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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Tu 22c

Application No.: 6-98-6

Applicant: John Mabee

Agent: Todd Graham

Description: Remodel of an existing 12.54-acre neighborhood shopping center through the demolition of an existing 8,820 sq.ft. retail building and construction of 54,191 sq.ft. of new retail space in three single-story buildings; the new buildings will expand and connect two existing retail buildings for a total of 126,517 sq.ft. of retail space; additional improvements include 500 cu.yds. of balanced grading, reconfiguration of parking areas and landscaping.

Lot Area	546,474 sq. ft.
Building Coverage	126,517 sq. ft. (23%)
Pavement Coverage	299,440 sq. ft. (55%)
Landscape Coverage	120,517 sq. ft. (22%)
Parking Spaces	670
Zoning	CA/SCR
Plan Designation	Commercial
Ht abv fin grade	30 feet

Site: 2707 Via de la Valle, North City, San Diego, San Diego County.
APN 298-490-41

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 water quality/BMP program for parking lot maintenance, 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, stormwater runoff 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. Water Quality/Best Management Practices Program. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval in consultation with the Regional Water Quality Control Board, a Water Quality/Best Management Practices (BMPs) program. The program shall identify the BMPs used to address maintenance and surface runoff from the parking areas, shall include a copy of an approved Statewide General Construction Activity NPDES Permit (State Water Resource Control Board Order No. 92-08 DWQ) for the proposed development and shall incorporate all requirements therein. At a minimum, the required BMPs shall include the following:

- 1) A spill cleanup program which includes daily patrolling of the parking lots by security. The program shall identify the typical response time of the cleanup team, which shall be the minimum time feasible to respond and shall relate to the size and nature of the spill;
- 2) A dry sweeping program which includes, at a minimum, daily sweeping as soon as possible after shopping center closure each day;
- 3) Provision of trash receptacles at the exits of all buildings and within the parking lot.

The water quality/BMP program shall be implemented in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change in the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

2. 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 structures to protect views from I-5 and the river valley. 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.

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.

3. 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 in consultation with the California Department of Fish and Game, 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.

4. 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 identify the size and location of all existing freestanding signs to be retained, and shall reflect the following provisions for new signage:

- 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 a major remodelling and expansion of an existing neighborhood shopping center. The subject legal parcel includes four existing retail buildings; one building (8,820 sq.ft.) will be demolished, and the other three buildings will remain. The applicant proposes to construct 54,191 sq.ft. of new retail space, filling in the area between the existing eastern building, which includes several small retail shops and the existing southern building, which is a supermarket; the southern building will also be expanded westward. The additional retail space will occupy area that is either currently paved for parking or unpaved grass and dirt.

The applicant also proposes reconfiguration of the existing parking areas to accommodate the expanded retail space, and is increasing parking from 478 existing spaces to 670 parking spaces. A conceptual landscaping plan includes both perimeter planting and landscaping within the interior of the shopping center. To level the site for the new construction, 500 cu.yds. of balanced grading is proposed with maximum two-foot cut and fill slopes.

The overall shopping center includes five other existing retail and restaurant buildings; these are on separate legal parcels and no improvements are proposed to any of those buildings in this application. However, the Commission recently approved the demolition and reconstruction of the Pier 1 retail shop in the southwestern part of the shopping center (Coastal Development Permit #6-97-161).

2. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section.30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

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....

The subject site is located adjacent to wetlands and approximately a quarter-mile north of the San Dieguito River. Because the proposed development will result in additional impervious surfaces in the shopping center, both for new structures and to accommodate paved parking for approximately 200 additional vehicles, it can be anticipated that site runoff will increase after project implementation. The applicant has provided plans for the existing and proposed drainage system for the site. The existing system includes eight storm drain outlets from the overall shopping center.

The largest of these outlets drains into the municipal storm drain system in Via de la Valle; that outlet currently accommodates 30.6 cubic feet per second (cfs) of runoff from the shopping center site. Four outlets, totalling 18.1 cfs, drain into an existing box culvert on the east side of the shopping center. This culvert collects runoff from numerous upstream properties and empties into the river valley south of the site at a rate of 308 cfs. Three other small drainpipes exit the manufactured slope on the south side of the site, draining across the adjacent wetlands and into the river.

The entire site has been previously disturbed (graded), although there are a few unpaved areas remaining, including two large squares on either side of the existing supermarket. New structures will be placed on both of these under the subject proposal. No new drainage facilities are proposed, and the overall increase in flows from the redeveloped site is only .5 cfs more than under existing conditions. Of particular concern in the subject proposal, is the manner in which surface runoff from the parking lots is discharged. Although roughly half the shopping center (including those separate parcels which are not part of this application) drains into the existing Via de la Valle street storm drain system, the other half drains into the river valley, either directly or through the municipal box culvert. Therefore, it is appropriate to address the shopping center as a whole in this regard. This issue was not addressed in the previous approval for redevelopment of the Pier 1 retail site, since that particular parcel drains only into the large storm drain feeding into the City's municipal system.

Under Special Condition #1, the applicant is required to identify and implement best management practices (BMPs) to reduce or eliminate polluted runoff from the site. At a minimum, these BMPs are to include regular sweeping of the parking lots to remove debris and a plan for immediate response to any oil or fuel spills in the parking lots, which would be identified by maintenance personnel. An adequate number of trash receptacles must also be on-site to discourage littering by shopping lot patrons or employees. In these ways, potential problems are treated at the source, such that most pollutants never enter the storm water system. In addition, the condition requires that the applicant submit an approved Statewide General Construction Activity NPDES Permit, incorporating all its requirements as part of the program, since the identified redevelopment area is more than five acres in size and thus requires such a permit. This permit will address measures to control erosion and runoff during the construction period of the project. The water quality/BMP program will be reviewed in consultation with the Regional Water Resources Control Board to assure that all requirements of both agencies are met in the program. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

3. 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 the site 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 on six separate legal lots, 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 an approximate elevation of 22 feet, 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 periodic flooding during the winter storm season, probably accounts for the perseverance of salt marsh vegetation in the surrounding wetlands.

The subject parcel is located in the central and southeast area of the shopping center and is thus adjacent to wetlands on the south only (three other parcels separate the subject parcel from the wetlands to the west. However, the proposed development will all occur within the existing improved shopping center, with only 500 cu.yds. of balanced grading proposed herein to smooth over the twelve-and-a-half-acre site for construction. Moreover, no modifications to the existing perimeter fencing or manufactured slopes separating the shopping center from the wetlands are 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 permitted.

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 #2 requires submittal of a final landscaping plan, which will be reviewed in consultation with the California Department of Fish and Game 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 #3 requires that all parking lot lighting and building facade lights be shielded and directed away from the wetlands, with said plans also reviewed in consultation with the California Department of Fish and Game.

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 attached special conditions protect the wetlands from invasive species and intrusive lighting, and assure BMPs to address the quality of runoff. Therefore, the Commission finds the proposed development, as conditioned, consistent with Section 30240 of the Coastal Act.

4. 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 redevelopment of the central and southeastern portions of the site is designed to be compatible with the other structures in the existing shopping center. The new structures will be one-story in height and will not be more prominent when viewed from I-5 than the existing buildings, although structures will occupy a greater portion of the overall area. Although the shopping center fronts on Via de la Valle, a major coastal access route, the buildings along this frontage are not part of the project; thus, the redevelopment area cannot readily be seen from that road.

The shopping center is not now significantly landscaped, with the exception of a few trees along the southern edge of the site. The proposed redevelopment of the site will extend the current building footprint and will include reconfigured parking areas around the new buildings and within the interior of the shopping center. The conceptual landscaping plan includes a combination of trees and shrubs and will cover approximately twenty-two percent of the subject twelve-and-a-half acres. This includes perimeter strips along the southern and eastern edges of the site and rows of trees within the central 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 and eastern building facades 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 has not proposed any free-standing signs; the preliminary plans indicate there will be facade signage on the new structures, similar to that on the existing buildings. Special Condition #4 reiterates that new 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 commercial uses (regional shopping) in the certified North City LCP Land Use Plan. The proposal is consistent with these designations and requires 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 marine resource, 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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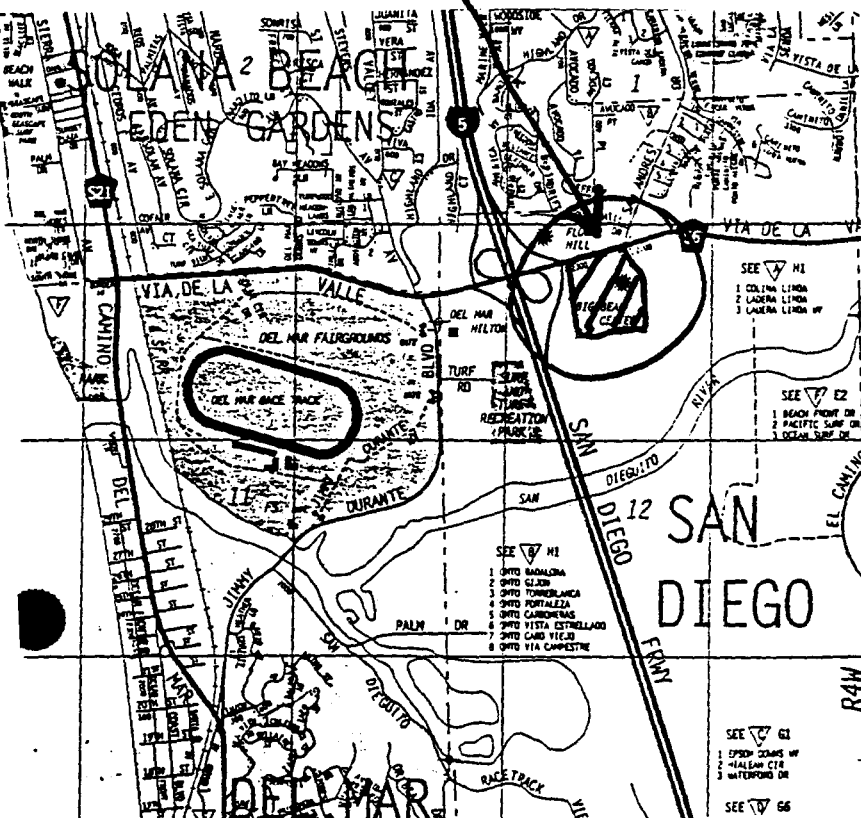
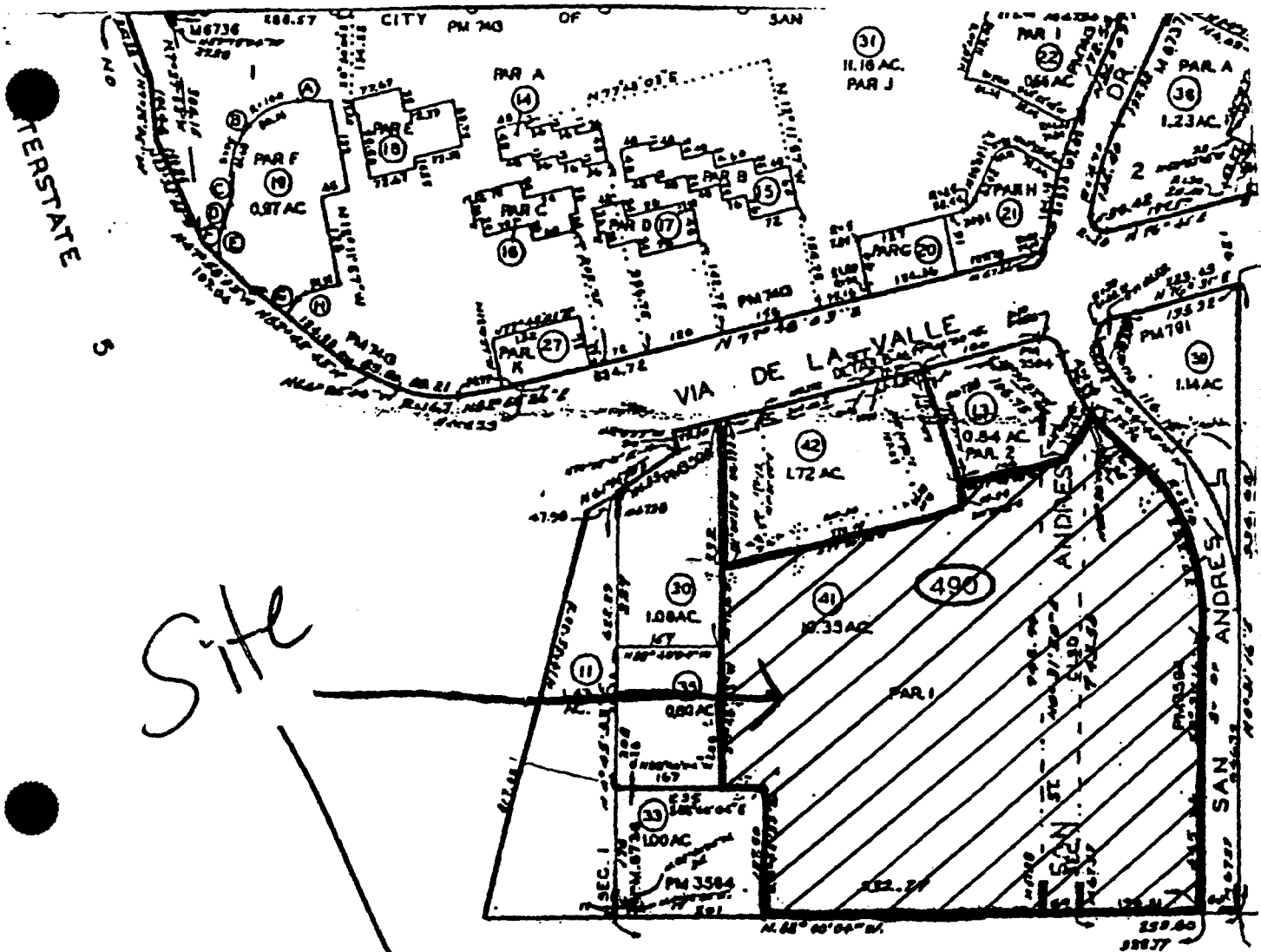


EXHIBIT NO. 1
APPLICATION NO. 6-98-6
Vicinity Maps
California Coastal Commission

6-98-6

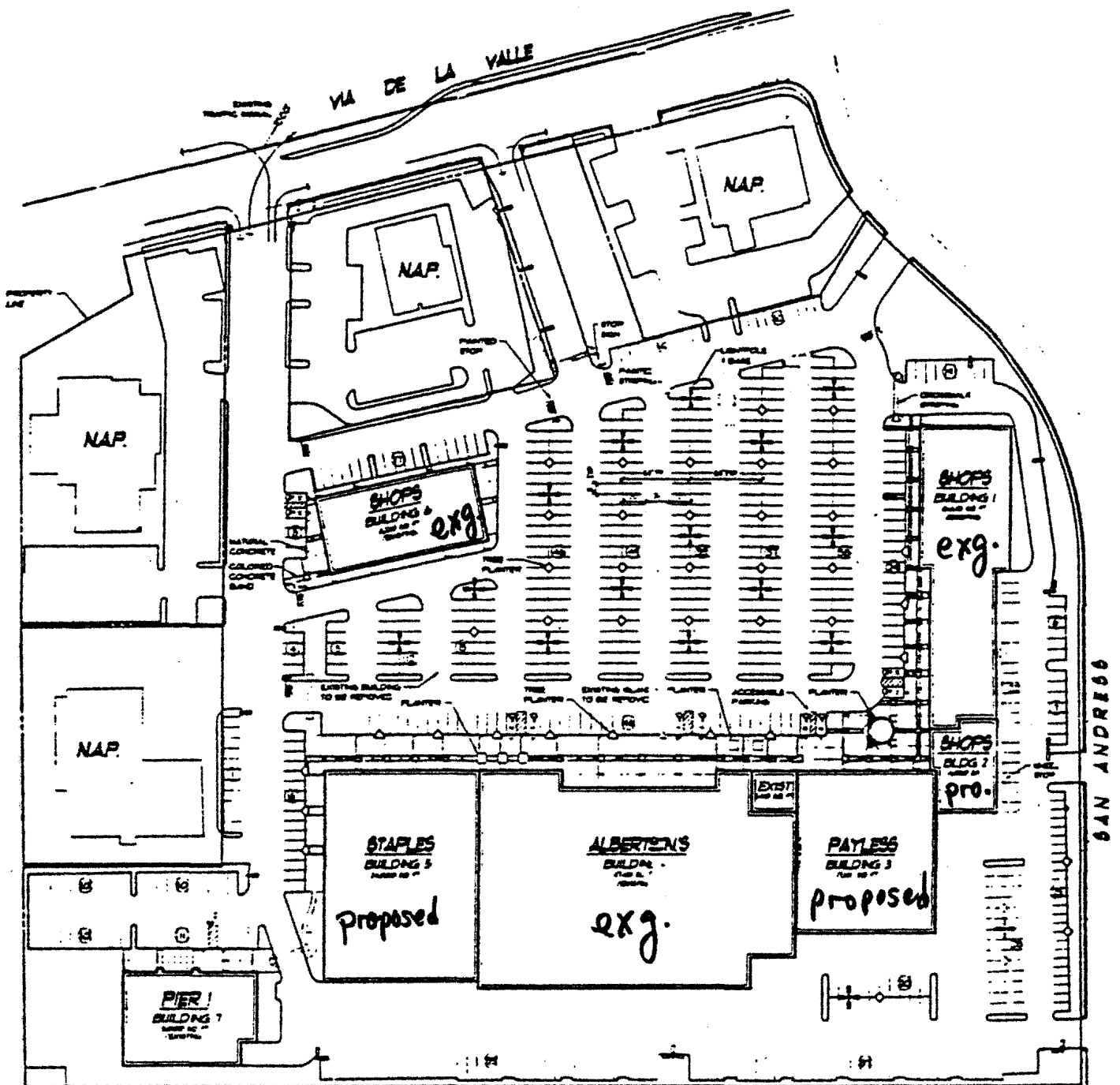


EXHIBIT NO. 2
APPLICATION NO. 6-98-6
Site Plan
California Coastal Commission