

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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 SAN DIEGO, CA 92108-1725
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Th 10d

Staff: LRO-SD
 Staff Report: 9/20/99
 Hearing Date: 10/12-15/99

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-6-A

Applicant: John Mabee

Agent: J. Todd Graham

Original 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

Proposed Amendment: Modification to configuration of the site plan for existing retail/commercial shopping center (resulting in an increase in total building area from 146,706 sq.ft. to 148,767 sq.ft.) as follows: reduce building #5 in size from 24,000 sq.ft. to 14,400 sq.ft.; retain a building formerly proposed to be removed and re-designate it as building #6; re-designate building #6 to #7; and, construct a new building (#8) totaling 5,000 sq.ft. on a 12.54 acre site.

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; CDP #6-98-6; 6-97-161

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project subject to special conditions that address signage and that the previous conditions of approval (which addressed water

quality, landscaping, parking lot and facade lighting and signage) remain in full force and effect.

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. Prior Conditions of Approval. All other terms and conditions of Coastal Development Permit No. 6-98-6 not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Site History/Amendment Description. There have been two past coastal development permits approved for the subject site. The first permit, CDP #6-97-161 was approved on 2/11/98 for the demolition and reconstruction of the Pier 1 retail shop in the southwestern part of the existing shopping center. No other improvements were proposed under that permit for any of the other buildings within the shopping center

The second permit, CDP #6-98-6 was approved on 3/10/98 for major remodeling and expansion of the existing neighborhood shopping center through the demolition of an 8,820 sq.ft. retail building and construction of 54,191 sq.ft. of new retail space in three single-story buildings. The total retail space proposed was 126,517 sq.ft. Additional retail improvements included 500 cu.yds. of balanced grading, reconfiguration of the parking areas including an increase from 478 spaces to 670 spaces and installation of landscaping.

The subject proposal involves an amendment to CDP #6-98-6 for modification to configuration of the site plan for existing retail/commercial shopping center as follows:

reduce building #5 in size from 24,000 sq.ft. to 14,400 sq.ft., retain a building formerly proposed to be removed and re-designate it as building #6, re-designate building #6 to #7, and construct a new building (#8) totaling 5,000 sq.ft. With the proposed modifications, the total building area will increase from 146,706 sq.ft. to 148,767 sq.ft. The subject 12.54 acre site is located just east of Interstate-5 and south of Via de la Valle in the North City area of the City of San Diego. 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 with this application. It should also be noted that the project site is located on the east side of Interstate 5 and is somewhat removed from the nearshore areas where public access would be concern. There is more than adequate on-site parking to serve all of the existing retail and restaurant uses associated with the subject retail/commercial shopping center.

The project site is geographically within the City of San Diego which has a certified LCP. However, the Coastal Commission retains permit authority because the site consists of historic public trust lands (i.e., original jurisdiction). Thus, Chapter 3 policies of the Coastal Act are the standard of review with the City's LCP used as guidance.

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, while elevated, is located adjacent to wetlands and approximately a quarter-mile north of the San Dieguito River. Because the proposed amendment will result in additional impervious surfaces through the construction of a new building in the shopping center (building #8) totalling 5,000 sq.ft, it can be anticipated that site runoff will slightly increase after project implementation. A drainage plan for the entire shopping center was submitted with the original permit application. The information provided in that plan indicated that the existing system includes eight storm drain outlets from the overall shopping center. No new drainage facilities were proposed under the original project and none are proposed now. The overall increase in flows from the redeveloped site in the originally-approved project was only .5 cfs more than under previous conditions. A potential concern with any project that involves surface parking lots is the manner in which surface runoff from the parking lots will be discharged.

As was noted in the findings for the original permit, 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 and the other half drains into the river valley, either directly or through the municipal box culvert. As such, water quality issues associated with the original project were thoroughly addressed in the first permit including the implementation of Best Management Practices as it involved a much more extensive development proposal than the subject amendment. Some of those BMPs included adequate number of trash receptacles must also be on-site to discourage littering by shopping lot patrons or employees, etc. All of the BMPs associated with the original permit are currently in effect and remain unchanged as a result of the proposed amendment. Therefore, 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 adjacent to habitat areas be sited and designed to prevent impacts which could degrade sensitive areas and be compatible with the continuance of such habitat areas. As was noted in the original permit for the proposed amendment, 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 (other parcels separate the subject parcel from the wetlands to the west). The newly proposed structure (building #8) will be located within the existing developed shopping center and is located further north and closer to the Via de la Valle frontage vs. its frontage with the river valley/wetlands to the south. The proposed amendment to construct an additional building and reduce the size of another previously permitted building 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. Therefore, the Commission finds the proposed amendment, 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. However, the proposed addition of a new one-story building, will not be visually prominent from I-5 as views of the structure will be blocked by other existing development in the shopping center. The proposed structure is also located further north and east than the majority of the buildings and closer to the Via de la Valle frontage rather than its frontage with the adjacent wetlands/San Dieguito River to the south. The newly proposed structure will be designed to be compatible with the other structures in the existing shopping center.

The detailed landscaping plan for the newly proposed structure provides for a variety of shrubs and trees to the west and east of the structure. A surface parking lot exists to the north in association with an existing Burger King Restaurant. Signage is always a concern in any commercial development. In this particular case, the applicant has indicated that no free-standing signs are proposed and that only wall signage is proposed similar to that on the existing buildings consistent with the sign program approved for the original development. Therefore, the Commission finds the proposed amendment consistent with Section 30251 of the Act.

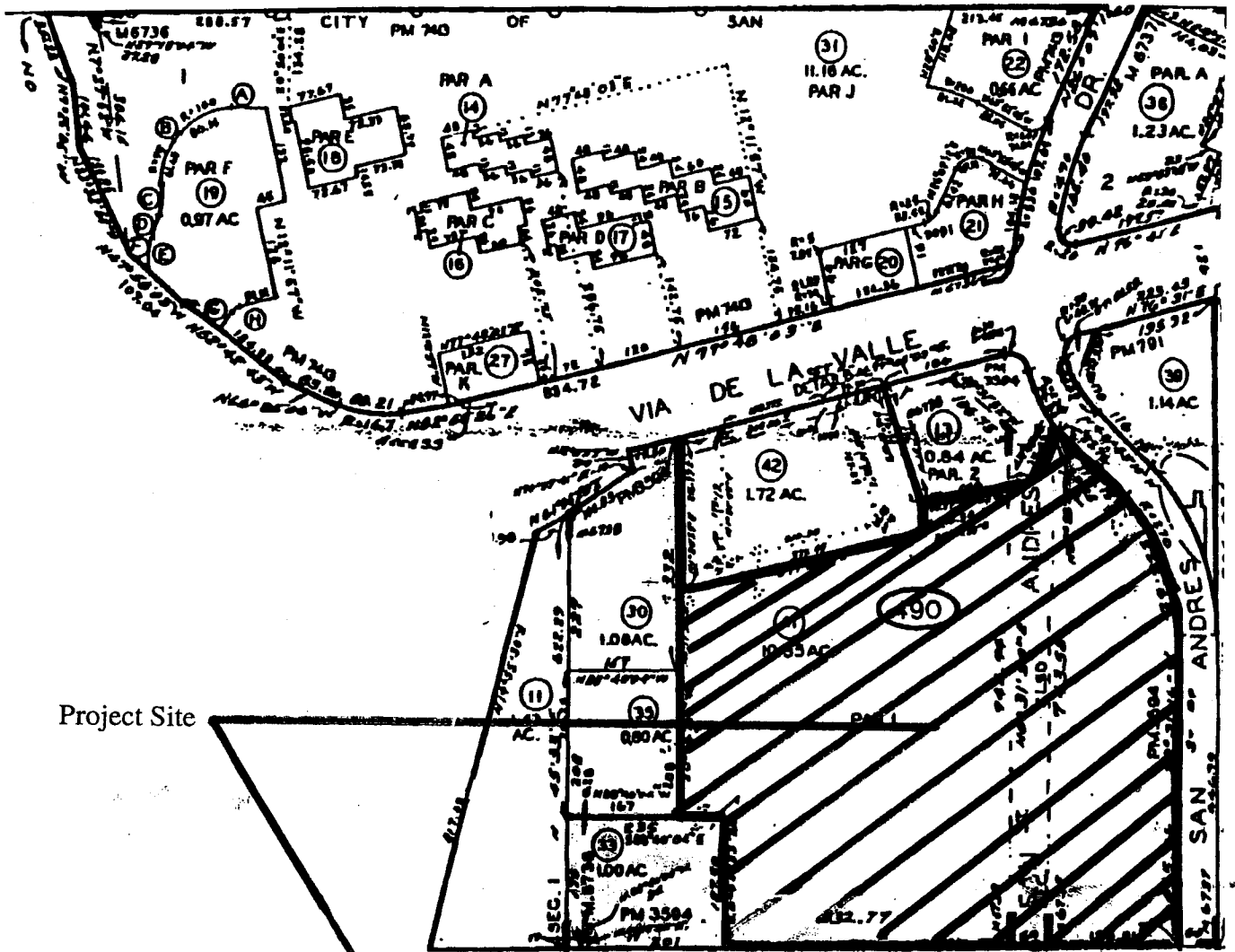
5. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As conditioned, such a finding can be made for the subject amended 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 amended development, as conditioned, consistent with all applicable Chapter 3 policies. Therefore, the Commission finds that approval of the amendment, as conditioned, will not prejudice the ability of the City of San Diego to continue implementation of its certified LCP.

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 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, as conditioned, will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality resource and visual resource policies of the Coastal Act. Mitigation measures, including a conditions that address signage and indicate that the previous conditions of approval remain in full force and effect, will minimize all adverse environmental impacts. As conditioned, 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.

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Project Site

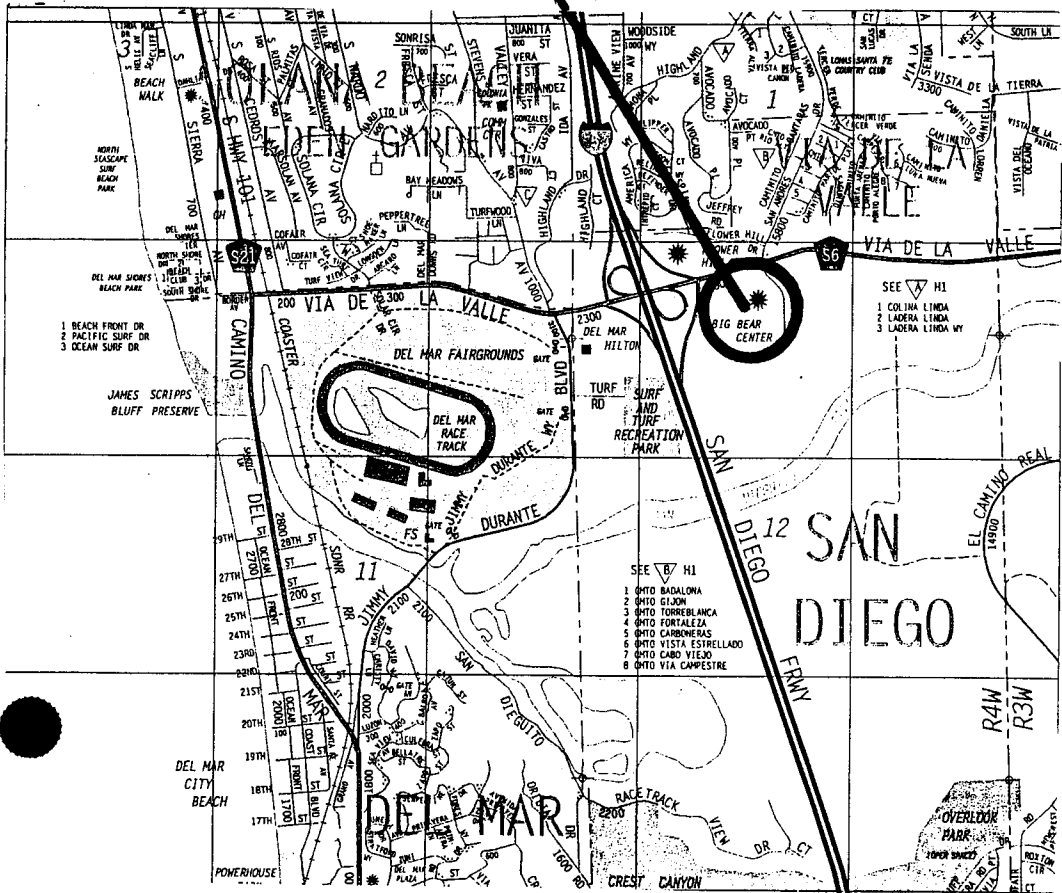
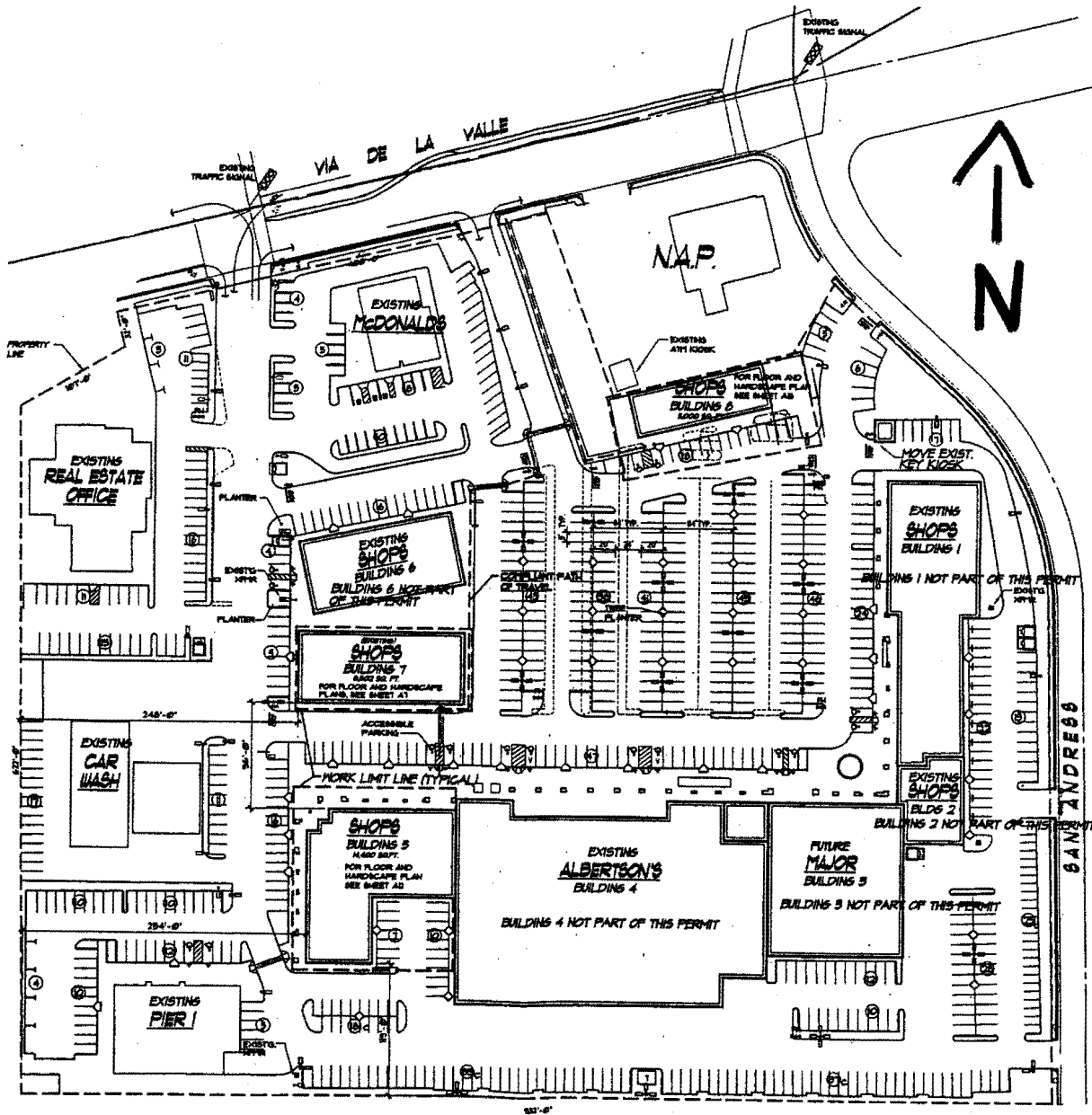


EXHIBIT NO. 1
 APPLICATION NO.
6-98-6-A1
 Location Maps



SITE PLAN

	PROPERTY LINE		TRASH ENCLOSURE/ CONCRETE PAD		PRE-CAST CONC WHEEL STOP		PARKING SHOWN DASHED IS FUTURE (N.C.)		GAS METER
	CENTER LINE		CATCH BASIN/CURB INLET		WHITE PAINTED STOP SIGN LIMIT LINE AND TRAFFIC LINE STRIPS		GAS P.O.C.		WATER METER
	LIMIT OF WORK		PIPE GUARD		PARKING COUNT - STANDARD		WATER P.O.C.		POST INDICATOR VALVE
	BUILDING LINE		ACCESSIBLE PARKING SPACE VAN ACCESSIBLE SPACE INDICATED WITH A 'V'		PARKING COUNT - COMPACT 4" HIGH WHITE TEXT CONTACT		FIRE P.O.C.		FIRE DEPARTMENT CONNECTION
	FUTURE BUILDING LINE		ACCESSIBLE RAMP		BUILDING IDENTIFICATION DESIGNATION		SANITARY SEWER P.O.C.		FIRE RISER
	MATCHLINE		DASHED RAMPS INC.		NO PARKING ZONE		TELEPHONE/ELECTRIC ROOM LOCATION		TREE WELL WITH CURB
	CONCRETE CURB		ACCESSIBLE PARKING SIGN		CURBED LANDSCAPE PLANTERS		ELECTRIC HANDHOLE		POLE LIGHT & BASE
	CONC CURB AND GUTTER		ACCESSIBLE ACCESS SIGN				TRANSFORMER PAD		
	CONCRETE PAVING		STOP SIGN						
	CONCRETE SIDEWALK								
	RIGHT OF WAY								
	REDWOOD HEADER								

LEGEND

EXHIBIT NO. 2
APPLICATION NO.
6-98-6-A1
Site Plan

California Coastal Commission