site is revegetated or built upon; and, the larger fee (impervious surfaces) is for the longer-term impacts of annual rainfall on permanently hardened surfaces. The Commission finds that the fee is a reasonable condition that mitigates the actual effects of grading of undisturbed areas or previously disturbed, but stabilized, sites.

In this particular case, the applicant has already paid the short-term (grading) fee in conjunction with the original permit approval. The proposed amendment will not extend development into any areas that have not been previously graded. Thus, the one-half cent per square foot of site surface area disturbed by grading does not apply to the subject amendment. Furthermore, the applicant has already paid the fee for impervious surfaces for the building footprint approved in the original permit. Special Condition #1 requires payment of three cents per square foot of ultimate impervious surface area. Since a fee was paid initially for the previously-approved, triangular-shaped building, the applicant is only required herein to pay the difference between that footprint and the footprint currently proposed. With imposition of the mitigation fee, the Commission finds the proposed amendment will not adversely impact the Lagoon, and is thus consistent with the cited marine resource protection policies of the Coastal Act.

4. Visual Resources. Section 30251 of the Coastal Act addresses the protection and enhancement of scenic resources, and states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed permit amendment represents final buildout of a site located north of Lusk Boulevard in the Mira Mesa Community of the City of San Diego. The Los Penasquitos Canyon Preserve is north of the project site, which is situated on a mesa top overlooking Lopez Canyon, a part of the Preserve. Conditions of the original subdivision preserved slope areas in open space and established building setbacks and design restrictions to protect views from the streambed in the canyon floor. The subject proposal is consistent with those restrictions and includes a landscaping plan designed to enhance views of the site, both from nearby local streets and from more distant areas, such as the I-805 corridor. In addition, the permitted landform alteration that has occurred, both on-site and on adjacent properties, along with the construction of buildings of up to seven stories on adjacent sites, further assures that, even though the proposed building is 17 feet taller than the building previously approved in this location, it will not be visually prominent from any area of the Preserve. Therefore, the Commission finds the proposed amendment consistent with Section 30251 of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) requires that a coastal development permit amendment shall be issued only if the Commission finds that the permitted development, as amended, 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 for the proposed permit amendment, as conditioned.

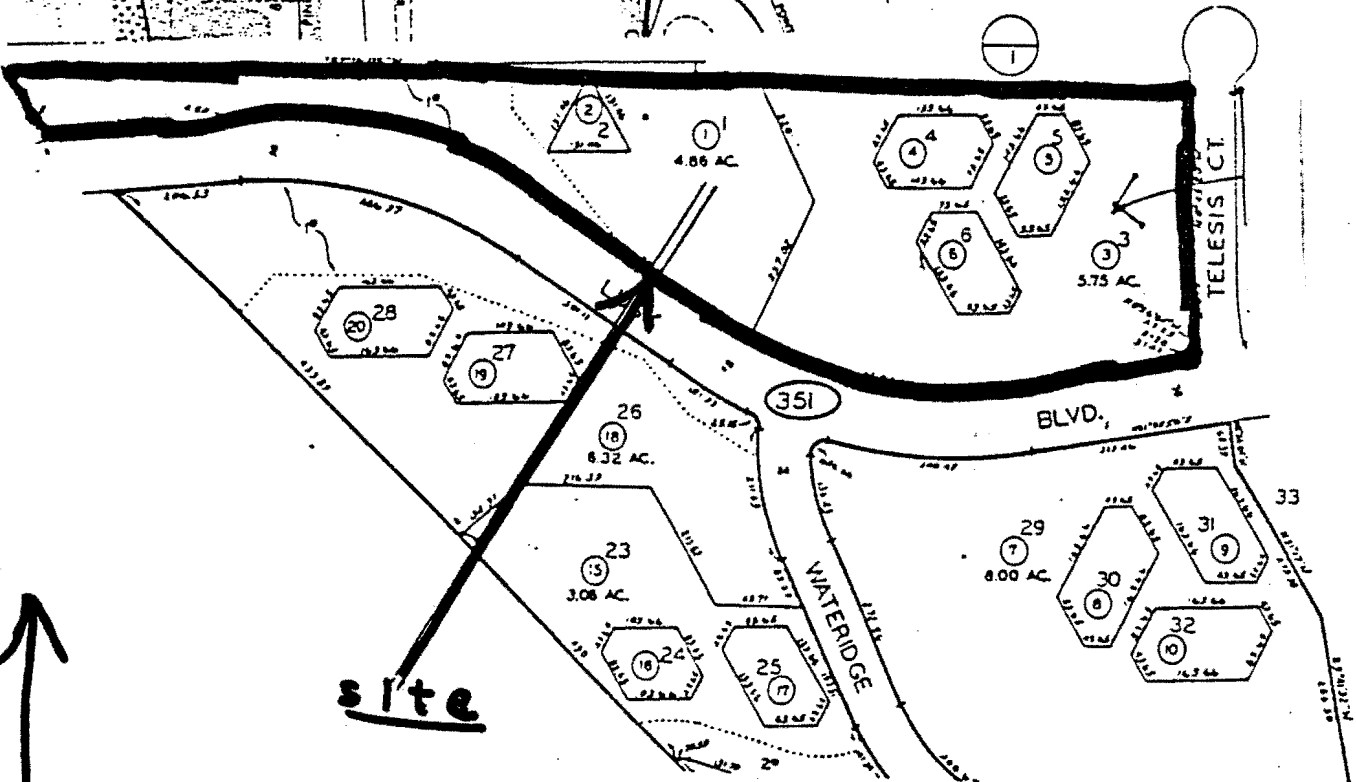
The City of San Diego has a certified LCP and issues its own coastal development permits for most of its coastal zone areas. A few areas within the City remain that have not been fully planned and, as such, certification is deferred in those areas. The Los Penasquitos Canyon Preserve is such an area, and portions of the subject site are within the greater preserve planning area.

The proposed amendment is consistent with the existing M-1-B Zone and Industrial land use designation applied to the site by the certified LCP. It has also been found consistent, as conditioned, with all applicable Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed amendment, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its certified LCP and complete planning for the Los Penasquitos Canyon Preserve.

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, or permit amendments, to be supported by a finding showing the permit, as amended, 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.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the marine and visual resource policies of the Coastal Act. 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 project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

6-88-591-A1



Location Maps
California Coastal Commission

6-88-591-A

Proposed
Building C

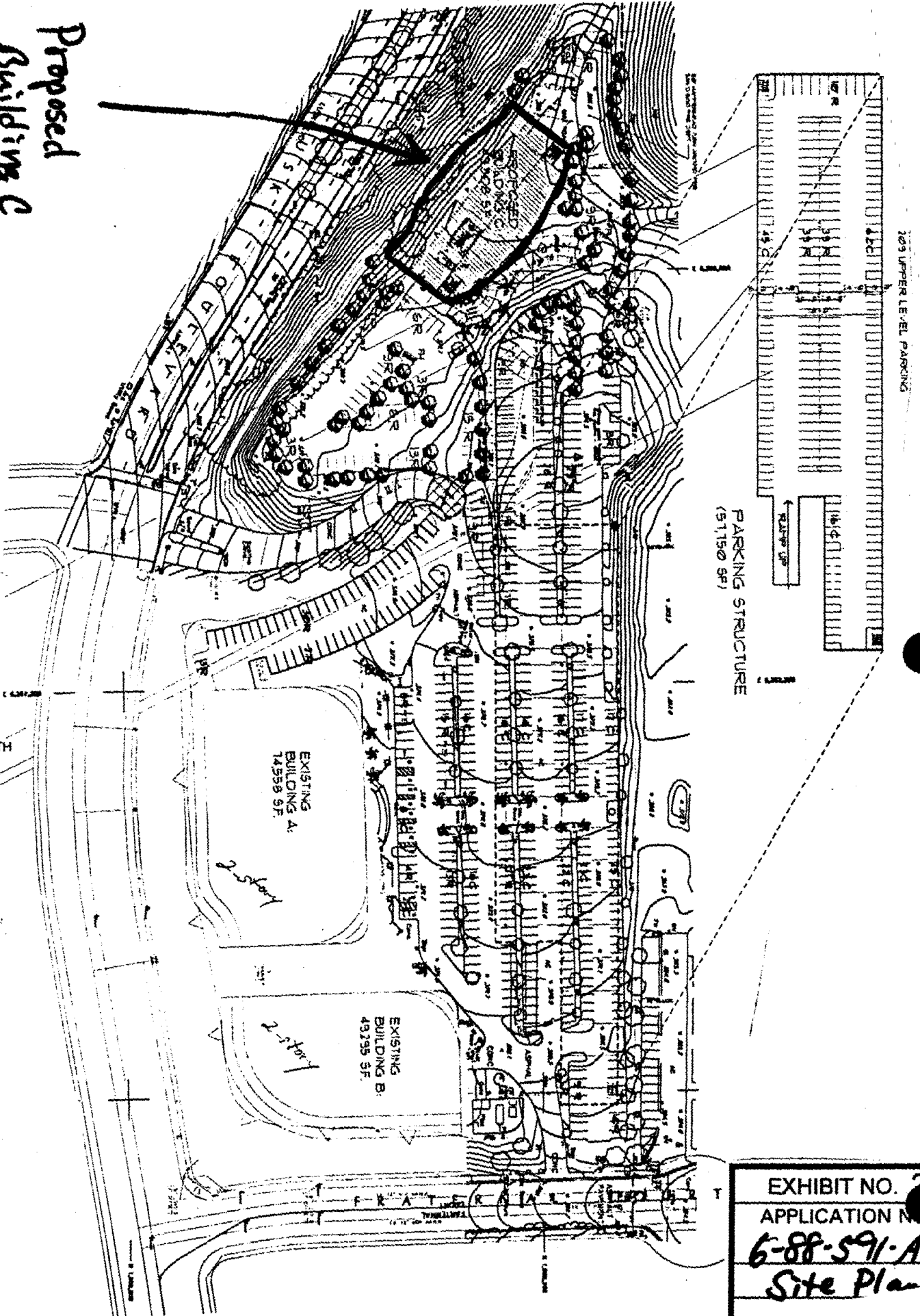


EXHIBIT NO. 2

APPLICATION NO.

6-88-591-A1

Site Plan