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San Diego Coast District

CONSENT CALENDAR

Thursday, June 10, 1999

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 619-21-8036



Filed: March 29, 1999
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 Staff Report: May 20, 1999
 Hearing Date: June 7-11, 1999

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-44

Applicant: California Import Auto

Agent: Mike Gilmore

Description: Removal of two existing storage containers totaling 560 sq. ft. and construct an approximately 16 foot-high, 860 sq. ft. steel storage building behind an existing auto repair facility on a 24,302 sq. ft. lot.

Lot Area	24,302 sq. ft.
Building Coverage	7,590 sq. ft. (31 %)
Pavement Coverage	14,822 sq. ft. (61 %)
Unimproved Area	1,890 sq. ft. (8%)
Parking Spaces	23
Zoning	Commercial
Plan Designation	Commercial
Ht abv fin grade	16 feet

Site: 371 North Highway 101, Solana Beach, San Diego County.
 APN 263-304-01

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development 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. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development involves the removal of two existing storage containers totalling approximately 560 sq. ft. and the construction of an approximately 16 foot-high, 860 sq. ft. storage building to support an existing approximately 700 sq. ft. automobile repair facility on a developed 24,302 sq. ft. lot. The subject site also contains an existing surf shop and motorcycle repair facility. The proposed development will be located behind these existing facilities such that the addition will not be visible from Highway 101.

The project site is located on the west side of North Highway 101 at Cliff Street in Solana Beach. The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and while the previously certified County of San Diego LCP is used for guidance by the Commission in this area, Chapter 3 of the Coastal Act is the standard of review.

2. Parking/Public Access. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities....

The proposed project is located along Highway 101, which is designated as a major coastal access route in the previously-certified County of San Diego Local Coastal Program (LCP), which the Commission uses for guidance in review of development in Solana Beach. In addition, the project site is located just a few short blocks from the beach at Tide Park. As such, it is important that the parking needs of the project be accommodated on-site so as not to displace on-street parking that should be available for public beach users.

As proposed, the development includes the removal of two existing storage containers totalling 560 sq. ft. and the construction of an 860 sq. ft. storage building. The subject lot has approximately 5,146 sq. ft. of existing retail use and approximately 2,444 of existing vehicle repair use. The City's parking ordinances requires one parking space per 200 sq. ft. of office/retail space and one parking space per 400 sq. ft. of vehicle repair space, such that the existing

development would require a total of 32 parking spaces. The existing parking on site is only 23 spaces and is, therefore, deficient. However, Section 17.16.110(c) of the City's zoning ordinance provides that an addition to an existing development with non-conforming parking levels shall only be required to provide parking for the new addition. The previously certified County of San Diego LCP also has a similar provision.

As such, the proposed project involves the net increase of 300 sq. ft. to an existing auto repair facility. Therefore, under the City's Zoning Ordinance the development requires only one additional parking space for each additional 400 sq. ft. of auto repair space. The applicant has provided plans documenting the addition of a parking space on site to serve the new development and, therefore, the proposal is consistent with the parking ordinance of both the City and the previously certified San Diego County LCP. As such, while adequate on-site parking to serve the entire development is not provided, the proposal does provide parking to accommodate the increased intensity resulting from the proposed development. Therefore, no impacts to public access are anticipated with this proposal, and the Commission finds the proposed development consistent with Section 30252 of the Coastal Act.

3. Visual Impacts. Section 30251 of the Coastal Act states, in part:

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.

This policy supports the development of sensitively-designed and well landscaped projects that will enhance the visual amenities of coastal communities. As stated previously, the proposed project site is located along Highway 101, which is designated as a scenic corridor in the previously-certified County of San Diego LCP. In order to fully implement the provisions of Section 30251 of the Coastal Act, the County LCP contained provisions requiring site plan review of any new commercial development along the Highway 101 corridor. Among the provisions of the site plan review are the requirements for review of sign plans and increased landscape standards along this scenic corridor. In the past the Commission has typically required that new development provide a minimum ten-foot landscaped area along the Highway 101 frontage, not to include the Highway 101 right-of-way, to enhance this scenic corridor. The existing development's frontage area consists of 11 paved parking spaces with planter boxes lying between the parking area and the buildings. The entire proposed 860 sq. ft., 16 foot-high addition will occur behind an existing 16 foot-high structure and will not be visible from Highway 101. In this case, the proposed development will not impact the visual quality of this scenic corridor and no additional landscaping requirements are needed. Therefore, the Commission finds the proposed project consistent with Section 30251 of the Coastal 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. In this case, such a finding can be made.

The subject site is currently zoned Commercial and is designated for general commercial uses in the City of Solana Beach General Plan as well as in the previously-certified County LCP. The proposed development is consistent with these designations. In addition, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act and the Scenic Area regulations found in the County LCP and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed project should not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

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 will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the public access 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.

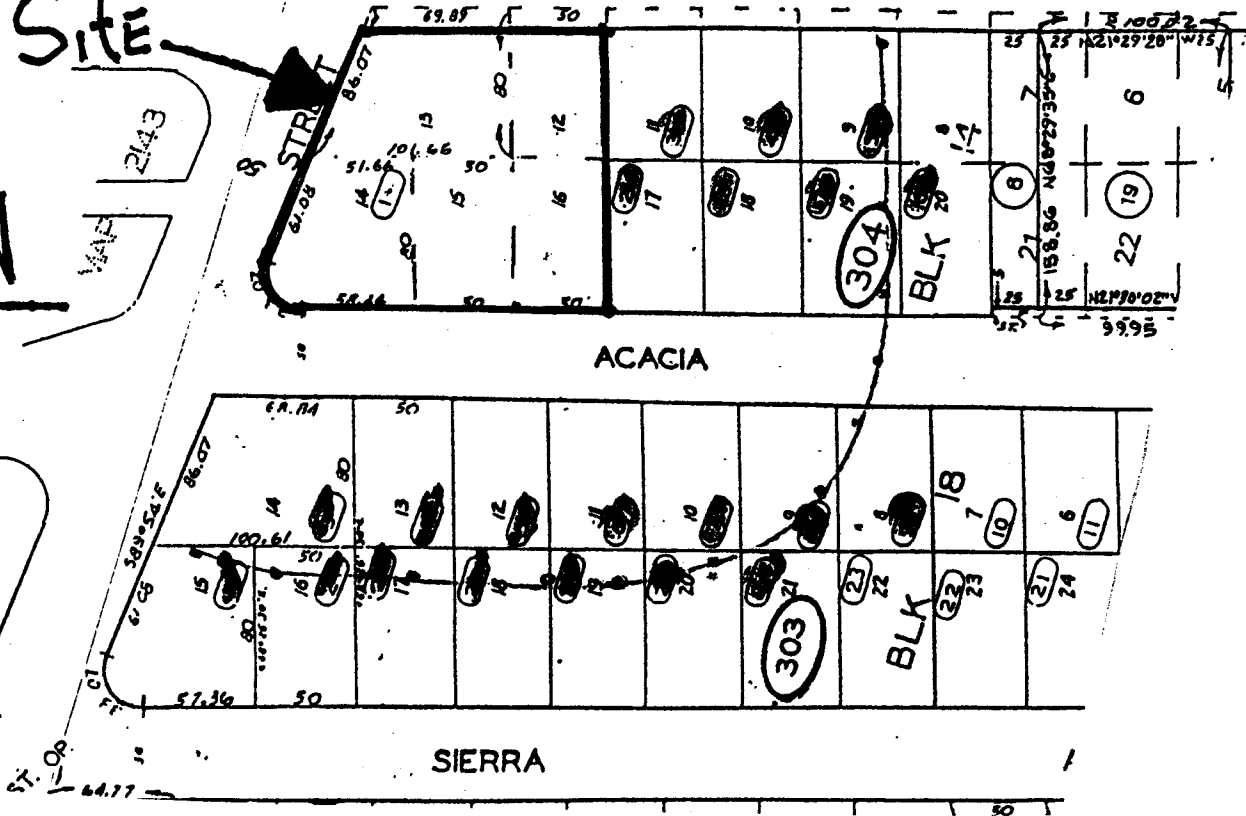
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. 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.

(X1 5D 2A)

Site



PACIFIC

OCEAN



Site

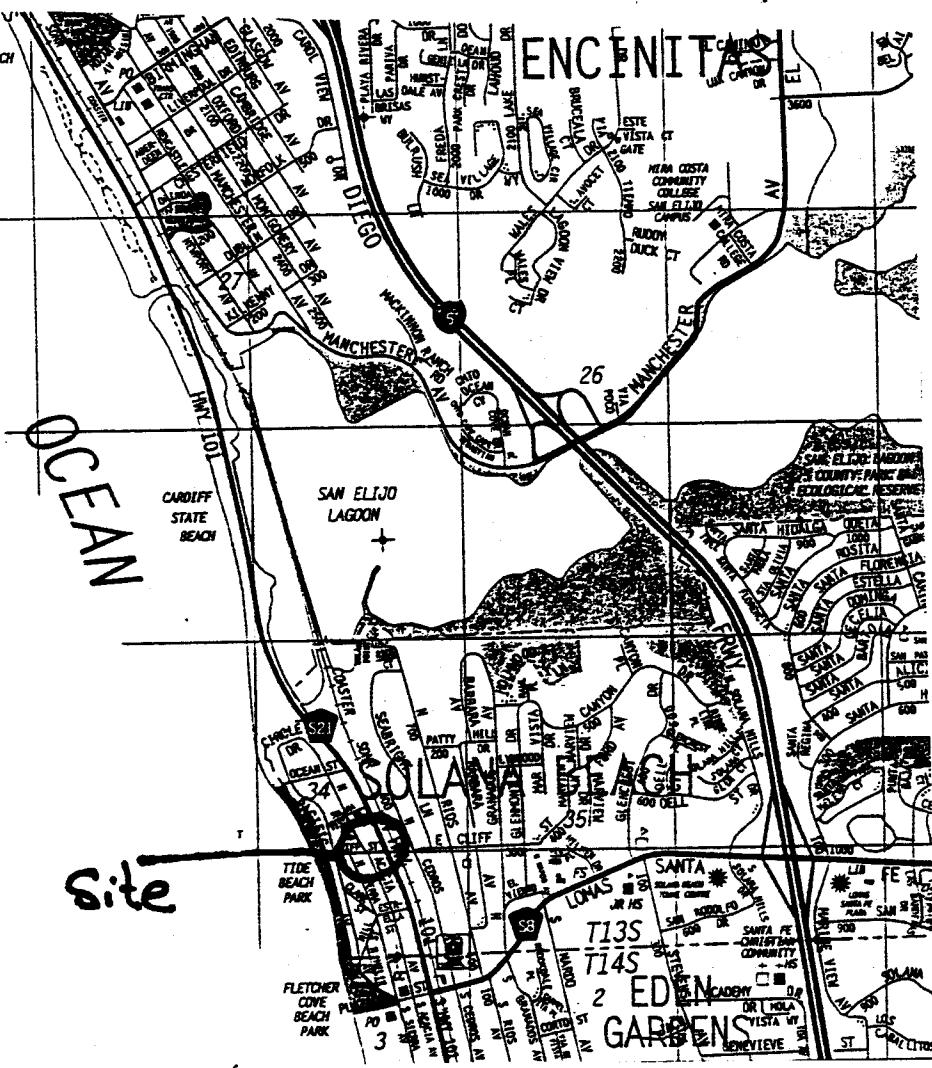
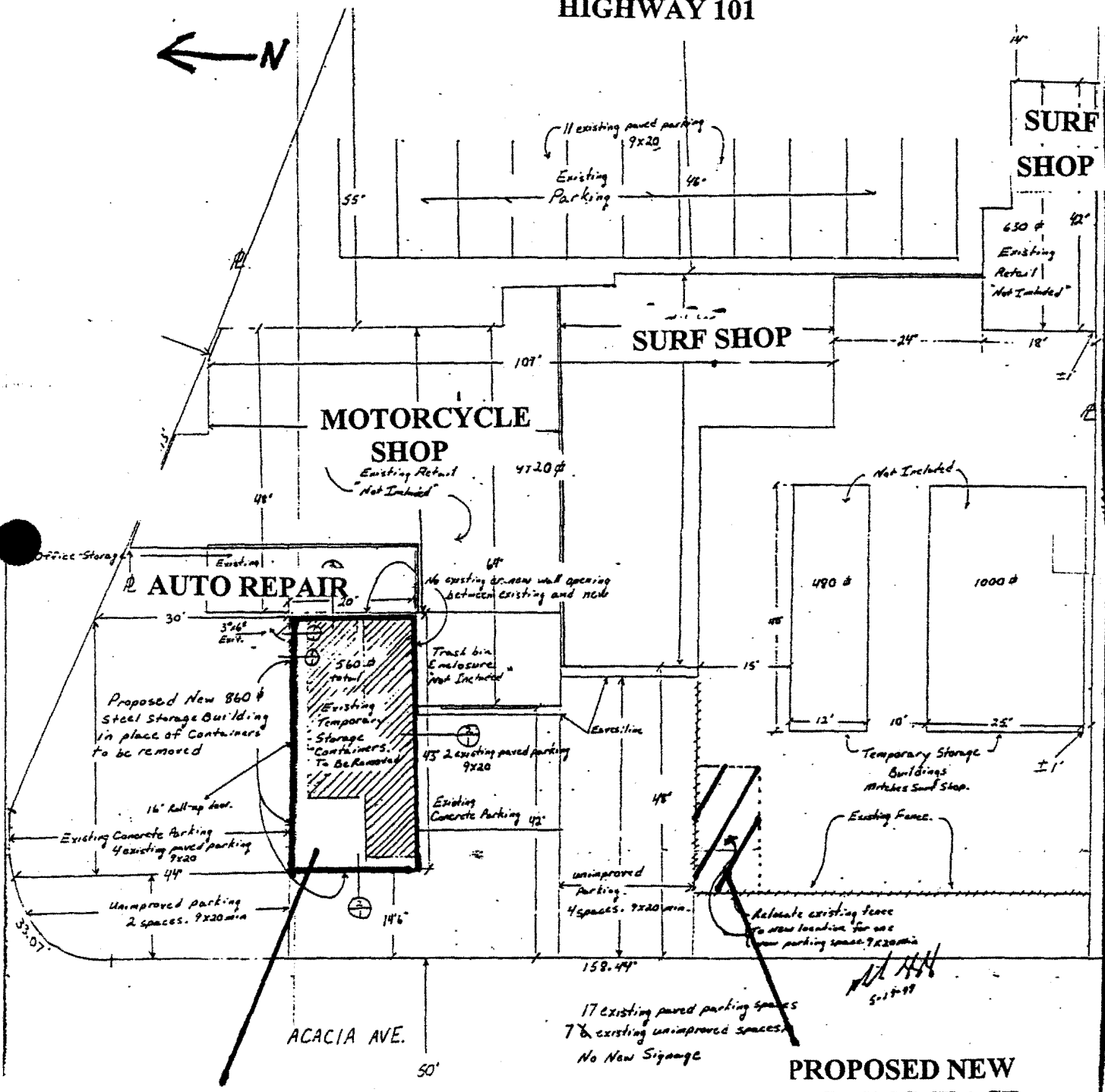


EXHIBIT NO. 1
APPLICATION NO. 6-99-44
Location Map
California Coastal Commission

HIGHWAY 101



PROPOSED NEW
860 SQ. FT. ADDITION

PROPOSED NEW
PARKING SPACE

EXHIBIT NO. 2
APPLICATION NO.
6-99-44

Site Plan

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
619-491-8036



Filed: 4/9/99
49th Day: 5/28/99
180th Day: 10/6/99
Staff: LRO-SD
Staff Report: 5/11/99
Hearing Date: 6/7-11/99

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-51

Applicant: City of San Diego Metropolitan
Wastewater Department

Agent: Skyla Wallmann

Description: Repair of three leaking areas of existing ocean outfall through caulking and/or replacement of existing stop gates.

Site: Point Loma Ocean Outfall, approximately 6,500 to 24,800 feet offshore from the Point Loma Wastewater Treatment Plant, 1092 Gatchell Road, Peninsula, San Diego, San Diego County. APN 532-520-06

Substantive File Documents: Certified Peninsula land Use Plan and City of San Diego LCP Implementation Ordinances; Mitigated Negative Declaration - DEP No. 96-0238 - 3/10/96; CCC CDP #6-97-5; 6-92-32-G; 6-91-217

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. Other Permits/Mitigation Measures. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, copies of any other required state or federal discretionary permits for the development herein approved. Any changes to the mitigation measures which are a part of the project or new mitigation measures shall be reported to the Executive Director and shall become part of the project. Any such modifications may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed are repairs to three areas of the wye structure of an existing ocean outfall associated with the Point Loma Wastewater Treatment Plant on the Point Loma peninsula in the City of San Diego. The outfall extends approximately 24,800 feet offshore and the proposed repairs will occur approximately 12,400 feet offshore. Presently, a small amount of effluent flow is escaping from the wye structure and the two stop gates at the old diffusers. The proposed repair will stop the effluent flow that is escaping by sealing the three leaking areas. The large, 12-foot gate at the wye structure will be sealed by caulking. The two 72-inch gates at the old diffusers will be sealed either by caulking, or if the caulking fails, through the installation of new gates that have a better seal. Each gate would consist of two steel plates inserted into the existing slot and mechanically expanded to press against both edges of each slot.

The proposed work to repair leakage in the wye structure is the second part of a larger project which included reballasting the existing ocean outfall permitted under CDP #6-97-5 in March 1997. The City proposed to reballast the outfall first and then to seek a separate coastal development permit to repair leakage located at the wye structure of the ocean outfall extension; thus, the proposed project represents the latter part of the City's proposed outfall repair project.

The existing outfall was originally placed into service in August, 1963. The outfall conveys primary effluent from the Metropolitan Sewer District (comprised of the City of San Diego and approximately a dozen or more other local jurisdictions) to the ocean for dispersion at a water depth of 210 feet, approximately 11,400 ft. from shore. In 1992, the outfall pipeline was extended an additional approximately 13,300 lineal feet offshore under CDP #6-91-217. In 1992 an emergency permit (6-92-32-G) was issued for repairs to the original outfall which suffered a breakage. The required follow-up permit was approved by the Commission, for removal of 18 sections of damaged pipe, cleaning

remaining ballast, installing new bed rock and new segments of reinforced concrete pipe, placing new ballast rock and rebedding of one segment of pipe disconnected from the major outfall pipe (ref. CDP #6-92-32).

The Point Loma Ocean Outfall and the proposed development is located offshore in State waters, where the Commission retains permit jurisdiction. As such, Chapter 3 policies of the Coastal Act are the standard of review.

2. Marine Resources. Section 30230 of the Coastal Act is applicable and states:

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.

In addition, Section 30233 of the coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

...(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

The cited Coastal Act policies call for the maximum protection of coastal waters, both for the benefit of marine species and for the protection of human recreational opportunities. As noted in the previous finding, the proposed work to repair leakage in the wye structure is the second part of a larger project which included reballasting the existing ocean outfall which was permitted under CDP #6-97-5 in March 1997. Repairs are proposed to three leaking areas of the ocean outfall. The wye structure will be sealed by caulking and the stop gates at the old diffusers will either be repaired through caulking or through installation of new gates, if the caulking proves inadequate to stop the leakage. Both structures (wye structure and stop gates) are located approximately 12,400 feet offshore (reference Exhibit No. 1). All of the proposed repair work will take place within the existing stop gates or wye structure and will not result in any new structures on the ocean floor or impacts outside of the existing structures.

With regard to potential impacts to marine mammals, there are as many as 30 species of cetaceans and six species of pinnepeds known off the Southern California shoreline.

With regard to the particular project area, offshore migrating gray whales converge prior to the last leg of their journey to Baja California off of Point Loma. Migrating whales going southbound pass off the Point Loma peninsula from mid-December to early February, with most of the passage occurring in January. Returning gray whales going northbound pass Point Loma from mid-February to mid-May with most abundance occurring in March. Although peak numbers of whales are usually found in this area between January and March, some individuals can be expected anytime from December through May.

As further identified in the mitigated negative declaration, potential impacts to marine mammals may occur as a result of a marine mammal colliding with a vessel or becoming entangled in underwater cables which may be used in association with a crane for the subject project. Most migratory whales maintain a distance of 2 to 10 kilometers from shore. However, during the northbound leg, females with their new-born young may swim closer to shore including the surfzone. However, the City proposes to construct the project during the late summer or early fall commencing in August or September when whale migration does not occur off the southern California coast. Furthermore, the City consulted with the National Marine Fisheries Service (NMFS) and concluded they had no concerns with the proposed project since it would be constructed outside of the whale migration area. NMFS also concluded that even if there were whales or other marine mammals in the project vicinity, it is expected that gray whales and other marine mammals would avoid the construction site due to the noise associated with the construction activity. In any case, the proposed project should not result in any adverse impacts to marine mammals.

With regard to other potential impacts to recreational boaters, no impacts are anticipated with the subject proposal since it is relatively minor in nature and of a short duration. The scope of the repair work proposed at this time is much smaller than that proposed under the previous permit at the project site to reballast the existing ocean outfall and does not raise the same concerns with regard to potential impacts on marine resources.

Additionally, no impacts to kelp beds are expected to occur. Kelp beds usually extend up to one mile offshore and no more than approximately 80 feet deep. However, the proposed project will extend from 1.2 to 2.1 miles offshore at an ocean depth of 320 feet. As such, there will be no construction impacts to kelp beds.

The development did not require any local discretionary approvals. The applicant has indicated that several other state and federal agencies did not require a permit; however, a U.S. Army corps of Engineers nationwide permit is being sought in conjunction with the subject coastal development permit. Thus, conditions of approval and/or mitigation measures may be required from this agency. As such, Special Condition #1 has been attached which requires the applicant to submit any discretionary permits obtained from other state or federal entities. Should any project modifications be required as a result of other permits, the applicant is further advised that an amendment to this permit may be necessary to incorporate said mitigation/changes into the project. Therefore, the

Commission finds that impacts to the marine environment have been reduced to the maximum extent feasible, consistent with Section 30230 and 30233 of the Coastal Act.

3. Shoreline Access. Coastal Act Section 30211 provides:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

In addition, Section 30212 states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, ...

The policies herein listed require that public recreational opportunities be maximized, and that the public be made aware of where such opportunities exist. In this particular case, the repair project proposed would not, in and of itself, have any significant impact on public recreation. The activities occur 1.2 to 2.1 miles from shoreline, on the ocean bottom, and could not conceivably interfere with the public's enjoyment of the beach. In fact, the proposed maintenance/repair work to the ocean outfall pipe is an effort to stop a small amount of effluent that is leaking from the outfall extension. The outfall must be repaired periodically to avoid emergency conditions. For example, six years ago, a break in the outfall pipe occurred which resulted in the closure of approximately twenty miles of beach to recreational activities due to possible contamination of the shoreline.

With regard to potential construction impacts, no laydown/staging areas will be required for construction materials. Construction is expected to last only three to four days if only caulking is performed. If new stop gates need to be installed, construction will take approximately two weeks. Repairs will be made by a diver support boat with a decompression chamber and, if necessary, a larger vessel with a crane and possible multi-anchoring points. Mitigation measures are proposed that include the use of an "all around" white light on any construction vessel(s) that are anchored in order to make them visible to other marine craft in the ocean. In addition, the repair boat will occupy such a small area, no impacts are proposed to recreational boaters or fishermen. Therefore, the Commission finds the proposed repair project fully consistent with Sections 30210 and 30220 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 Point Loma Wastewater Treatment Plant is located within an unzoned geographic area included in the Peninsula Community Plan segment of the City of San Diego Local Coastal Program and has contained the Point Loma Wastewater/Sewage Treatment Plant since 1963. This area was not included in the City of San Diego's certified Local Coastal Program, and the Commission retains permit jurisdiction over the site at this time. In addition, the Peninsula LCP Land Use Plan acknowledges ongoing maintenance, and assumes some potential future improvements, at the Point Loma Wastewater Treatment Plant, but does not address the outfall directly. However, the proposed development would be in keeping with the LUP policy of maintaining and enhancing public services, and with the access policies which provide for the preservation and enhancement of public recreational opportunities at community beaches. In addition, the Point Loma Ocean Outfall is located offshore from the Peninsula community of San Diego, in State waters, where the Commission retains permit jurisdiction, and Chapter 3 policies of the Coastal Act remains the standard of review. The proposed repairs/maintenance of the outfall is consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed project will not result in adverse impacts to coastal resources nor prejudice the ability of the City of San Diego to continue implementation of its fully 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)(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.

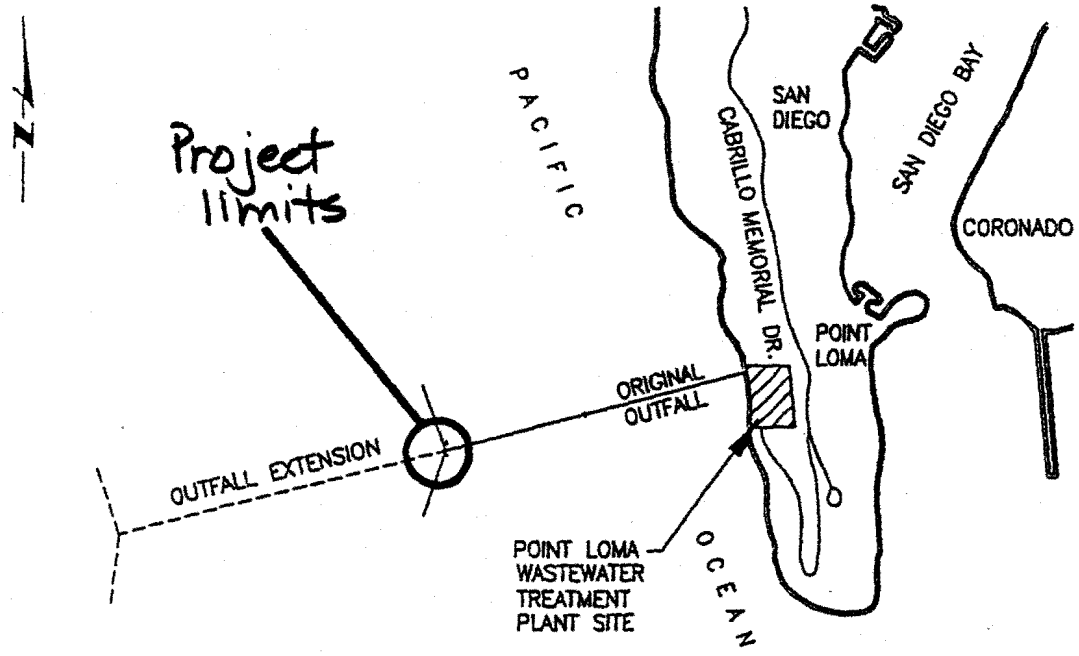
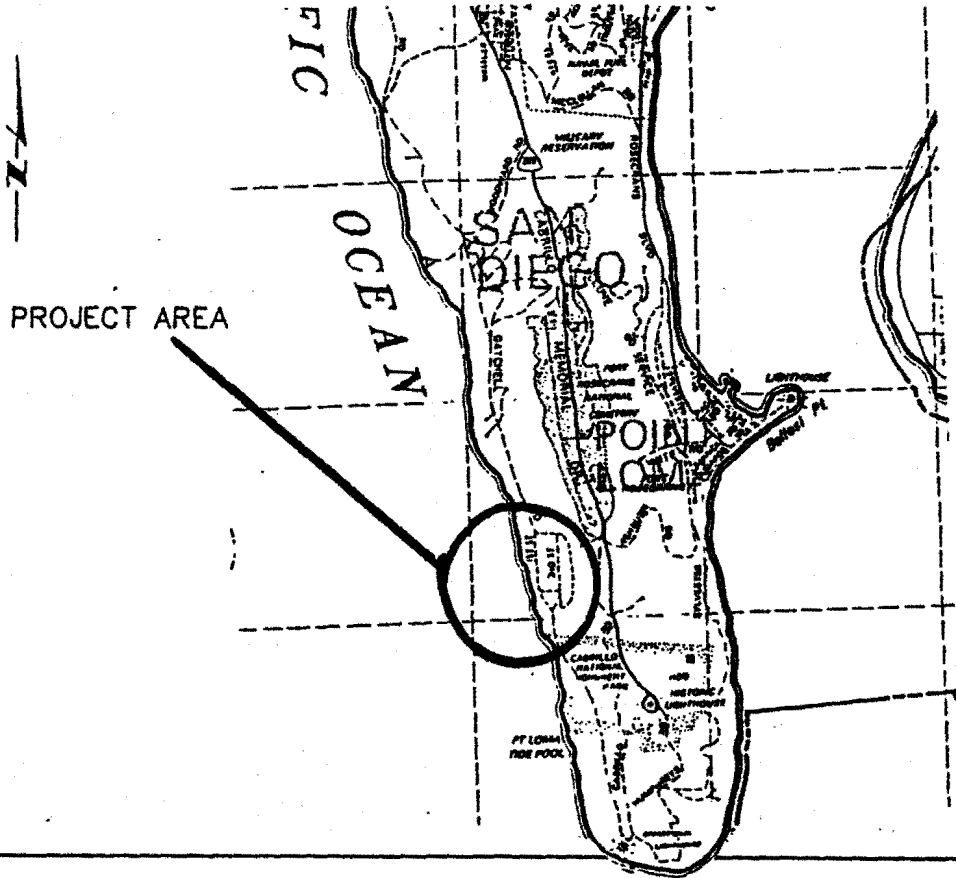
As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the marine resource and public access policies of the Coastal Act. There are no impacts and thus no feasible mitigation measures are necessary 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:

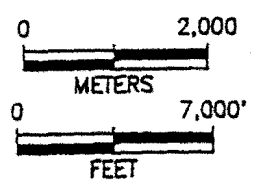
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized

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.



LOCATION MAP



POINT L
OCEAN OUTFALL
VICINITY AND LO

EXHIBIT NO. 1
APPLICATION NO.
6-99-51
Location Map
California Coastal Commission