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San Diego Coast District

CONSENT CALENDAR

Friday, September 17, 1999

Table of Contents

6-99-76

6-99-93

6-99-106

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



Filed: July 26, 1999
 49th Day: September 13, 1999
 180th Day: January 22, 1999
 Staff: DL-SD
 Staff Report: August 25, 1999
 Hearing Date: September 14-17, 1999

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-076

Applicant: Jack and Susan Burger

Description: Demolition of an existing single-family residence and detached garage, and construction of a new two-story, 1,870 sq. ft. single-family residence including an attached garage.

Lot Area	23,287 sq. ft.
Building Coverage	1,287 sq. ft. (%)
Pavement Coverage	2,000 sq. ft. (%)
Landscape Coverage	20,000 sq. ft. (%)
Parking Spaces	2
Zoning	LR
Plan Designation	Low Residential (3 du/ac)
Ht abv fin grade	25 feet

Site: 622 Canyon Drive, Solana Beach, San Diego County. APN 263-221-25.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance;
 City of Solana Beach Case No. 17-98-13 DRP.

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. Exterior Treatment/Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence. The color of the structure and roof permitted hereby shall be restricted to color compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which reflects the restrictions stated above on the proposed development. The document shall run with the land for the life of the structure approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens and encumbrances that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping Plan/Deed Restriction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall include the following:

- a. A plan showing the type, size, extent and location of all trees on the site, to consist of, at a minimum, three trees (24-inch box or 5-foot trunk height minimum) planted between the approved residence and the existing paved road on the east side of the road in such a manner as to maximize screening of the structure from views from San Elijo Lagoon and Interstate 5
- b. Fire-resistant, drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible.
- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction

d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.

PRIOR TO ISSUANCE OF THE PERMIT, the applicant shall record a deed restriction, in a form and content acceptable to the Executive Director, that reflects the above requirements. The restriction shall provide that landscaping shall be implemented in accordance with Special Condition #2 and consistent with those plans approved with CDP #6-99-76. The document shall run with the land for the life of the structures approved in this permit, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed project involves demolition of an existing single-family residence and detached garage, and construction of a new two-story, approximately 1,870 sq.ft. single-family residence including an attached garage. The 23,287 sq.ft. lot is the southernmost lot of three lots that take access off a private road north of Canyon Drive overlooking San Elijo Lagoon in the City of Solana Beach. The adjacent lot to the north is currently undeveloped; however, in July 1999 the Commission approved construction of a single-family residence on the site (#6-99-68). The lot further to the south is currently developed with a single-family residence. The northeast corner of the lot abuts an area within the San Elijo Lagoon Regional Park which slopes sharply down to the east above Interstate 5. The home is proposed to be a maximum of 25 feet in height.

Because the City of Solana Beach does not have a certified Local Coastal Program, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Visual Resources. 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.

The proposed structure will be located approximately three-quarters of the way up a hillside overlooking Interstate 5 and the eastern portion of San Elijo Lagoon. The site is

within the Prime Viewshed overlay identified in the previously certified County of San Diego Local Coastal Program, (which is used for guidance in review of development by the Commission in the City of Solana Beach), and is visible looking southwest from Interstate 5, from Manchester Avenue looking south, and from San Elijo Lagoon looking west. The area surrounding the subject lot and the adjacent two lots is heavily vegetated and natural in appearance.

In order to break up the facade of the structure and soften views of the residence from a distance, Special Condition #2 requires that the applicant submit a final landscape plan indicating that a minimum of three trees will be provided and maintained between the residence and the access road. The condition must be recorded as a deed restriction, which will ensure that future owners are aware of the requirement to maintain the three trees such that the residence continues to be screened from views from the lagoon.

The required landscaping will reduce the visual prominence of the development. However, given the vegetated nature of the area, which creates a dark green and brown landscape, if the exterior of the proposed residence was white or brightly colored, the house would contrast significantly with the surrounding natural hillside, causing the house to be visually prominent on the hillside.

The Commission has a long history of requiring landscaping and color restrictions on new development around San Elijo Lagoon (ref. #6-87-618; #6-88-193; #6-89-32; #6-93-176; #6-98-1; #6-99-68). The purpose of such these requirements has been to cause new development to blend in with the natural surroundings of the lagoon in order to preserve the scenic quality of the lagoon and surrounding hillsides. As noted previously, there are two other existing or proposed residences cut into the hillside on either side of the subject site. The northernmost home is currently designed in dark colors, and the approved residence to the north was required to be constructed in earthen tones.

Therefore, the Commission finds that in order for the proposed development to be consistent with the visual resource protection policies of the Coastal Act, the color of the house must be restricted to a color that will blend in with the surrounding hillside. Accordingly, Special Condition #1 requires the applicant to submit a color board indicating that the exterior colors of the proposed residence will be earthen tones (greens, browns, tans, grays or other dark colors) compatible with the surrounding natural environment. In this way, the proposed home as viewed from surrounding public vantage areas will not stand out prominently, but will blend in with the adjacent natural hillside. Therefore, as conditioned, potential visual impacts from the proposed development will be reduced to the maximum extent feasible, consistent with the visual protection policies of the Coastal Act.

3. Environmentally Sensitive Habitat. Section 30231 of the Act states, in part:

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....

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

These Coastal Act policies were implemented in the previously certified County of San Diego Local Coastal Program through the Coastal Resource Protection (CRP) overlay zone, which restricts development on natural vegetated steep slopes to avoid sedimentation impacts on the sensitive lagoon resources located downstream and minimize alteration of natural landforms.

The project site is located above a steep hillside at the southern limits of San Elijo Lagoon. The site is not located within the CRP overlay, but the steep, natively vegetated area immediately adjacent to the site to the east is within the overlay. There are no steep slopes on the site itself which will be graded. Drainage in the area flows predominately south to north. Drainage from the site will be directed towards the back (western) portion of the lot on the opposite side of the slope, onto the property to north, which contains an existing residence and improved drainage facilities approved by the Commission in June 1989 (#6-89-130). No runoff will be directed over the bluff edge.

With regard to protection of the steep, natively vegetated slopes on the site and in the Reserve immediately adjacent to the site, the issue of fire safety in areas of "wildland/urban interface" has become increasingly pertinent in recent years. Local governments and fire departments/districts have become increasingly aware of the need to either site new development away from fire-prone vegetation, or to regularly clear vegetation surrounding existing structures (ref. Section 4291 of the Public Resource Code). Since fire department requirements for vegetation thinning and clear-cutting can adversely effect coastal resources, the Commission has in many past actions included a 30-foot brush-management zone around proposed structures when calculating the amount of proposed encroachment on steep, naturally vegetated-slopes, with the idea that vegetation at least 30 feet from any structure may have to be cleared to meet fire safety regulations.

In the case of the proposed project, the proposed residence would be located on the inland side of the private access road, approximately 50 feet away from any native vegetation. The Solana Beach Fire Marshal has indicated that their policy along canyon rims is to require complete clearance of combustibles within 30 feet of a structure, and selected

clearance and thinning of only dead plant material for the next 70 feet. As such, the existing native vegetation on the site and in the Reserve will not be adversely impacted by any brush-management. Therefore, the Commission finds that the proposed residential development can be found consistent with Sections 30231 and 30240 of the Coastal 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. In this case, such a finding can be made.

The subject site is zoned and designated for low-density residential uses in City of Solana Beach General Plan and Zoning Ordinance, and in the previously certified County of San Diego LCP, which is used for guidance in review of project in the City of Solana Beach. As conditioned, the project will be consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to any coastal resources are anticipated as a result of this development. Therefore, as conditioned, the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to obtain a 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, as conditioned, 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.

The proposed project has been conditioned in order to be found consistent with the visual resource and sensitive habitat policies of the Coastal Act. Mitigation measures, including conditions addressing landscaping and exterior color, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may 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.

SITE

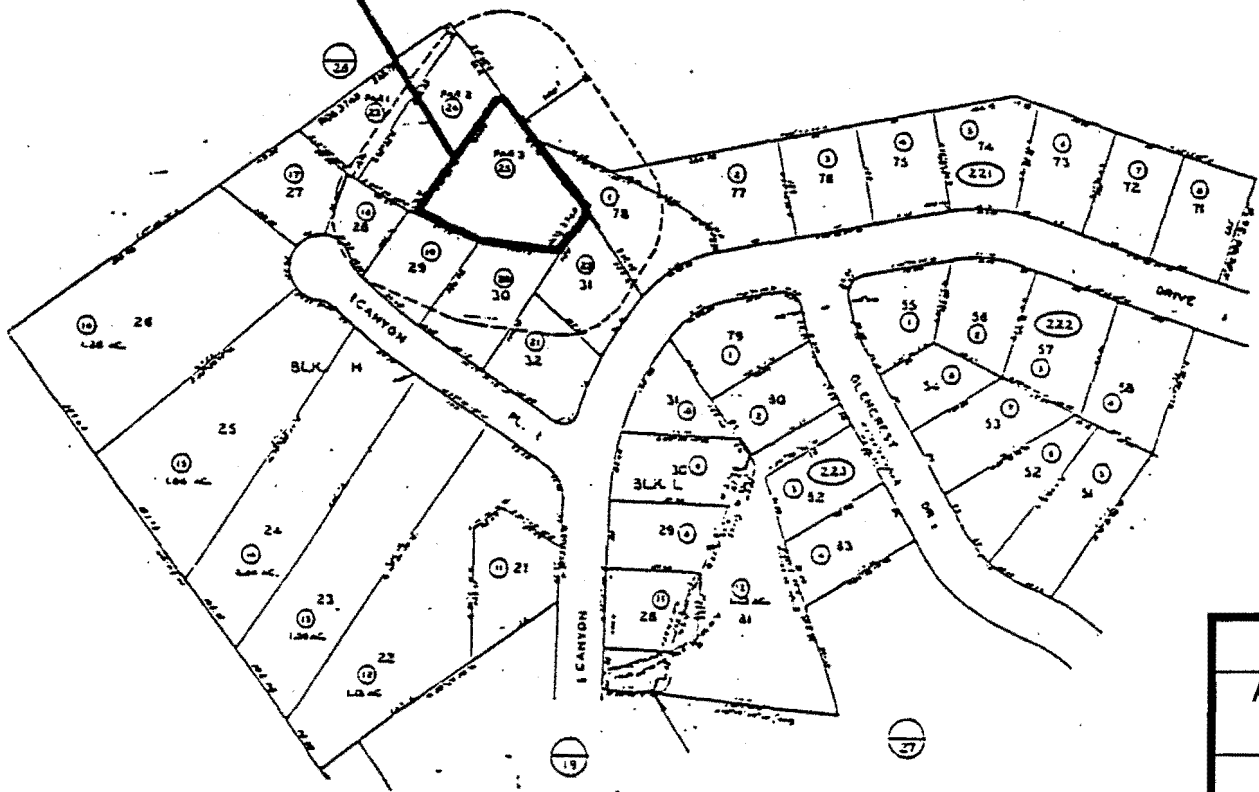
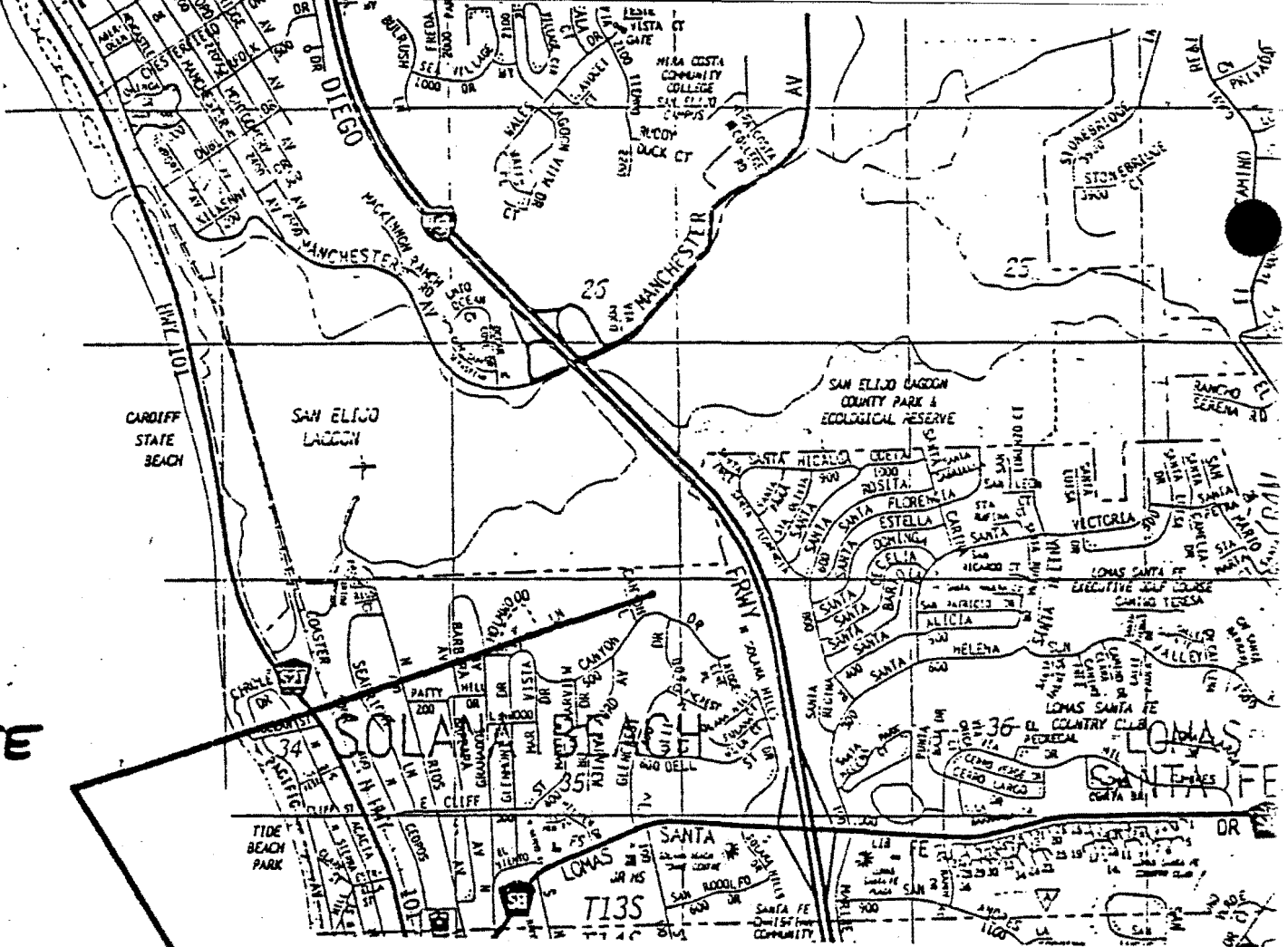


EXHIBIT NO. 1
APPLICATION NO.
6-99-76
Location Map
California Coastal Commission

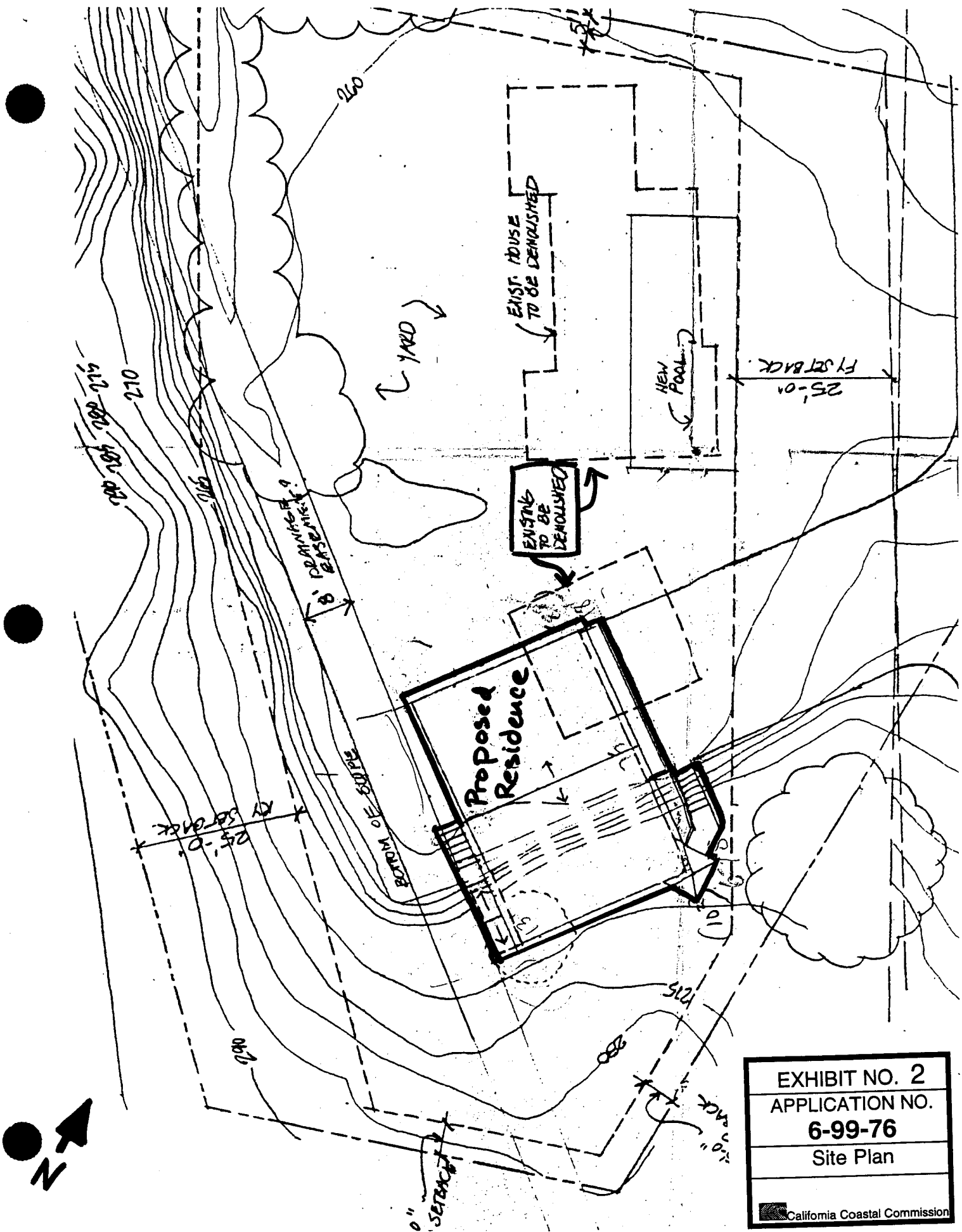
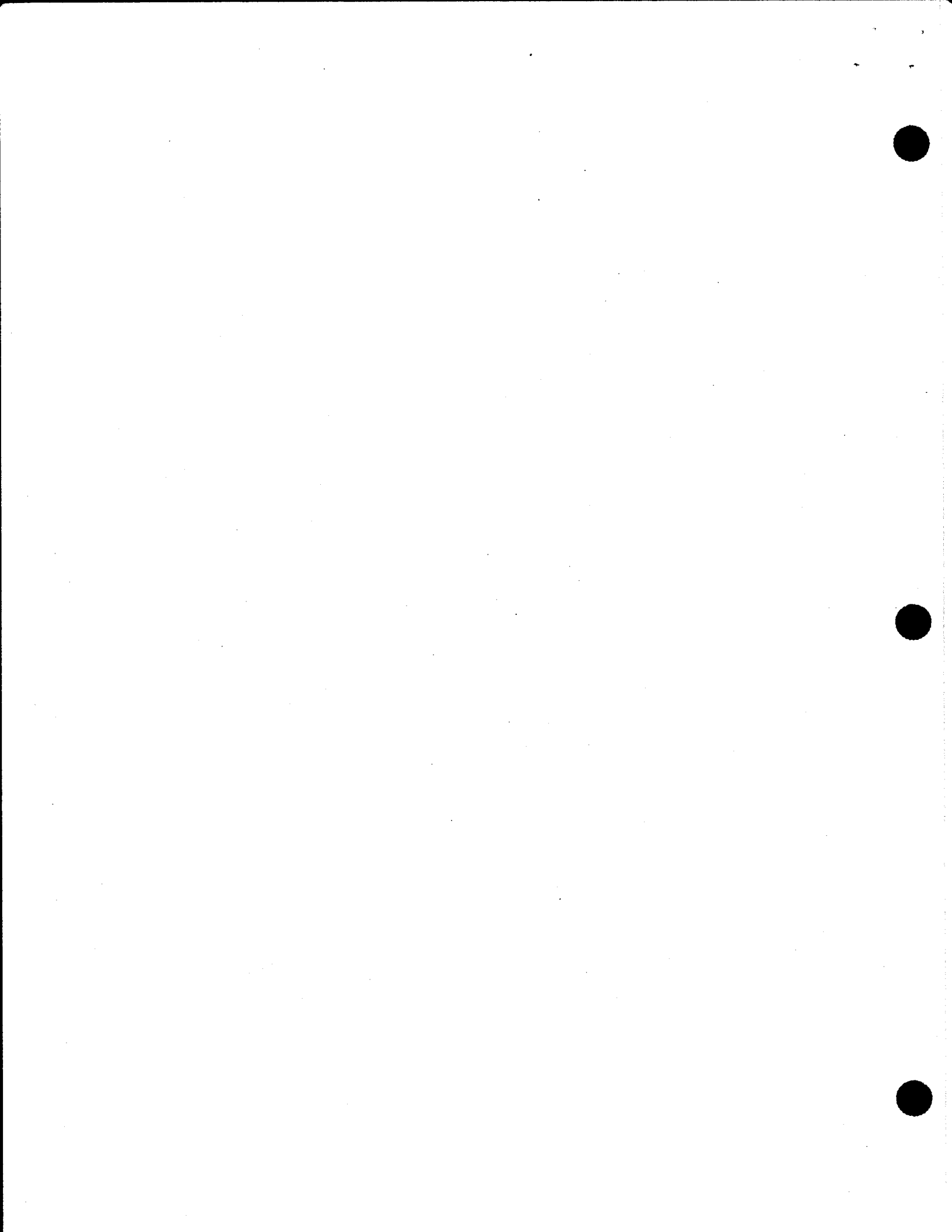


EXHIBIT NO. 2
APPLICATION NO.
6-99-76
Site Plan
California Coastal Commission



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



Filed: 8/19/99
 49th Day: 9/29/99
 180th Day: 2/7/00
 Staff: LRO-SD
 Staff Report: 8/19/99
 Hearing Date: 9/14-17/99

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-93

Applicant: Robert Mallon

Agent: Maurice Frosch

Description: Remodeling of an existing 5,363 sq.ft., two-story vacant commercial building through removal of approximately 768 sq.ft. of floor area to create seven covered parking spaces and two, 850 sq.ft. retail/commercial leaseholds on first floor and two, three-bedroom residential units on second floor of a 3,000 sq.ft. lot.

Lot Area	3,000 sq. ft.
Building Coverage	1,700 sq. ft. (57%)
Pavement Coverage	1,154 sq. ft. (38%)
Landscape Coverage	246 sq. ft. (8%)
Parking Spaces	7
Zoning	Mission Beach NC-N
Plan Designation	Mission Beach
Project Density	29
Ht abv fin grade	28 1/2 feet

Site: 3746-48 Mission Blvd., Mission Beach, San Diego, San Diego County.
 APN 423-583-08

Substantive File Documents: Certified Mission Beach Precise Plan and Planned District Ordinance; Certified City of San Diego LCP Implementing Ordinances

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

II. Standard Conditions.

See attached page.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Sign Program. Prior to the issuance of the coastal development permit, the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, free-standing pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Final 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 placement of plant elements along the Mission Boulevard frontage to improve the visual amenities of this major coastal access route. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed development involves the remodeling of an existing 5,363 sq.ft., 28 ½ ft. high, two-story vacant commercial building to include two, 850 sq.ft. retail/ commercial leaseholds on the first floor and two, three-bedroom 1,205 sq.ft. residential units on the second floor on a 3,000 sq.ft. lot. Also proposed is the removal of a portion of the south wall of the building (approximately 768 sq.ft.) to create seven covered ground-level on-site parking spaces. The subject site is located two blocks east of the ocean on the northwest corner of Mission Boulevard and Queenstown Court in the community of Mission Beach. As the subject site is located within an area of the

Commission's original jurisdiction, the Chapter 3 policies of the Coastal Act are the standard of review.

2. Visual Resources/Community Character. Section 30251 of the Act calls for the protection of the coastal zone's scenic amenities and requires that new development be visually compatible with the character of the surrounding community. The proposed development is located in a well-established residential neighborhood consisting of apartment units, condominiums, single-family residences of varying heights and architecture interspersed with a variety of retail/commercial establishments and restaurants. The proposed two-story, 28 1/2-foot high mixed-use building is consistent with the height limit established in the Planned District Ordinance and will be compatible with the character of the mixed development in this community. Public views will be preserved along the east-west access corridors, and no view blockages of regional or statewide significance will occur.

The subject site is located on Mission Boulevard, which is a major coastal access route where the Commission has routinely called for the landscaping of such sites with plant elements to preserve the visual amenities and aesthetic quality of coastal areas. A conceptual landscape plan has been submitted, however, a detailed plan indicating the type and amount of plants has not been submitted. In addition, it appears from the plans that only wall signage is proposed for the proposed commercial leaseholds, however a final sign plan has not been included with the permit application. For this reason, Special Condition Nos. 1 and 2 require submittal of a final signage and landscape plan to assure that the visual amenities of the area will be preserved. The Commission therefore finds project approval, as conditioned, consistent with Section 30251 of the Act.

3. Parking/Public Access. Sections 30210 and 30212 of the Coastal Act require that public access to the shoreline and along the coast be maximized and provided in all new development located between the inland extent of any coastal waters and the first coastal roadway. The subject site lies between Strandway, the first coastal roadway in this area, and Mission Boulevard, which is one block to the east. As such, it is not between the first coastal road and sea. Although, the project site is located only two blocks from the ocean, there is existing improved lateral public access along the oceanfront boardwalk and vertical access at the western ends of Queenstown Court (the subject street), Redondo Court two blocks to the north and Pismo Court, one block to the south of the subject site. Pursuant to the Mission Beach PDO, one space for each 400 sq.ft. of gross floor area is required for retail and office uses and two spaces are required for residential units. As proposed, the two 850 sq.ft. retail/commercial leaseholds and two residential units require a total of seven parking spaces, which are proposed with this application. Five of the spaces will be standard spaces and two will be tandem spaces which will receive access from an adjacent alley to the south. Therefore, adequate parking will be provided and the proposed mixed-use building will not alter or impede existing or future public access in the area. As such, the Commission finds the project consistent with all of the pertinent Chapter 3 policies of the Coastal Act regarding public access.

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. In this case, as conditioned, such a finding can be made.

The subject site is within an area of original jurisdiction, where the Commission retains permanent permit authority. The site is zoned and designated for neighborhood commercial (NC-N) use. Residential development is permitted within this zone, provided it is not located on the first floor of any structure. Residential development is permitted at a maximum density of 36 dwelling units per acre, or 1 dwelling unit per 1,200 sq.ft. of lot area. The subject site is a 3,000 sq.ft. lot proposed to be developed at a density of 29 units per acre, consistent with this designation. The proposal is consistent with the certified Mission Beach Precise Plan and Planned District Ordinance, and all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the ability of the City of San Diego to implement its certified LCP for the Mission Beach community.

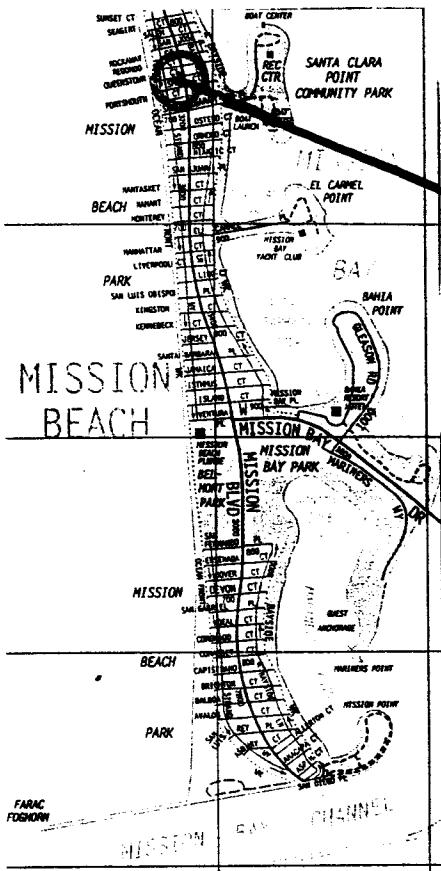
5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental 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.

The proposed project has been conditioned in order to be found consistent with the visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing signage and landscaping, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may 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.

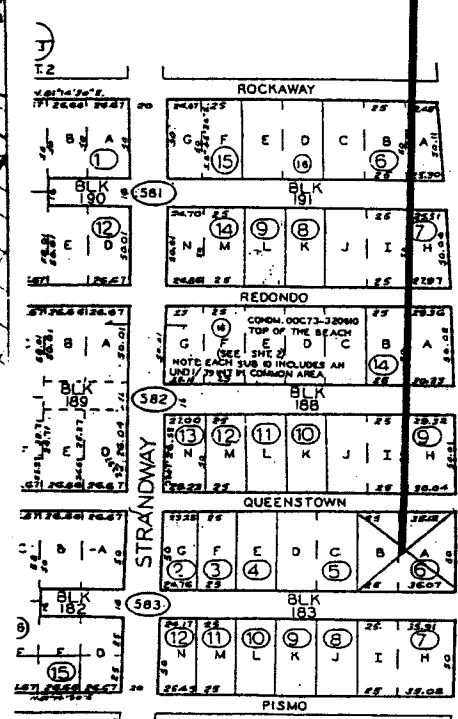
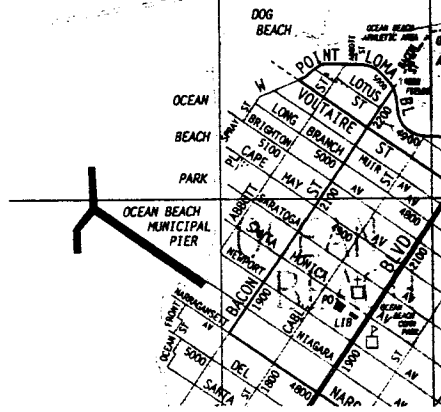
STANDARD CONDITIONS:

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.



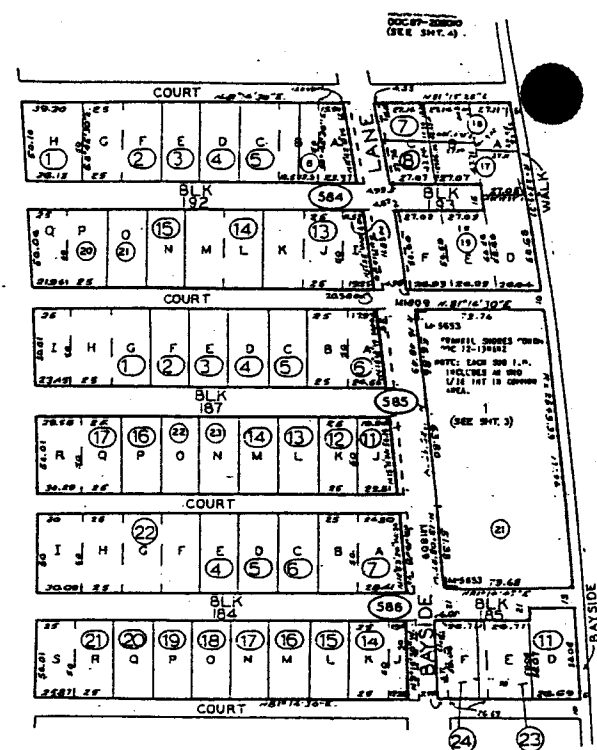
Site



37
SHT. 2

BLVD.

MISSION

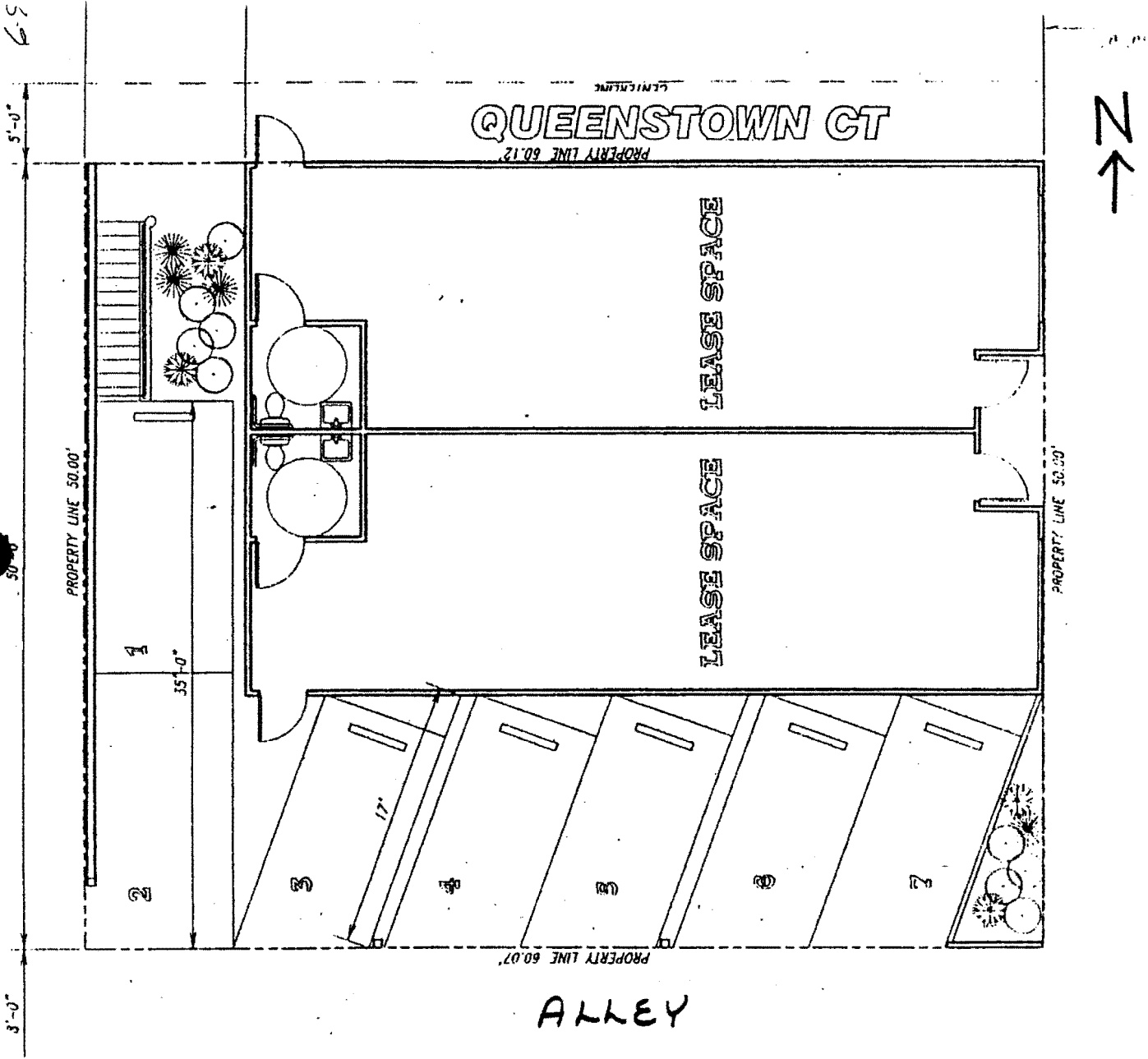


37
SHT. 1

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR ANY ERRORS OR OMISSIONS. THE ASSessor'S OFFICE SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

MAP 5653 - ASHER'S SUB
MAP 18091 (651) - MISSION BEACH ALTERED MAP
ROS 9833, 10973

EXHIBIT NO. 1
APPLICATION NO.
6-99-93
Location Maps



Mission Boulevard

EXHIBIT NO. 2
APPLICATION NO.
6-99-93
Site Plan
California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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



Filed: August 4, 1999
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 180th Day: January 31, 1999
 Staff: EL-SD
 Staff Report: August 20, 1999
 Hearing Date: September 14-17, 1999

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-106

Applicant: California Department of Parks
 and Recreation

Agent: Paul Webb

Description: Construction of 775 sq.ft. of office space and approximately 300+ sq.ft. out of a total of 480 sq.ft. of garage area (a small portion of the garage is in the City of Imperial Beach's coastal development permit jurisdiction) as additions to an existing 1,488 sq.ft. accessory building at the Tijuana River National Estuarine Research Reserve Visitors' Center.

Lot Area	48.72 acres
Parking Spaces	48
Zoning	Open Space
Plan Designation	Open Space
Ht abv fin grade	12.5 feet

Site: 301 Caspian Way, Imperial Beach, San Diego County. APN 632-400-32

Substantive File Documents: City of Imperial Beach certified LCP; Tijuana River Comprehensive Management Plan

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 applicant is proposing to construct two additions to the existing one-story maintenance building, which is an accessory structure located at the Tijuana River National Estuarine Research Reserve Visitor Center. The proposal includes a 775 sq.ft. addition for office use, which will be accomplished through the enclosure of an existing covered patio area on the south side of the existing maintenance building. This addition is completely within the Coastal Commission's area of original permit jurisdiction. The second component of the proposed project is a 480 sq.ft. garage addition on the northwest corner of the existing structure. Most (approximately three-quarters) of this addition is within the Commission's permit jurisdiction. The remainder is within the coastal development permit jurisdiction of the City of Imperial Beach, which has already approved a permit for the proposed improvements. The applicant also proposes to expand an existing concrete slab adjacent to the proposed garage addition to better accommodate a handicapped accessible parking space. The proposed improvements are consistent with the Tijuana River Comprehensive Management Plan, which calls for increased office and storage space to facilitate visitor services and maintenance operations.

The existing maintenance building is located east of the existing visitor center and south of the public parking lot. The existing facilities were approved by the Coastal Commission in July, 1987 pursuant to Consistency Determination 28-87. The estuary wetland resources are located well south of the site (more than 200 feet from the existing structure and proposed additions), with upland vegetation and a series of public trails between the structure and the wetlands.

2. Visual Resources. The following policy of the Coastal Act addresses visual resources, and states, in part:

Section 30251

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 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 subject site is located within the City of Imperial Beach, on the northern boundary of the Tijuana River National Estuarine Research Reserve. The overall site includes the visitor center, the subject maintenance building (which is accessory to the visitor center) and a public parking lot for visitor center guests and employees. A system of public trails leads away from the visitor center in several directions and encompasses a portion of the site as well. The estuary itself is located west and south of the site and includes both uplands and wetlands. North of the site, across Caspian Way, is existing residential development, and there is a large condominium complex located to the east.

The subject maintenance facility is a typical, rectangular masonry block structure and is one-story in height. The proposed additions will maintain the scale, style and color of the existing building and will not extend closer to the estuary than the existing structure. The existing condominium project to the east protrudes further towards the wetlands than do the buildings on the subject site, and is also closer to some of the public trails. The proposed additions will not block any existing public views across the site towards the estuary, nor will they significantly modify the existing appearance of the site as viewed from the public trail system. In addition, the project does not propose the removal of any existing vegetation/landscaping on the site. The Commission, therefore, finds the proposed additions consistent with Section 30251 of the Act.

3. Public Access. Many policies of the Coastal Act address the provision, protection and enhancement of public access opportunities, particularly access to and along the shoreline. For the subject site, the following policies are most applicable, and state, in part:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30604

... (c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200). ...

The project site is located between the sea and first coastal road. There is no beach or other active recreational amenities at the site. However, the estuary resources provide opportunities for passive recreation, such as hiking and bird-watching, and the visitor center includes a variety of displays, exhibits and programs for public enjoyment and education. These existing amenities and activities will not be adversely affected by the proposed development, since the proposed additions will not extend the existing accessory structure towards the estuary or interfere with normal visitor center operations. The whole purpose of the existing maintenance building and proposed additions is to support the activities of the visitor center, which receives visitors from around the world and is considered a significant public resource. The garage addition will result in one additional parking space, bringing the site total to 48 which is adequate to serve visitor center needs. The Commission thus finds that the proposed project will not have a significant adverse impact on existing public access in the area. Therefore, the Commission finds the development consistent with the cited access policies of the Coastal Act and, as required in Section 30604(c), consistent with all other public access and recreation policies as well.

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. In this case, such a finding can be made.

The project site is designated and zoned as Open Space in the City of Imperial Beach's certified LCP. A portion of the site is within the City's coastal development permit jurisdiction, and a permit has been approved for the proposed development; the appeal period for that permit is complete and no appeals were filed. Most of the proposed project, in fact all but about 100 sq.ft. of the garage addition, lies within the Coastal Commission's area of original permit jurisdiction. As demonstrated in the previous findings, the proposal is fully consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development will not prejudice the ability of the City of Imperial Beach 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

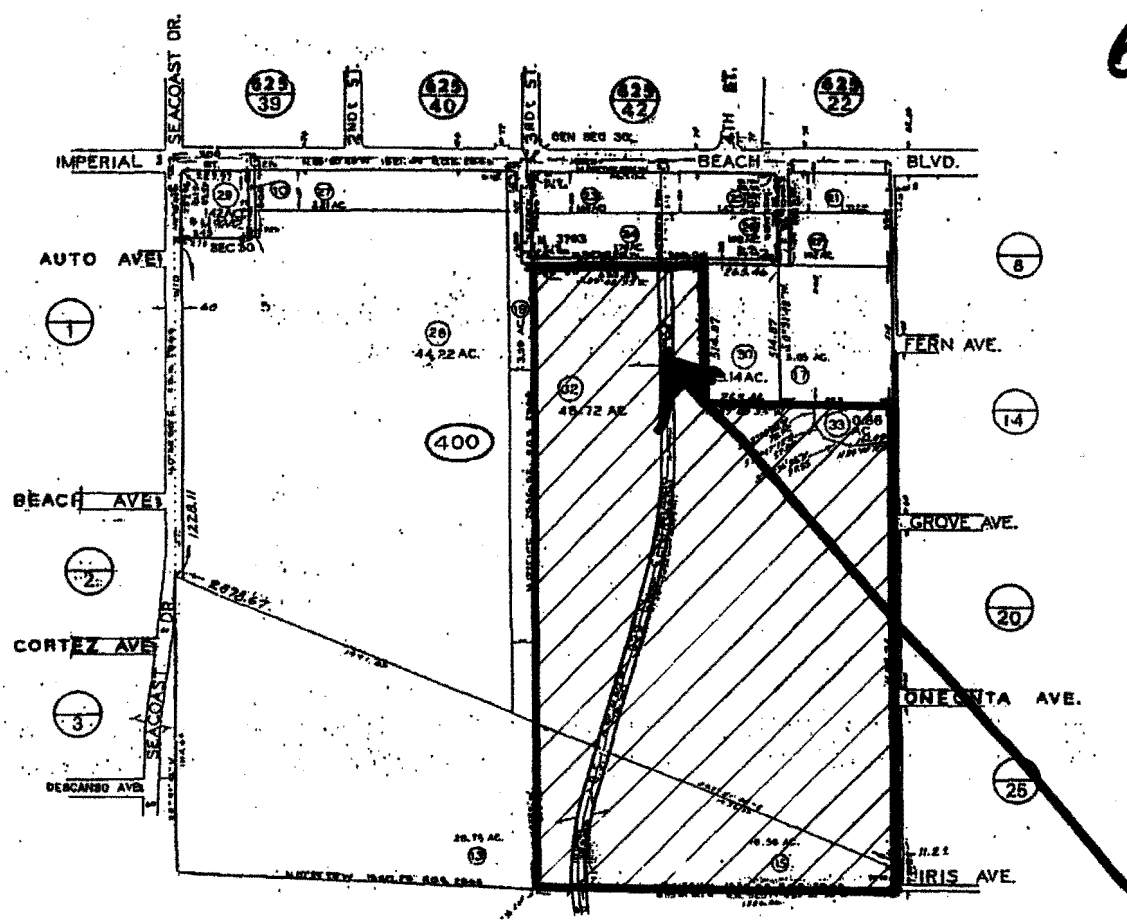
consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant 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 visual resource and public access 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.

6-99-106



Site

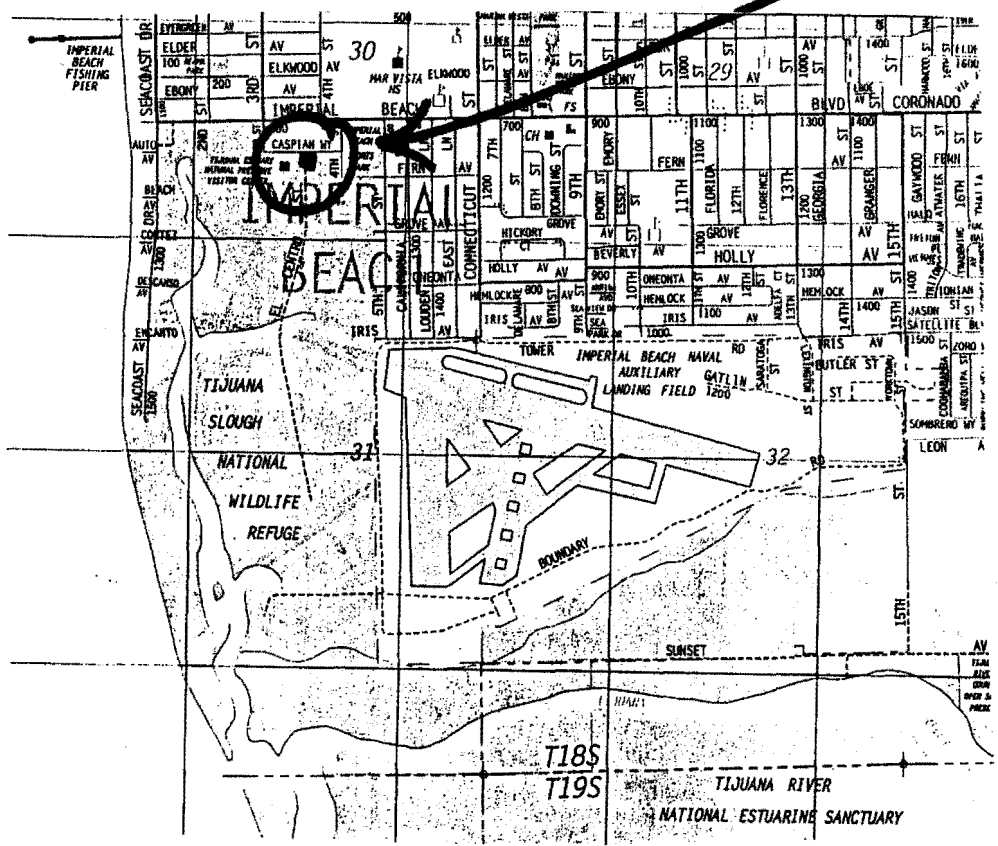


EXHIBIT NO. 1
 APPLICATION NO.
6-99-106
 Location Map

California Coastal Commission

6-99-106

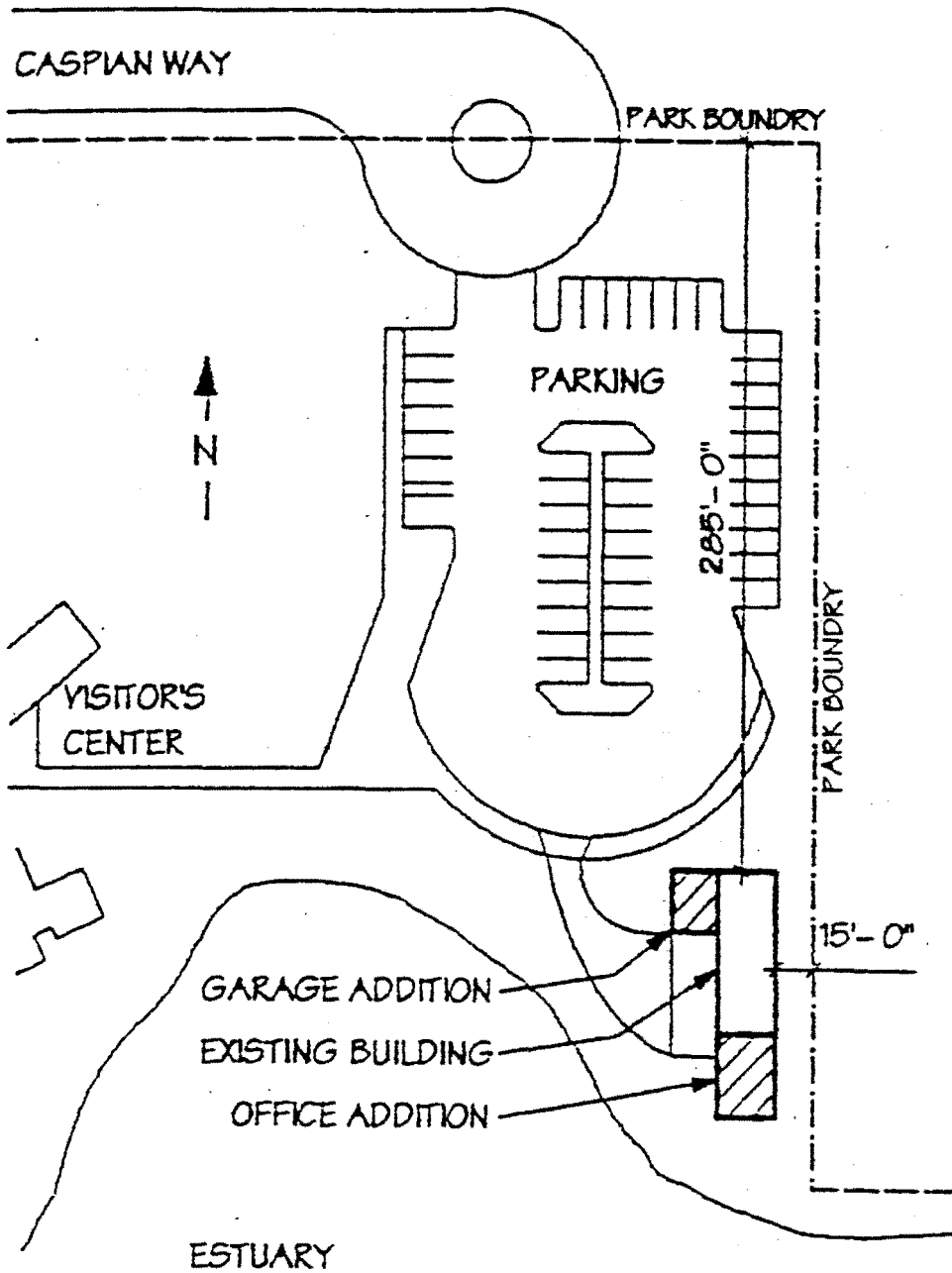



EXHIBIT NO. 2
APPLICATION NO. 6-99-106
Site Plan
 California Coastal Commission