

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
 3111 CAMINO DEL RIO NORTH, SUITE 200  
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 Staff: EL-SD  
 Staff Report: January 14, 1998  
 Hearing Date: February 3-6, 1998

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

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Application No.: 6-97-161

Applicant: Pier 1 Imports

Agent: Mark Linman

Description: Demolition of an existing 7,000 sq. ft. Pier 1 retail store and construction of a 9,335 sq. ft. Pier 1 retail store and associated reconfiguration of parking and landscaping within an existing shopping center. No grading is proposed.

Lot Area	43,366 sq. ft.
Building Coverage	9,335 sq. ft. (22%)
Pavement Coverage	25,731 sq. ft. (59%)
Landscape Coverage	8,300 sq. ft. (19%)
Parking Spaces	47
Zoning	CA
Plan Designation	Regional Shopping Center
Ht abv fin grade	25 feet

Site: 2671 Via de la Valle, North City, San Diego, San Diego County.  
 APN 298-490-33

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

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval with special conditions requiring a final landscaping plan, final plans for parking lot and building facade lighting and a signage program. Potential issues raised by the project include proximity to wetlands and visual impacts; staff believes all issues are resolved herein, and the applicant is in agreement with the recommendation.

PRELIMINARY 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. 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 native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on the compatibility of selected species with the nearby wetland resources and screening of the southern building facade. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service.

The permittee shall undertake the development in accordance with the approved landscaping plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. Parking Lot and Facade Lighting. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval final plans for parking lot and building facade lighting. Said plans shall document that all lights shall be shielded and directed away from the adjacent wetlands.

The permittee shall undertake the development in accordance with the approved lighting plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

3. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval a comprehensive sign program for the subject development, which shall reflect the following provisions:

- Only monument signs, not to exceed eight (8) feet in height, or facade signs are permitted.
- No tall, free-standing pole or roof signs shall be allowed.

The permittee shall undertake the development in accordance with the approved signage plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant is proposing to rebuild and expand an existing retail outlet located on an approximately one-acre leasehold within an existing, approximately seventeen-acre shopping center. Proposed is the demolition of 7,000 sq.ft. of retail space and the construction of 9,335 sq.ft. of new retail space in the same general location within the overall leasehold. The current building footprint will be extended five feet towards the south and thirty feet towards the west to accommodate the expanded floor area. The project also includes the reconfiguration of the existing parking layout, including an increase in parking spaces from 39 to 47 and installation of landscaping along the leasehold perimeters and within the parking areas.

The specific leasehold, and shopping center as a whole, currently drains into the municipal storm drain system in Via de La Valle. This will continue with the proposed project, with new catch basins and swales in the reconfigured leasehold to direct all surface flow into the existing system. No surface waters drain from the site into nearby sensitive habitat areas.

2. Environmentally Sensitive Habitats. Section 30240 of the Coastal Act provides for the protection of environmentally sensitive habitat areas and requires that development in adjacent areas be sited and designed to prevent impacts which could degrade sensitive areas and be compatible with the continuance of such habitat areas. The site is located in the southeast quadrant of the I-5/Via de la Valle interchange, approximately a quarter-mile north of the San Dieguito River channel. There is existing salt marsh habitat to the south of the site, between it and the river, and also to the west in an existing drainage channel separating the shopping center from the improved I-5 right-of-way. The northbound off-ramp from I-5 to Via de la Valle runs immediately west of the drainage channel. The site is over one mile from the coast, so the property was not included in the original 1,000-foot coastal zone established in 1972, but was included in the expanded coastal zone boundaries after passage of the Coastal Act in 1976.

The existing shopping center was constructed on filled tidelands during the early 1970's, prior to the area's inclusion in the coastal zone. The flat graded pad supporting nine buildings, which accommodate numerous retail stores

and fast-food outlets, is enclosed on the west and south by perimeter fencing separating it from adjacent sensitive habitat areas. Furthermore, there is an approximate ten-foot elevational difference between the shopping center, which is at approximate elevation 22, and the wetlands, which are at 10 or 11 feet above mean sea level. Along the southern side, there is also an existing dirt road at the toe of the manufactured slope. This is approximately ten feet wide and provides an additional buffer between the existing urban uses and the habitat area. Tidal action does extend this far east within the river channel to the south, and the channel itself changed course in the past such that, at one time, it flowed further north than the present river course. This fact, as well as occasional flooding, probably accounts for the perseverance of salt marsh vegetation in the surrounding wetlands.

The subject leasehold is located in the southwest corner of the shopping center and is thus adjacent to wetlands on two sides. However, the proposed development will all occur within the existing improved building pad, with no grading proposed herein. Moreover, no modifications to the existing perimeter fencing or manufactured slope separating the pad from the wetlands is proposed. Thus, the existing urban use (shopping center) will not be extended any closer to the wetlands than currently exists, even though the uses within this particular leasehold will be reconfigured. In this instance, the existing buffer, constituted by the manufactured slopes of the pad for the existing shopping center, will not change; no further encroachment beyond the existing pad is proposed.

Because of the site's proximity to wetlands, however, two issues are raised by the proposed development. It is critical that the landscaping plan be compatible with the nearby habitat, and not include any species which could invade the natural area or degrade the wetlands. The plan submitted with the application is conceptual only and offers suggestions of possible plants to be used. Therefore, Special Condition #1 requires submittal of a final landscaping plan, which will be reviewed in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service to assure that only appropriate plant materials are approved and installed. The second concern is to prevent excessive light from being directed into the wetlands, as this can divert and displace wildlife species. Special Condition #2 requires that all parking lot lighting and building facade lights be shielded and directed away from the wetlands.

In summary, although this site is adjacent to wetlands, and might itself be a wetland had it not been developed, it was committed to urban uses long before coastal regulations applied to the area. Even though the proximity of development to wetlands is much closer than would be permitted in a newly-developing area, a buffer is provided by the existing fence, manufactured slope and dirt road. The proposed development does not modify the existing buffer and continues the same type of retail use that has been in existence for many years on this site. The special conditions protect the wetlands from invasive species and intrusive lighting. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30240 of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal areas and for the compatibility of new and existing development. The shopping center is very visible when approaching Via de la Valle along northbound I-5, and can be seen from across the river valley on this approach. The proposed reconstruction of the existing Pier 1 retail store is designed to be compatible with the other structures in the existing shopping center. It will be one-story in height and will not be significantly different when viewed from I-5 than the existing structure, although it will be approximately one-third larger than the existing store. Although the shopping center fronts on Via de la Valle, a major coastal access route, this particular leasehold is at the southern end of the shopping center and the Pier 1 store itself cannot readily be seen from that road.

The subject leasehold is not now landscaped, with the exception of a few trees along the edge of the existing parking lot. There is a large, partially-paved (and partially-trellised) area west and south of the existing structure, which may have been used for outdoor displays during previous leases, but which is now vacant. The proposed redevelopment of the site will extend the current building footprint approximately thirty feet westward, into this vacant area, and will include a driveway and parking strip west of the new building. The conceptual landscaping plan includes a combination of trees, shrubs and groundcovers and will cover an approximately twenty-foot-wide strip along the southern building facade, approximately ten-foot-wide strips along the western building facade and along the western and northern leasehold perimeters, and a couple planter areas within the parking lot. A condition is included for a final landscaping plan to assure that chosen species are compatible with the adjacent wetlands, as addressed in the previous finding, and that the southern building facade be adequately screened, since this is the elevation most visible from I-5.

Signage is always a concern in any commercial development. In this particular case, the applicant is not proposing any free-standing signs; the preliminary plans indicate there will be facade signage on the northern, western and southern building facades. Special Condition #3 reiterates that signage must be limited to monument or facade signs and requires submittal of a final sign program in compliance with these parameters. With the special conditions, the Commission finds the proposed development consistent with Section 30251 of the Act.

4. 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. As conditioned, such a finding can be made for the subject development.

The subject site is zoned CA and designated for regional shopping in the certified North City LCP Land Use Plan. The proposal is consistent with these designations and required no local discretionary approvals or environmental review. Although the City has a fully-certified LCP and issues its own coastal development permits in most areas, this site, being filled tidelands,

remains in the Coastal Commission's original permit jurisdiction. Thus, Chapter 3 policies of the Coastal Act are the standard of review for any development proposal. As noted herein, the Commission has found the development, as conditioned, consistent with all applicable Chapter 3 policies. Therefore, the Commission finds that approval of the development, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its certified LCP.

5. 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 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, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the environmentally-sensitive habitat 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.

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.

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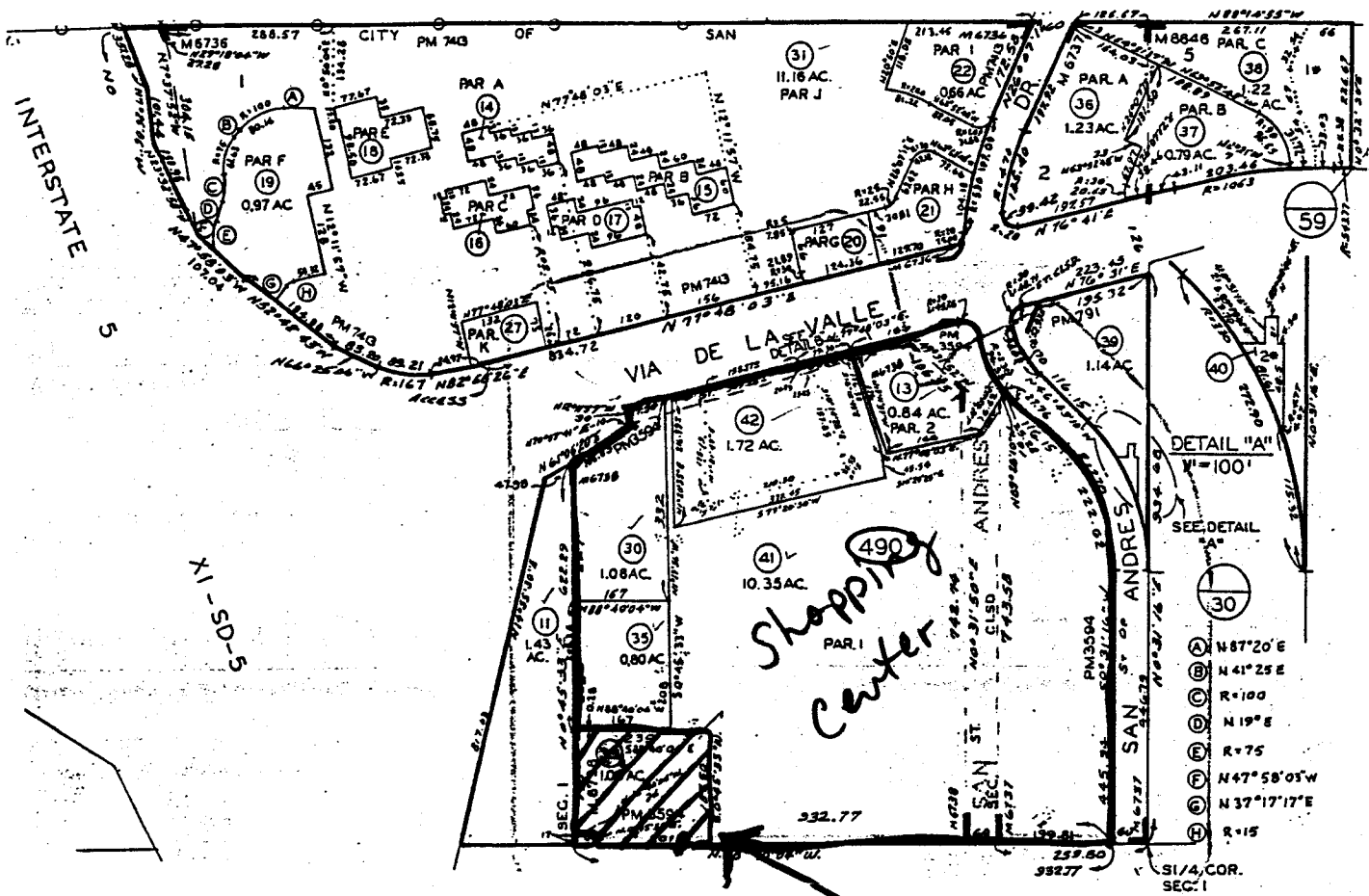


EXHIBIT NO. 1  
 APPLICATION NO.  
 6-97-161  
 Vicinity Maps

California Coastal Commission



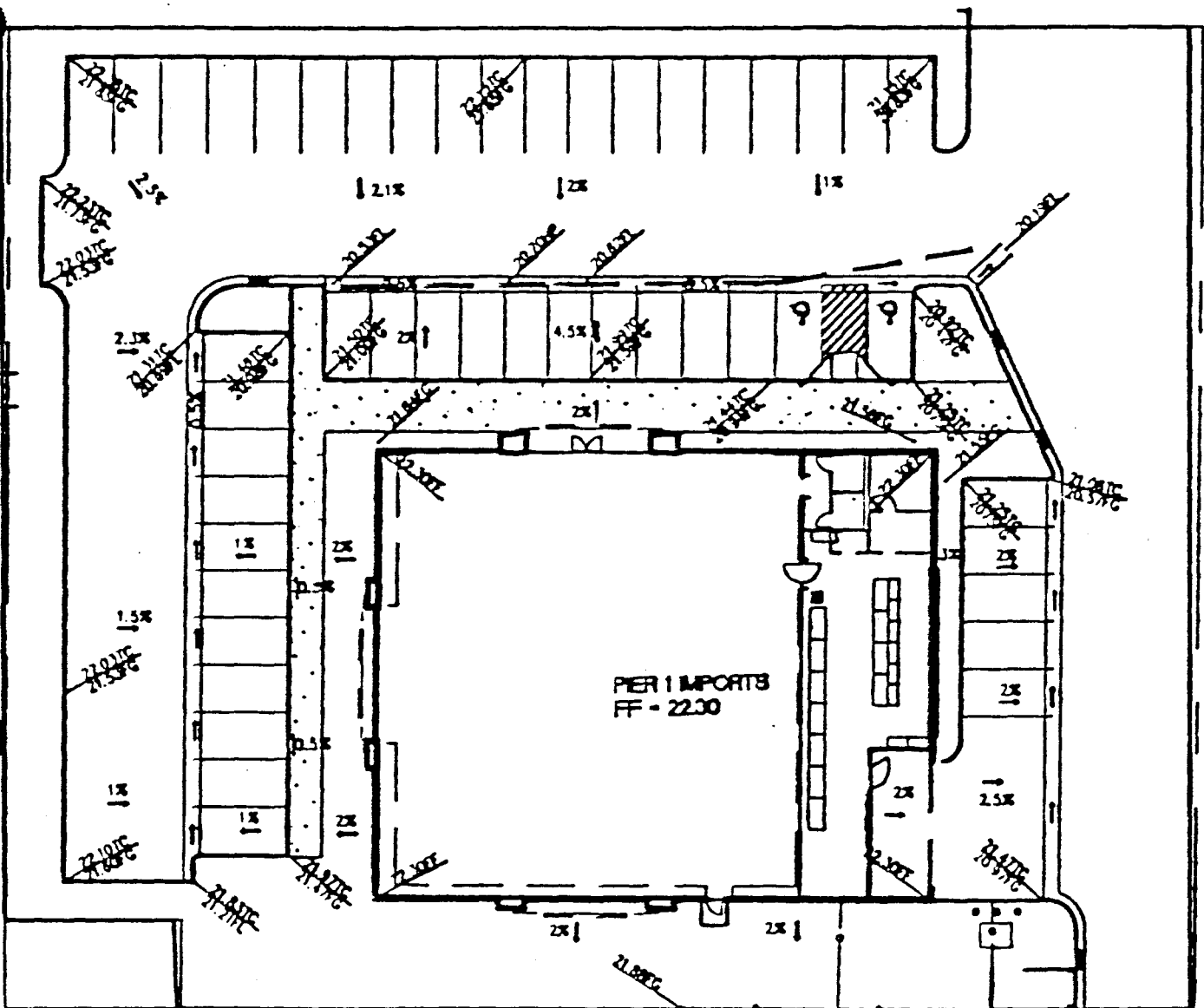


EXHIBIT NO. 2
APPLICATION NO. 6-97-161
Site Plan
California Coastal Commission