Tue 4a-d

RECORD PACKET COPY

San Diego Coast District

CONSENT CALENDAR

Tuesday, October 10, 2000

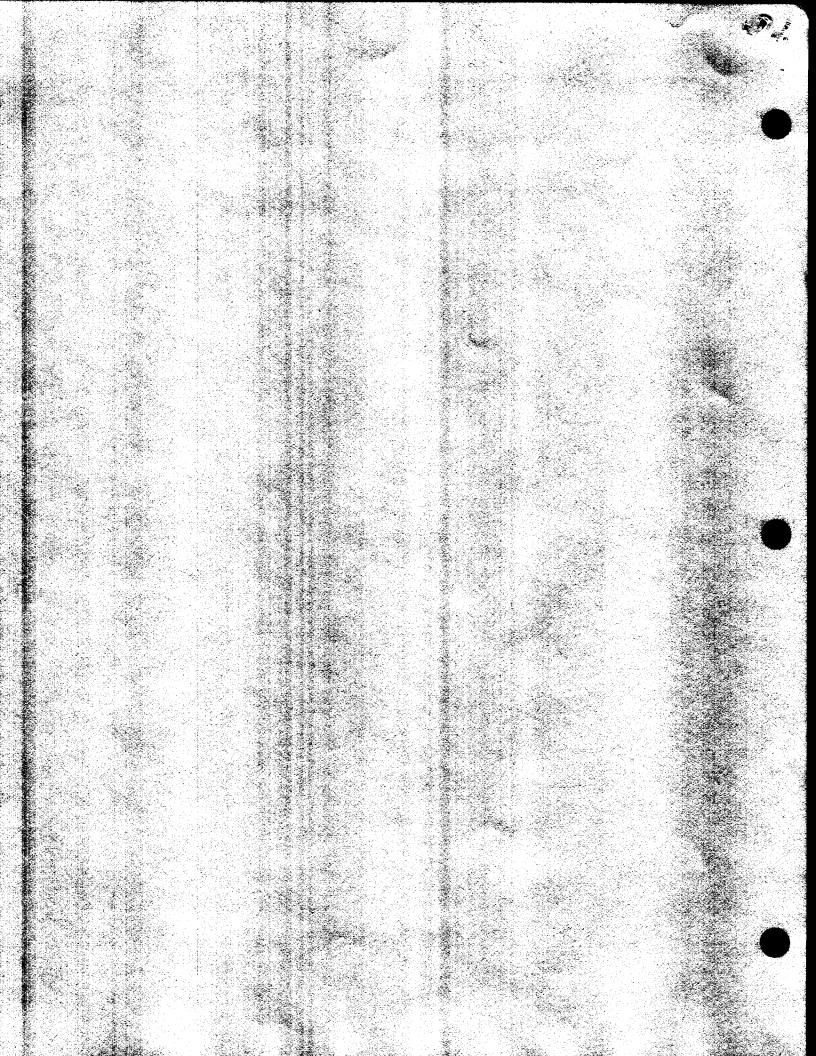
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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4402 (619) 767-2370



Tue 4a

Filed: 8/21/00 49th Day: 10/9/00 180th Day: 2/17/01 Staff: LRO-SD Staff Report: 9/12/00 Hearing Date: 10/10-13/00

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-40

Applicant: University of California, San Diego Agen

Agent: Milt Phegley

Description: Proposed is the demolition of Vaughan Hall, demolition of surface

improvements (paving, landscaping, etc.) in courtyard of old Ritter Hall and partial demolition of east wing of Ritter Hall to retain 7,700 sq. ft.

basement level.

Site: University of California, San Diego – Scripps Institution of Oceanography

campus, on the west side of La Jolla Shores Drive and south side of Discovery Way, La Jolla-La Jolla Shores, San Diego, San Diego County.

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La Jolla - La Jolla Shore LCP Segment

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move that the Commission approve the coastal

development permit applications included on the consent calendar in accordance with the staff

recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description/History</u>. Proposed is the demolition of Vaughan Hall and partial demolition of the east wing of Ritter Hall to retain a portion of the basement (approximately 7,700 sq. ft.); two existing educational buildings on the Scripps Institute of Oceanography (SIO) campus of the University of California, San Diego (UCSD). Vaughan Hall is proposed to be demolished because it is seismically unsound. The University has no immediate plans at this time for the subject site. The structure is a three-story, 4,410 sq.ft. detached building located on the south side of Discovery Way. Immediately to the south of the building is a structure called Experimental Aquarium. To the south of this building is the Old Ritter Hall structure which contains a north, east and south wing. To the northeast of this structure is the new Ritter Hall known as the Ritter Replacement Facility (refer to Exhibit No. 2). The Ritter Replacement Facility was approved by the Commission on May 7, 1996 (reference CDP #6-99-44). The permit was for the demolition of the existing south and east wings of the Old Ritter Hall including the construction of a new 31,825 sq.ft., three-story, 50-ft. high laboratory/office building. The University constructed the new Ritter Hall Replacement Facility pursuant to the permit but has not yet commenced with the demolition of the east and south wings of the Old Ritter Hall structure. However, the permit has been vested and demolition is proposed in the near future.

Through the subject permit request, the University proposes to only demolish a portion of the east wing of the old Ritter Hall and retain a portion of the basement area (approximately 7,700 sq.ft.) which was previously approved for demolition. The basement is proposed to be used for storage purposes. In association with the retention of the basement, all existing surface improvements in the courtyard of the old structure (i.e., paving, landscaping, sidewalks, etc.) will be removed, as well.

The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institute of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. Until such time that UCSD submits a Long Range Development Plan (LRDP) for Commission review and certification, the Commission retains permit jurisdiction for those areas of the campus that are within the coastal zone. The subject site is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. <u>Visual Resources</u>. Section 30251 of the Act states, in part, the following:

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,...

Vaughan Hall, a facility proposed for demolition, is located on the south side of Discovery Way, west of La Jolla Shores Drive. La Jolla Shores Drive is a designated scenic roadway in the certified La Jolla-La Jolla Shores LCP. Although the existing Vaughan Hall is within the viewshed of this scenic roadway, since the proposal is to demolish the structure, it will not pose any adverse visual impacts other than the temporary impacts associated with the demolition process. Any building proposed in the future on the demolition site will be reviewed and approved by the Commission under a separate coastal development permit. With regard to the retention of a portion of the basement of the Old Ritter Hall, the structure is not visible from La Jolla Shores Drive. Neither structure is located within any designated public view corridors of the certified La Jolla-La Jolla Shores LCP.

In addition, after demolition of Vaughan Hall, the building pad will be leveled through minimal grading and the building site will be hydroseeded including installation of erosion control devices around the perimeter of the site. A few palm trees located north of the building will be removed to accommodate demolition but these trees are proposed to be replaced along the street after demolition is completed.

Therefore, inasmuch as the proposed development will not adversely impact public views toward the ocean nor result in adverse visual impacts, the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of visual resources.

3. 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. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institute of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

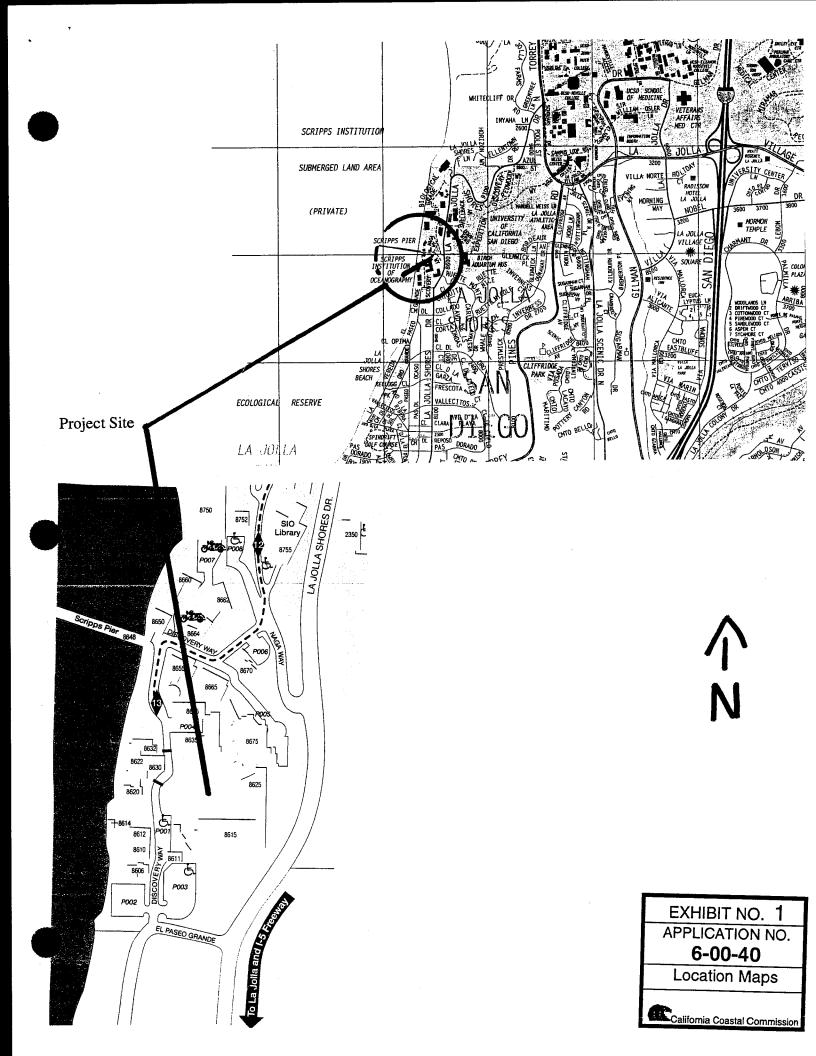
While UCSD has submitted a draft LDRP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future.

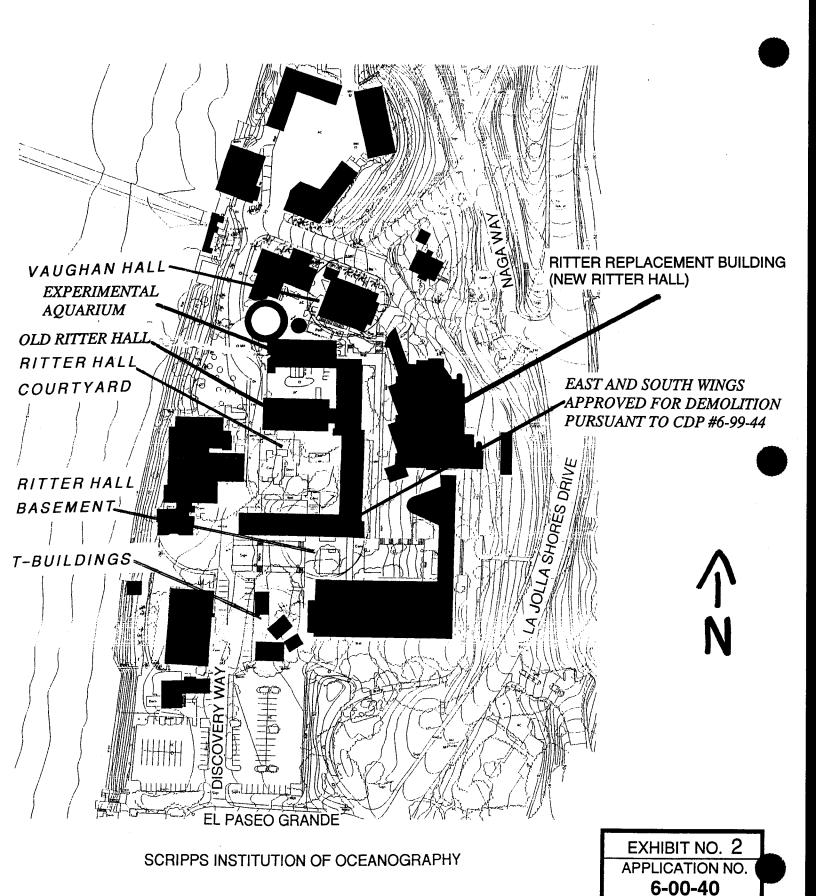
As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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California Coastal Commission

Site Plan

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4402 (619) 767-2370



Tue 4b

Filed: 8/31/00 49th Day: 10/19/00 180th Day: 2/27/01

Staff: LRO-SD Staff Report: 9/18/00

Hearing Date: 10/10-13/00

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-93

Applicant: University of California, San Diego Agent: Milt Phegley

Description: Proposed is the temporary use of a 30 acre undeveloped and unimproved

site for construction staging and storage and contractor parking.

Site: University of California San Diego campus on north side of North Torrey

Pines Scenic Drive, west of North Torrey Pines Road, La Jolla, San Diego,

San Diego County.

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La

Jolla - La Jolla Shores LCP Segment

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move that the Commission approve the coastal

development permit applications included on the consent calendar in accordance with the staff

recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

- 1. <u>Water Quality/Best Management Practices (BMPs)</u>. The applicant shall comply with the following BMPs for the construction staging and parking area:
 - a) No construction materials, debris, or waste shall be placed or stored where it may enter a storm drain leading to the ocean;
 - b) Fuel and vehicle maintenance staging areas shall be located away from all drainage courses and designed to control runoff;
 - c) Maintainance and washing of equipment and machinery shall occur only in confined areas specifically designed to control runoff; and
 - d) Adequate disposal facilities for solid waste, including provision of trash receptacles at the proposed parking lot shall be provided to discourage littering by patrons or construction workers.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the temporary use of an undeveloped/unimproved 30 acre site consisting of six parcels (A-F) owned by UCSD for construction staging/storage and contractor parking (reference Exhibit No. 2). Also proposed is the relocation of an existing chain link fence to an alternative location during February through March, installation of a K-Rail, temporary power lines on four 20-ft. high poles and security lights on two 16 ft. high poles as shown on Exhibit No. 2. The proposed relocation of the fence will accommodate the gliderport activities that occur in February through March by narrowing the size of the site that will be used for parking and construction staging and storage activities during this time period. Also proposed are new driveway access points to Parcels "B" and "E". Access to parcels "C" and "E" is planned to be located at the Torrey Pines Scenic Drive cul-de-sac. Additional driveway access points may be provided, if needed. However, no hardscape improvements are proposed associated with these driveway access points. During the next two to three years, several UCSD campus construction projects will require substantial areas for construction storage and staging and the parking of construction worker's vehicles.

These projects include, in part, construction of Eleanor Roosevelt College approved pursuant to CDP #99-64, future development of the Blackhorse Farms Hotel a few blocks to the south of the site on North Torrey Pines Road, and other construction activities at the Salk Institute. The subject site is the most accessible and available location to serve this purpose. All proposed uses are considered temporary and the site will be returned to its existing condition by late 2002.

The subject site has been used annually for parking for the Buick Invitational Golf Tournament and for full scale glider operations, the latter of which occurs for a few weeks each spring. The use of the subject site for these latter events are proposed to be continued. The subject proposal will be phased such that different portions of the site will be used for construction staging and storage at different times of the year so that different land uses can be met.

The subject site is located on the north side of Torrey Pines Scenic Drive, west of North Torrey Pines Road in close proximity to the Torrey Pines City Park and Torrey Pines Gliderport. The surrounding area is relatively flat and situated atop coastal bluffs which overlook canyons which lead down to the beach below. The subject parcel of land is owned by the University and is immediately north and northeast of the cul-de-sac of the improved Torrey Pines Scenic Drive (refer to Exhibit Nos 2 and 3). To the southeast of the cul-de-sac is an unimproved City-owned parcel that provides parking for recreational users and public access (i.e., parking for users of the gliderport and for surfers, swimmers, etc., who walk down the trails along the cliffs to surf at the beach below). On the south side of Torrey Pines Scenic Drive is the Salk Institute. To the north of the street on the other side of the subect parcel is the Torrey Pines Golf Course.

The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP). Until such time that UCSD submits a Long Range Development Plan (LRDP) for Commission review and certification, the Commission retains permit jurisdiction for those areas of the campus that are within the coastal zone. The subject site is within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

2. Visual Resources. Section 30251 of the Act states, in part, the following:

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,...

As described in the project description, the subject site is a vacant 30 acre parcel that is largely composed of a flat, dirt lot that has been used for parking on a periodic basis for special events in the immediate area (golfing tournaments, gliderport activities). The subject proposal to use portions of this area for staging and contractor parking for several ongoing construction projects at the UCSD campus will not result in any changes to the existing site conditions. That is, the unimproved lot will not be graded nor will it be paved. In addition, no major changes to the site topography or drainage will occur.

The subject site is located off of Torrey Pines Scenic Drive which is off of North Torrey Pines Road, the latter of which is a major coastal access route. For this reason, any potential impacts on visual resources must be addressed. However, the majority of the subject site is not visible from North Torrey Pines Road itself since there is some distance

between the proposed location of the parking on the site and the road itself as well as existing vegetation near the intersection of North Torrey Pines Road and Torrey Pines Scenic Drive (reference Exhibit No. 3). Nonetheless, to address visual concerns, the University is proposing to fence the entirety of Parcel "B" with chain link fence and green screening fabric. The fence will be moved, as necessary, during the golf tournament and glider operations.

Although the site will be visually screened, it should be noted that the proposed use of the area for parking and storage of construction vehicles will be compatible with the surrounding character and existing uses in the area. Immediately to the south of the site on Torrey Pines Scenic Drive is a large paved parking lot associated with the Salk Institute. To the southwest is another unimproved parking area used by the public for parking for gaining access to the beach and for gliderport activities. As such, the immediate surrounding area is already used for parking to a large extent and the proposed use of the subject site for parking is compatible with these uses.

In addition, the proposed security lights, temporary fencing, K-rail and power line should not result in any adverse visual impacts. The site is already fenced, to some degree. The proposed new fencing will simply result in relocating the fence to different areas to accommodate the size of the site that will be used for parking depending on the event that is occurring at the time. In addition, in the Salk Institute parking lot to the south of the site, there are existing light poles which are similar in size and height to the proposed lights on the subject site.

With regard to potential impact on public views toward the ocean, at this location, views of the ocean are only visible at the far western portion of the site close to the edge of the coastal bluffs due to the steep topography in the area and the elevation of the subject site compared to the beach below. As such, none of the proposed improvements will impede or block views toward the ocean. Also, as noted earlier, the University will fence the site and provide visual screening to minimize the visibility of the construction vehicles parked there. In addition, the site is located outside of the geographic area of the certified La Jolla-La Jolla Shores LCP and, as such, is not within any designated public view corridor for the La Jolla area. Therefore, inasmuch as the proposed development will not adversely impact public views toward the ocean nor result in adverse visual impacts, the Commission finds the proposed development consistent with the Chapter 3 policies of the Coastal Act addressing protection of visual resources.

3. Public Access/Recreation. Section 30210 of the Coastal Act states:

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 30212 of the Act 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, or,
 - agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway....

Section 30221 states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The subject site is located near a City-owned parcel of land that provides both public and recreational access opportunities. The public parks their vehicles at the unimproved parking lot southwest of the subject site for use of the gliderport facility as well as to gain access to the beach below. There are several existing trails throughout the area which the public uses to reach the beach. It is important to note that the subject parcel of land is not the City-owned parcel which is used for public parking. The subject UCSD-owned lot is presently fenced off and no public parking is allowed on the parcel without the express written authorization (i.e., license agreement) of the University. The proposed use of the subject site for construction access and staging will not interfere with any of the existing recreational and beach access parking that presently exists on the City-owned parcel. As noted by the University, currently there is no regular legal parking or other activity on the UCSD portion of the Gliderport. All activities on the UCSD property are subject to individual license agreements. Presently, there are barricades and fences on the subject site which include signage that states, "no parking", etc.

The University has also stated that the operational criteria for fixed wing gliders have been considered and the proposed use of the subject site for construction staging and storage activities will not interfere with the glider activities that occur on Parcel "E". Specifically, there are height limits imposed on Parcels "B" and "C" which provide for the safety of the glider activities such that a height limit clearance must be provided ranging from 15 to 45 feet. This required height clearance will be met through the proposed use of the subject site. Although there may be more construction vehicles in the area during the times that the site will be used for staging and parking which may result in a minor inconvenience to people using the area, as noted earlier, the proposed use of this site for construction staging and parking is only for a period of two to three years and will not result in adverse impacts on public access. In summary, the proposed project will not adversely affect public access opportunities in the area. As such, the proposal can be found consistent with the above-cited public access and recreation policies of the Coastal Act.

4. Water Quality. Section 30230 of the Coastal Act supports the enhancement and protection of marine resources, and requires use of the marine environment to be carried out in a manner that will sustain the biological productivity of coastal waters. Section 30231 of the Coastal Act requires the quality of coastal waters appropriate to maintain optimum populations of marine organisms and for the protection of human health be maintained and, where feasible, restored.

The proposed project involves the temporary use of an unimproved parcel of land for parking of vehicles on an interim basis and storage of construction equipment vehicles. These improvements on a site adjacent to coastal bluffs near the ocean could potentially result in significant adverse water quality impacts to the ocean. Of particular concern is the potential for dumping of trash as well as discharge of pollutants from construction vehicles associated with the proposed use of the site for parking purposes for construction storage and parking of construction vehicles. The applicant has submitted a detailed BMP plan for the project identified as a Storm Water Pollution Prevention Plan (SWPPP). Under Special Condition #1, the applicant is required to implement best management practices (BMPs) to reduce or eliminate polluted runoff from the site. With these measures and those proposed in the SWPPP, potential problems are treated at the source such that most pollutants never enter the storm water system. With implementation of BMPs, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

5. <u>Local Coastal Planning</u>. 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. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP). UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LDRP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal

Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future.

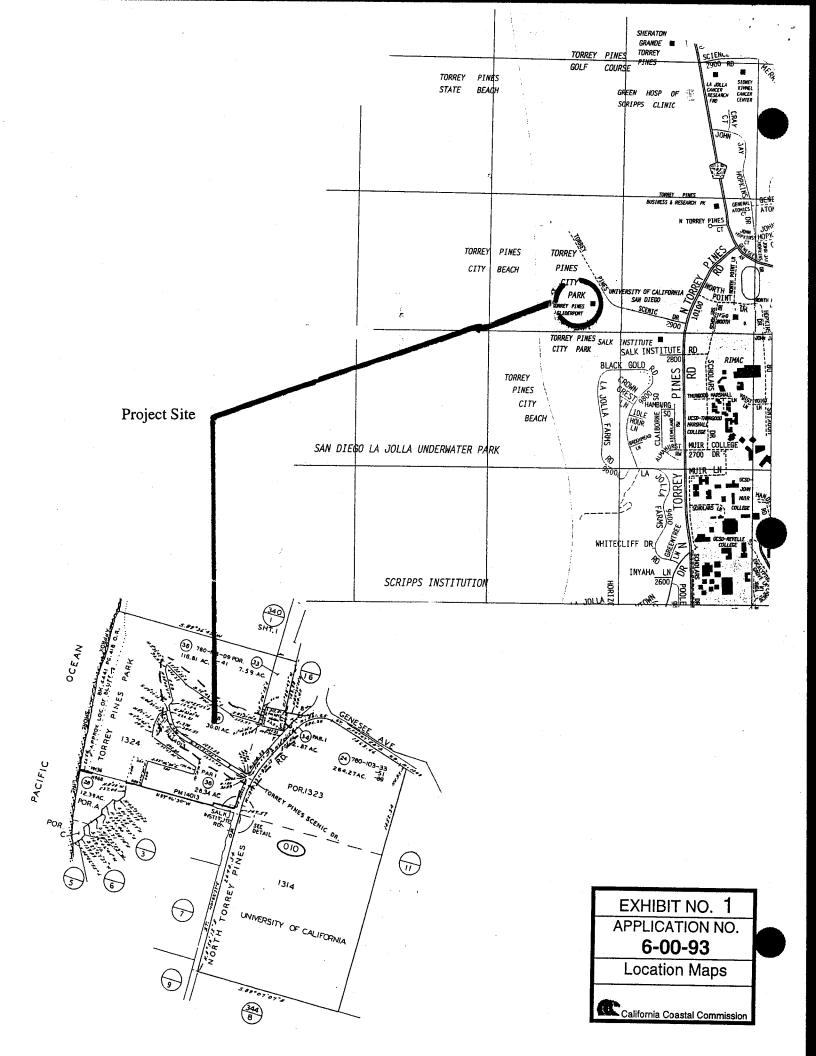
The project site and additional surrounding area has been designated as a local, State and National historic site. However, the proposed project will not result in any activities that would adversely affect the site's integrity or the nature of the historic designations.

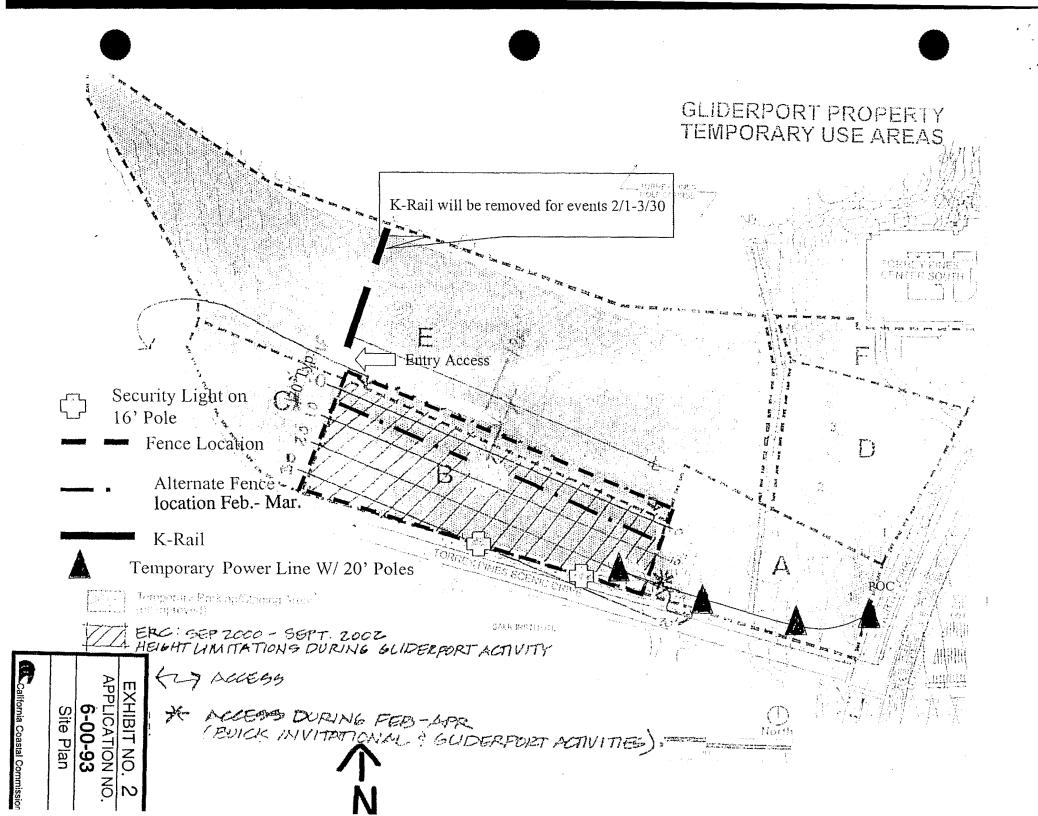
As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

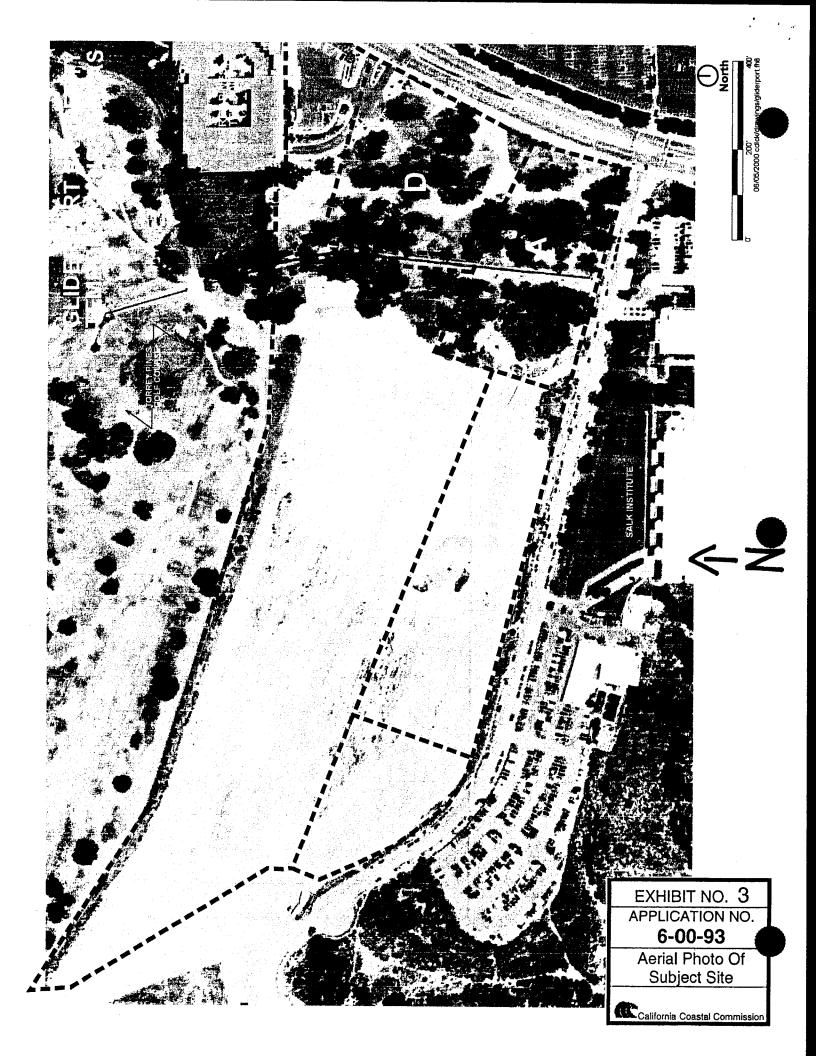
STANDARD CONDITIONS:

- 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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Torrey Pines Soaring Council

3333 North Torrey Pines Ct., Suite 200 La Jolla, CA 92037



CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT

September 19, 2000

Laurinda Owens California Coastal Commission 7575 Metropolitan Drive, Suite 103 San Diego, CA 92108-4402

Dear Ms. Owens:

Milt Phegley provided the Torrey Pines Soaring Council with a copy of his letter to you dated September 12th, 2000 regarding Coastal Development Permit Application No. 6-00-93 (Gliderport). The Torrey Pines Soaring Council understands and has no objection to these temporary arrangements, this with the understanding that the Torrey Pines Gliderport is designated as an historic site recognized by the Department of Interior and will be returned to its original condition upon completion of the proposed staging and parking activities.

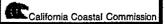
I want to complement Milt Phegley for his effort to use this facility while recognizing and maintaining its historic significance.

Sincerely,

Lawrence J. Føgel, Ph.D.

Secretary, Forrey Pines Soaring Council

EXHIBIT NO. 4
APPLICATION NO.
6-00-93
Letter of Support



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 DIEGO, CA 92108-4402 767-2370



Tue 4c

Filed:

July 25, 2000

49th Day: 180th Day: September 12, 2000 January 1, 2001

Staff:

GDC-SD

Staff Report:

September 21, 2000

Hearing Date: October 10-13, 2000

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-107

Applicant:

County of San Diego

Agent: Marette Esperance

Description:

Installation of an interpretative 12 foot-high stainless steel pole containing

two pairs of binoculars and a windsock for a two year period.

Zoning

Open Space

Plan Designation

Open Space

Site:

Within San Elijo Lagoon adjacent to the nature trail, Encinitas, San Diego

County. APN No. 261-191-03

Substantive File Documents: Certified City of Encinitas LCP, San Elijo Lagoon

Enhancement Plan; CDP Nos. 6-87-582; 6-90-309; 6-95-107; 6-98-32; 6-

99-23.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION:

I move that the Commission approve the coastal

development permit applications included on the consent calendar in accordance with the staff recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

- 1. <u>Term of Permit</u>. This development is approved for a period of two years from the date of Commission action. After the permitted two-year period the interpretative pole must be removed and the site restored to its previous condition.
- 2. <u>Color Treatment</u>. 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 materials and color scheme to be utilized in the construction of the interpretative pole and windsock. The color of the pole and windsock permitted hereby shall be restricted to color compatible with the surrounding natural environment including shades of green, brown, and gray, with no white or light shades and no bright tones.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the temporary, two-year installation of an interpretative 12 foot-high steel pole to contain two pairs of binocular and a windsock. One set of binoculars is proposed to be set on the pole approximately 5 feet from the ground and the other (artificial) set will be set on the pole approximately 10 feet from the ground. An orange windsock is proposed to be placed at the top of the pole and small spikes will be place on the top (as an anti-perching device). The pole is proposed to be placed on an unvegetated site adjacent to an existing nature trail approximately 1000 feet south of the Nature Center. The project is one element of a larger interpretative program proposed to serve the San Elijo Nature Center. The theme of the program involves migratory bird flyways. In addition to the subject development, other elements of the interpretative program involves the placement of bird and flyway information signage on the existing walls of the Nature Center and a "steamer trunk" containing San Elijo Lagoon wildlife information designed to match elements of the windsock/binocular pole which will be utilized in an education program for nearby primary schools. The project is a collaborative effort between the Lux Art Institute, Mira Costa College and San Diego County Parks and Recreation. The subject site is located on the south side of Manchester Avenue, east of Highway 101, in the Cardiff community of the City of Encinitas. Other facilities located on the site include the nature center, restrooms, and a 20-car parking lot.

The proposed development requires a coastal development permit because it involves the placement of a significant detached structure on land within San Elijo Lagoon. The subject site is located within the Commission's area of original jurisdiction. As such,

Chapter 3 policies of the Coastal Act are the standard of review, with the certified Encinitas Local Coastal Program used as guidance.

2. <u>Sensitive Habitat/Public Recreation/Access</u>. Section 30231 of the Coastal 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 ...

In addition, Section 30240 (b) of the Coastal Act states:

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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30211 of the Act states:

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.

Finally, Section 30604(c) of the Coastal Act requires that a specific access finding be made in conjunction with any development located between the first public roadway and the sea, indicating that the development is in conformity with the public access and public recreation policies of Chapter 3. In this case, such a finding can be made.

The subject site is located at the northwest portion of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, the potential adverse impacts on sensitive resources as a result of activity in the lagoon could be significant.

The proposed interpretative pole will be placed along side of an existing public trail which is located on a dirt berm slightly upland of the lagoon itself. However, there is a variety of salt marsh and fresh water marsh vegetation surrounding the trail. The interpretative pole is proposed to be located in an area of bare dirt such that no direct impacts to wetland vegetation would occur. The lower pair of binoculars on the pole will be available to trail users. The higher set of binoculars is artificial and represents an

interpretative/artistic element suggesting birds are watching humans. In addition, the Department of Fish and Game has reviewed the proposed project and has not objected to its installation or its proposed location. The applicant is proposing the use of spikes on the top of the pole and the artificial binoculars to inhibit predator perching. Therefore, no impacts to environmentally sensitive habitat or wildlife are anticipated.

Many areas of the lagoon are not open to the public because of the sensitive nature of the resources. Only designated areas, such as trails and the nature center are open to public access. Through its approval of past improvements to the nature center area, the Commission has determined that the subject site is an appropriate location for recreational and public access to the lagoon. The proposed interpretative pole is designed as one element of a larger educational program to teach about the wildlife of San Elijo Lagoon and will encourage public use of facility especially by school children. The improvements, however, are not expected to result in a significant increase in the number of visitors to the area, as the size and function of the facilities will remain essentially the same. In addition, providing an enhanced public recreational and access experience adjacent to existing support facilities, will focus public use in an area of the Park which has been designed to support visitors and will not result in adverse impacts to the surrounding natural area.

In summary, the project would support public access and recreation to the lagoon by providing an interpretative element to the Nature Center with no impacts to environmentally sensitive habitat. Therefore, the proposed project can be found consistent with the resource protection and public access and recreation policies of the Coastal Act.

3. Visual Resources. Section 30251 of the Coastal Act is applicable and 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...

The subject development is proposed to be located approximately 1 mile east of Highway 101, which is a major north/south coastal access route and designated scenic view corridor in the certified Encinitas LCP. The subject site is also located just south of Manchester Avenue, which is designated as a scenic visual corridor in the Encinitas LCP. As a natural wetland, San Elijo Lagoon Ecological Reserve serves as a significant open space park separating the developed coastal cities of Solana Beach and Encinitas. As such, installation of the proposed 12 foot-high interpretative pole could result in adverse visual impacts as viewed from the surrounding public areas.

However, in this particular case, the proposed steel pole with windsock will be located approximately 1/2 mile east of Highway 101 and will only be visible for a short span by northbound motorists on Highway 101. The majority of the view of this site along

Highway 101 is blocked by the bed of the existing railroad tracks. In addition, the proposed siting of the pole will not be visible to motorists along Manchester Avenue since Manchester Avenue at this location is set at a higher elevation than the Nature Center or interpretative pole. In addition, any views of the pole from surrounding public roadways will be mitigated by the large stand of willows that form the background behind the proposed pole. The proposed pole will generally only be visible to users of the existing public trails and Nature Center and will not be out of character with other interpretative signage that currently is posted along the trail. To further protect public views of the lagoon's environment, Special Condition #2 has been attached requiring the proposed steel pole and windsock to be colorized to match the surrounding natural environment. Whatever limited visual impact the interpretive pole may have on park visitors its impact is further offset by the fact that it will only be a temporary two-year installation. Special condition #1 has been attached which limits the development to a period of two years and requires its removal after the two years. Therefore, as conditioned, since the proposal is temporary and will not adversely affect public views, the project can be found consistent with the visual resource policies of the Coastal Act.

4. <u>Local Coastal Planning</u>. 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 located in the City of Encinitas, and zoned and planned for open space/recreational uses. The proposed development, although within the boundaries of the City of Encinitas, is within the jurisdiction of the County of San Diego Parks and Recreation and does not require review or approval from the City. However, the City's certified LCP does contain policies calling for the protection of the lagoon's sensitive resources, while at the same time allowing for passive recreational activity that does not impact sensitive habitat. The proposed project is consistent with these provisions. As conditioned, the Commission finds the proposed development consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds the proposed development should not prejudice the ability of the City of Encinitas to continue to implement its certified local coastal program.

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, as conditioned, has been found consistent with the wetlands, public access and visual resource protection policies of the Coastal Act. There are no feasible alternatives or additional 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. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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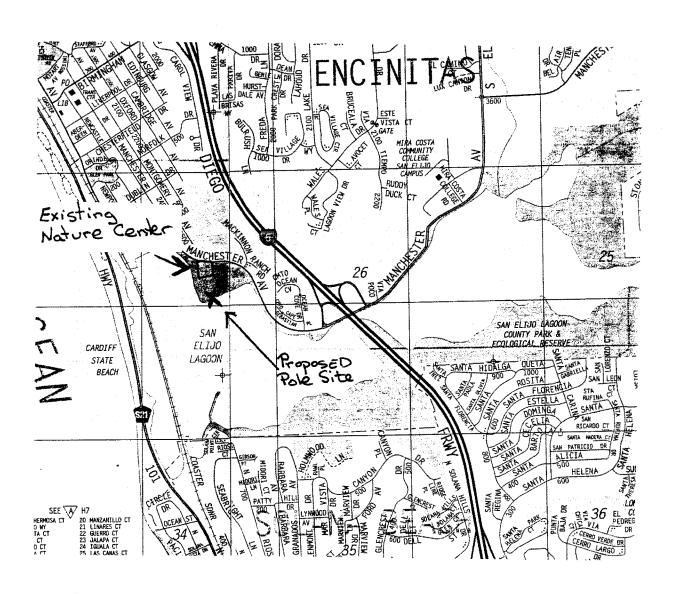


EXHIBIT NO. 1
APPLICATION NO.
6-00-107
Location Map

California Coastal Commission



(COOKME WAST)

(2000 DAKE WAST)

EXHIBIT NO. 2

APPLICATION NO. 6-00-107

Site Plan with Artist Rendition of Interpretative Pole. Height on drawing is not to scale of 12 ft.

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA 7575 METROPOLITAN DRIVE, SUITE 103 SAN DIEGO, CA 92108-4402 (619) 767-2370



Tue 4d

Filed:

July 28, 2000

49th Day:

September 15, 2000

180th Day: Staff:

January 24, 2001

Staff Report:

DL-SD September 18, 2000

Hearing Date:

October 10-13, 2000

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-00-108

Applicant:

Pacific Solana Beach Holdings, LP

Agent: Milo Architecture Group

c/o American Assets, Inc.

Description:

Remodeling of an existing 9,732 sq.ft. commercial building to convert

existing 6,621 sq.ft. restaurant into four separate tenant spaces for

restaurant and retail uses and conversion of an existing 759 sq.ft. exterior patio into dining patio, in an existing 211,483 sq.ft. commercial shopping center. Approximately 337 sq.ft. of new interior floor area would be

added to the building.

Lot Area

18.35 acres

Parking Spaces

808

Zoning

Commercial

Plan Designation

Commercial

Ht abv fin grade

30 feet

Site:

903-907 Lomas Santa Fe Drive, Solana Beach, San Diego County.

APN 263-293-43

Substantive File Documents: Certified County of San Diego Local Coastal Program

(LCP); City of Solana Beach General Plan and Zoning Ordinance; City of

Solana Beach Structure Development Permit 244.

I. <u>STAFF RECOMMENDATION</u>:

The staff recommends the Commission adopt the following resolution:

MOTION:

I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff

recommendations.

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

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 to the Executive Director for review and written approval, a comprehensive sign program, with evidence that the plan has been approved by the City of Solana Beach, 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.

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. Detailed Project Description. Proposed is the remodeling of an existing 9,732 sq.ft. commercial building involving the conversion of an existing 6,621 sq.ft. restaurant in the building into four separate tenant spaces. Two roof overhang areas on the existing building would be converted into approximately 337 sq.ft. of additional interior floor area. Of the four new suites, one will remain as a restaurant (1,965 sq.ft.), one will be converted to retail (1,135 sq.ft.), and the other two suites may be used for either restaurant or retail uses. In addition, an existing 759 sq.ft. exterior patio adjacent to the restaurant suite would be converted into a dining patio.

The proposed development is located in an approximately 211,483 sq. ft. shopping center on a 18.35 acre lot on the southeast corner of Marine View Lane and Lomas Santa Fe Drive, east of Interstate 5 in the City of Solana Beach. There are currently 808 parking spaces at the center.

The Commission has approved a number of expansions in the subject shopping center since September 1996, including a 945 sq. ft. restaurant addition (#6-99-112), a 995 sq. ft. addition to an existing retail building (#6-96-141), conversion of an existing 1,127 vacant retail leasehold to a restaurant, construction of a 631 sq. ft. addition to the leasehold (#6-96-145), demolition of an existing 26,700 sq. ft. supermarket and shop and construction of a new 52,071 sq. ft. supermarket (#6-96-157), conversion of a 2,250 sq. ft. retail leasehold to restaurant use (#6-97-140), and conversion of an existing 1,235 sq.ft. retail leasehold to restaurant use (#6-99-69). In addition, in July 1996, the shopping center received a permit exemption from the Commission to re-grade and resurface the entire parking lot creating an additional 149 parking spaces.

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and, therefore, Chapter 3 policies of the Coastal Act is the standard of review.

2. <u>Public Access/Parking</u>. Section 30252 of the Coastal Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coastal area by usurping on-street public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking is critical for all commercial, recreational and residential development in near shore areas.

The previously certified County of San Diego LCP requires that 1 parking space per 225 sq. ft. of retail or restaurant use be provided within multi-tenant commercial centers of between 25,000 to 250,000 sq. ft. where 10% or less of the center's square footage is for restaurant use. Conversion to restaurant use above 10% of the center's square footage would require 1 space per each additional 100 sq. ft. Currently, less than 10% of the existing shopping center is occupied by restaurant use, and the proposed project would not change that. The City of Solana Beach parking standard for multi-tenant commercial centers of between 25,000 and 250,000 sq. ft. also requires 1 space per 225 sq. ft. of retail or restaurant use. The existing 211,483 sq. ft. shopping center currently has 808 parking spaces available, which is approximately 132 fewer spaces than what would be required if the entire shopping center were required to conform to current parking standards.

Under the City of Solana Beach's regulations, conversions or additions to existing structures erected prior to the City incorporation in 1986 are required only to provide sufficient parking to accommodate the increase in intensity. In other words, the City requires additional on-site parking be provided only to accommodate the increased square footage of the development, not to bring the entire site up to current parking standards. There is a similar provision in the previously certified County of San Diego LCP, which the Commission uses for guidance in review of development in Solana Beach. However, in the case of the proposed project, since at least 1,135 sq.ft. of the building currently used as restaurant will be converted to retail uses, a lower intensity use, the City of Solana Beach did not require that the applicant provide any additional parking for the project, including the 337 sq.ft. addition and the 759 sq.ft. dining patio conversion.

In this particular case, the project will have the effect of slightly lowering the intensity of use at the shopping center. In addition, the project site is located east of Interstate 5, several miles from the shoreline, such that the surrounding streets are not used for beach parking. Any "spillover" parking on adjacent streets by the shopping center patrons caused by any insufficient parking within the center itself, would not displace beach visitors. Therefore, since public access to the shoreline will not be affected, the Commission finds the development consistent with Section 30252 of the Act.

3. <u>Visual Impact/Community Character</u>. Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas be considered and protected as a resource of public importance.

The proposed commercial remodel will be located within an existing commercial center, and will not have an adverse impact on the visual quality on the surrounding neighborhood. With the exception of the 337 sq.ft. of new floor area, the project involves remodeling the interiors of an existing building, and facade changes to the exterior of the structure. The proposed renovations will not block any public views or alter the character of the community. In past Commission action on commercial development within this area, the Commission has regulated the height and amount of signage because of the potential for adverse impacts on the scenic quality of the area, and inconsistency with Section 30251 of the Act. Strict limits on the size and height of commercial signs were included within the previously certified County of San Diego Local Coastal Program. There are no pole signs at the shopping center currently.

To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #1 has been proposed. The condition requires the submittal of a sign program documenting that only monument signs not exceeding eight feet in height or facade signs will be installed. Therefore, as conditioned, the project will not have any adverse visual impacts to scenic coastal resources and the project can be found consistent with Section 30252 of the Coastal Act.

4. <u>Local Coastal Planning</u>. 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.

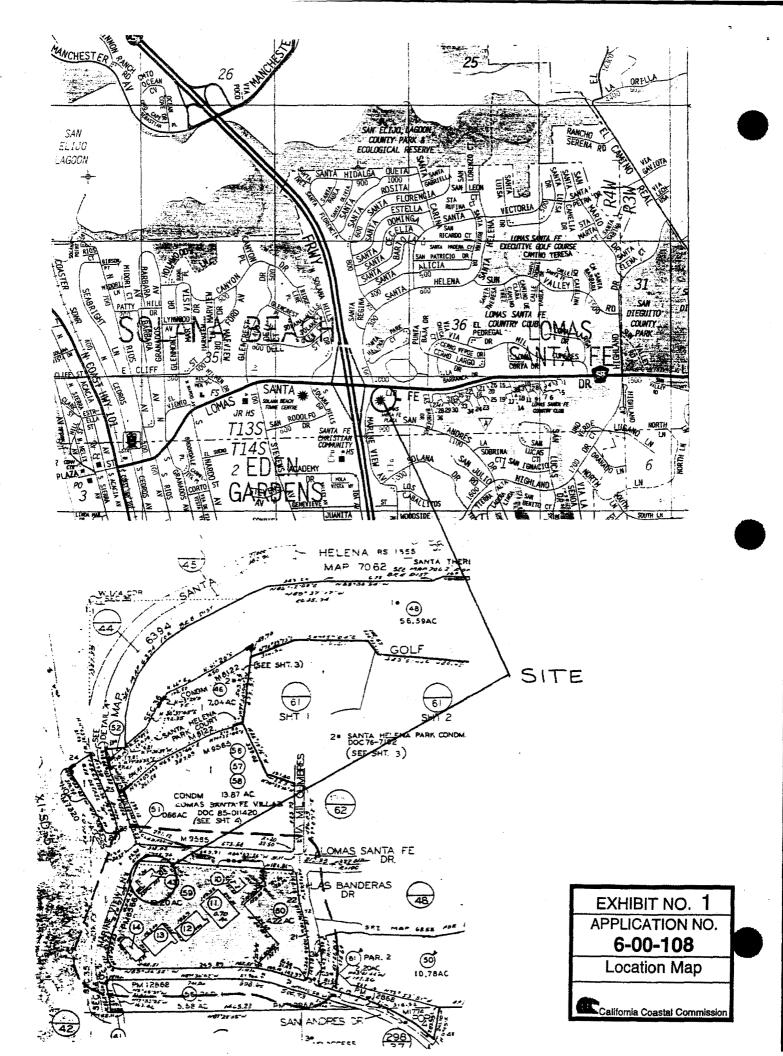
The site is zoned and designated for commercial uses in the City of Solana Beach General Plan and Zoning Ordinance and is also designated for such uses in the previously-certified County of San Diego LCP. The proposed development is consistent with these designations. The site is not subject to any of the special overlay area established in the County of San Diego LCP. As discussed above, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act, and no adverse impacts to coastal resources will result. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certified local coastal program.

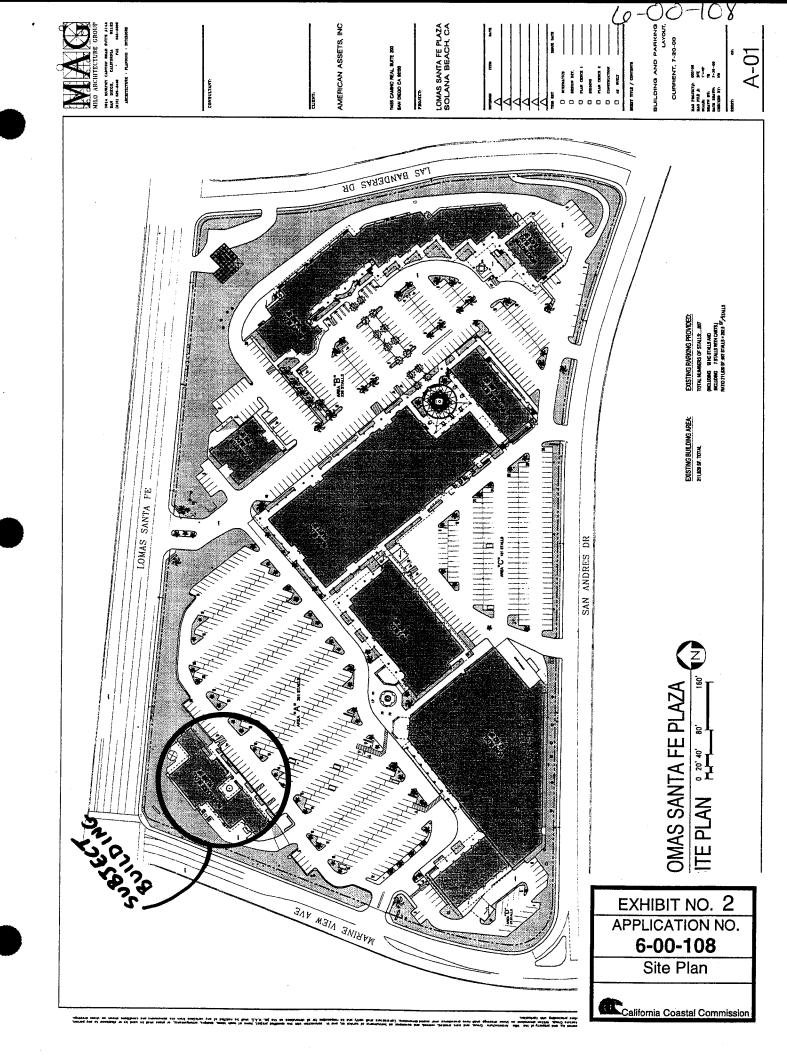
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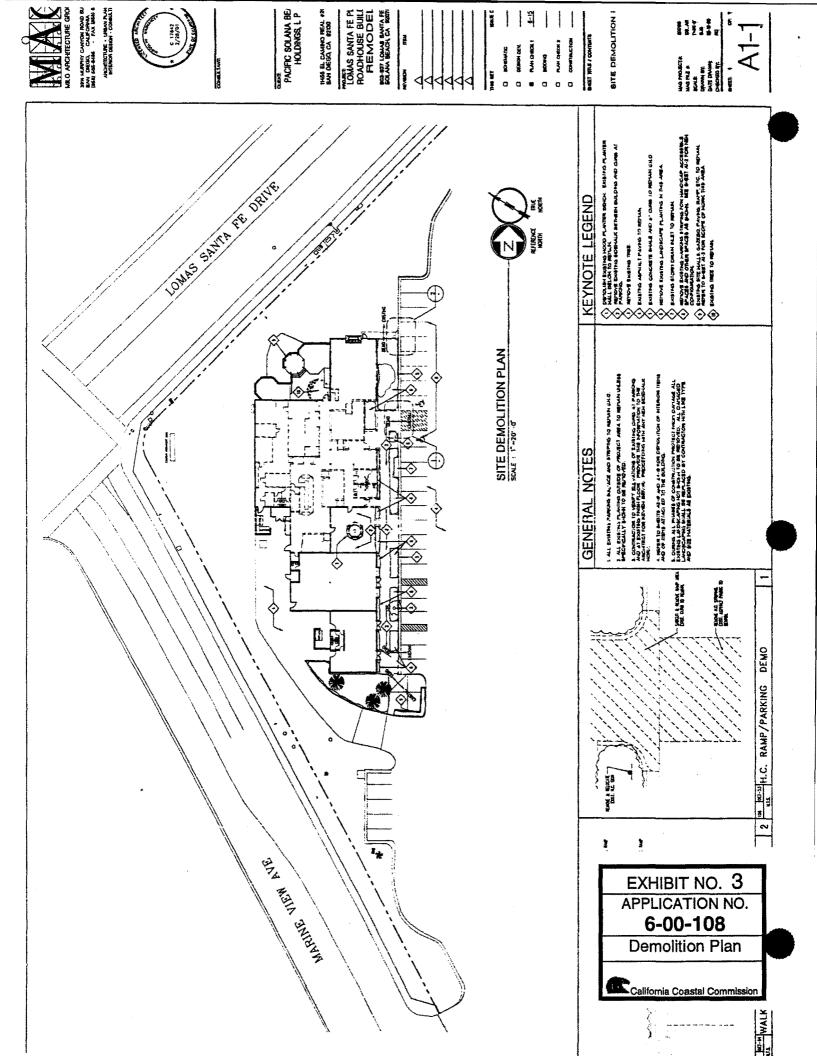
The proposed project has been conditioned in order to be found consistent with the visual quality and public access policies of the Coastal Act. Mitigation measures, including conditions addressing signage will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives 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.

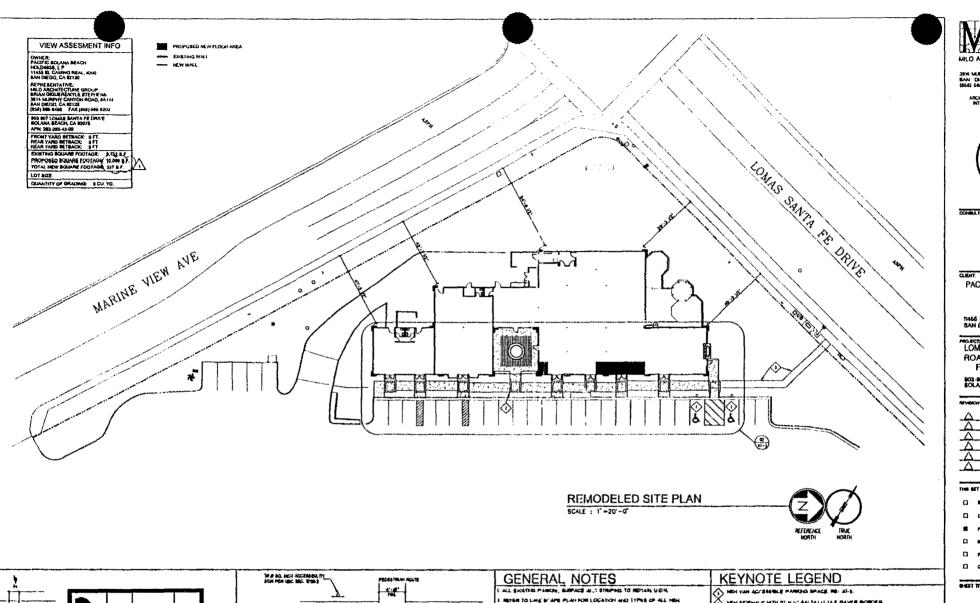
STANDARD CONDITIONS:

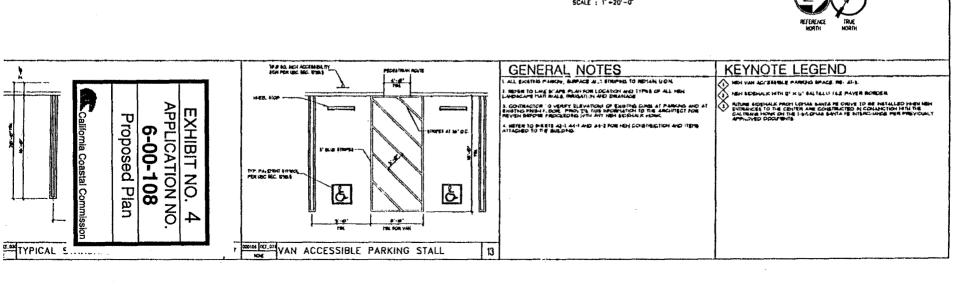
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- 3. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. <u>Terms and Conditions Run with the Land</u>. 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.











MILO ARCHITECTURE GROU

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ARCHITECTURE - LIBAN PLANN



PACIFIC SOLANA BEACI HOLDINGS, L. P

THRE EL CAMINO REAL #200 SAN DIEGO, CA #2130

LOMAS SANTA FE PLAZ ROADHOUSE BUILDIN REMODEL

903-937 LOMAS SANTA FE OR SOLANA BEACH, CA 92076

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