

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 Metropolitan Drive, Suite 103

SAN DIEGO, CA 92108-4402

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Staff: GDC-SD
 Staff Report: December 14, 2000
 Hearing Date: January 9-12, 2001

Tue 19a

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-74-A1

Applicant: Price Enterprises, Inc. Agent: Lois Miller

Original Description: Expansion of an existing self-storage facility containing 82,526 sq. ft. of floor area to include demolition of 16 buildings totaling 9,566 sq. ft. and construction of 7 new buildings totaling 241,559 sq. ft. on a 11.54 acre lot.

Proposed

Amendment: Raise the side walls of an off-site existing 3 to 6 foot-high rectangular concrete drainage channel an additional 1 foot, 8 inches for approximately 45 feet on the east side and approximately 60 feet on the west side.

Site: South side of Genevieve St. at Stevens Creek, Solana Beach, San Diego County.

Substantive File Documents: Certified County of San Diego Local Coastal Program; Hydrological Analysis by Robert Bein, William Frost & Associates dated May 18, 2000; Letter from Robert Bein, William Frost & Associates to the Commission dated June 14, 2000; CDP No. 6-00-74/Price-Enterprises.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: The City is requiring the applicant to perform the subject development in order to address potential flooding that may result from an unrelated future City storm drain project to be located within Stevens Avenue north of the subject site. Staff is recommending denial of the proposed amendment request because the development has not been documented to be a necessary flood control measure related to runoff from the Commission approved Price-Enterprise development site. Until the City submits the planned-for storm drain improvements within Stevens Avenue north of the subject site for Commission review, it is premature to approve the raising of the walls of the concrete channel. In addition, alternatives to the proposed amendment have not been examined that might be less environmentally damaging to coastal resources such as water quality.

The proposed amendment had initially been reviewed by the Commission as a potential non-material amendment in July 2000. The amendment was circulated to the Commission, surrounding property owners and interested parties and an objection was received which requires its review as a material amendment (see attached Exhibit #4). The letter of objection was received from an adjacent property owner who raised concerns about potential flooding of his property that may result from the subject development. In addition, a subsequent letter from the objector's attorney questioned the adequacy of the hydrologic information that has historically been applied to Stevens Creek by the City. As a result, Commission staff has worked with the City and the applicant to clarify hydrological concerns raised by the subject development before preparation of the subject staff recommendation.

I. PRELIMINARY STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve proposed amendment to Coastal Development Permit No. 6-99-74-A1 for the development as proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a NO vote. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT AMENDMENT:

The Commission hereby denies the proposed amendment to the coastal development permit on the grounds that the development as amended will not conform with the policies of Chapter 3 of the Coastal Act and will 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. Approval of the amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The original project involved expansion of an existing 11.54 acre self-storage facility that included demolition of 16 buildings and construction of 7 new buildings resulting in a total floor area of 314,519 sq. ft. The project also included the construction of off-site drainage improvements. The self-storage facility is located on the northwest terminus of Stevens Avenue West

(formerly Jack Drive), south of Lomas Santa Fe Drive, slightly less than 1/2 mile west of Interstate 5 in the City of Solana Beach.

The proposed project involves a change to the off-site drainage plans approved by the Commission. The drainage plan approved by the Commission involved the placement of one 36-inch pipe leading directly from the Price-Enterprise site along Stevens Avenue West to Stevens Avenue connecting to two 36-inch pipes extending under Stevens Avenue terminating at an existing concrete drainage channel within Stevens Creek south of Genevieve Street. The applicant proposes to amend the approved drainage plan to include raising the walls of an off-site concrete channel portion of Stevens Creek by 1 foot, 8 inches for a span of approximately 45 feet on its east side and approximately 60 feet on its west side. The proposed project will be located across the street and slightly south of the Price-Enterprise facility. The purpose of raising the walls is to prevent overtopping of the channel by increased and concentrated runoff which may occur as a result of future connections to the storm drain system. The applicant's hydrology report contends that this "overtopping" will likely occur when the City, at some time in the future, adds additional storm drains within Stevens Avenue north of the development site.

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. Channelizations/Water Quality. Section 30236 of the Coastal Act states that:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

In addition, Section 30231 of the Act states that:

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, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development involves the alteration of a channelized stream (Stevens Creek) involving the raising of an existing 3 to 6 foot-high channel wall by an additional 1 ft., 8 in. for a span of 45 feet on the east side of the channel and approximately 60 feet on the west. The heightening of the wall is proposed to accommodate future expansions

of the City's storm drain system which may result in concentrated levels of water entering the channel at this location. Stevens Creek is a historical stream that has largely been channelized. It empties into San Dieguito Lagoon, approximately 1 mile to the south of the subject location. The only remaining portion of the stream that is open and generally functions as a natural stream is an approximately 3/4 mile long section north of the subject site.

The portion of the existing concrete channel that is proposed to be raised currently accommodates flows from upstream watershed basins located to the north and northeast of the subject site. Runoff generated from watersheds on the west side of Stevens Avenue (to the north) currently sheet-flow along Stevens Avenue past the subject location, entering the channelized stream approximately 150 feet south of the subject location. Until installation of Price-Enterprise storm drains, that development site also sheet-flowed onto Stevens Avenue contributing to street flooding before entering the channel approximately 150 south of the subject development site. The City has indicated that, in the future, it plans to contain all remaining sheet-flow through the installation of storm drains and inlets along Stevens Avenue north of the subject site. The original development approved by the Commission included the installation of storm drains under Stevens Avenue with a provision to "stub" and "cap" one of the 36 inch storm drains to accommodate inclusion in the future of a northern expansion of the storm drain system along Stevens Avenue.

The applicant's hydrology report, and subsequent letter of clarification (see attached Exhibit #5), indicates that runoff from the Price-Enterprise site will not result in the need to heighten the channel walls. The hydrologic analysis documents that development of the Price-Enterprise facility did not result in increased runoff from the site than previously existed since the proposed building additions occurred on pre-existing paved areas. The analysis also examined whether discharging runoff from the Price-Enterprise site at the concrete channel's intersection with Genevieve Street would require the walls be raised in order to prevent "overtopping". The channel depth at its intersection with Genevieve Street is 3 feet. Where the runoff from the Price-Enterprises site previously entered the channel approximately 150 south of Genevieve, the channel depth is 6 feet. The analysis concluded that even though the channel walls at Genevieve Street are only 3 feet high, the redirection of runoff from the Price-Enterprise site would not require heightening of the channel walls.

Section 30236 requires that flood control projects be limited to those that protect existing property and incorporate the best mitigation measures feasible. In the case of the subject development, the applicant proposes to modify an existing concrete channel in order to address the potential adverse impacts associated with a future storm drain project that has neither been designed by the City nor reviewed by the Commission. As such, approval of this "mitigation" measure is premature. In addition, it is not known whether alternatives to the City's planned-for storm drains might exist which could lessen the need to heighten the concrete channel walls. Such alternatives might include diverting portions of the northern storm drains into the open "natural" areas within Stevens Creek north of the subject site. Conceivably such an effort would reduce the concentration of flows which

would otherwise be focused at the Genevieve Street culvert where the wall depth is at its lowest. In addition, if Best Management Practices (BMP's) are utilized in conjunction with the expansion of the City's storm drain systems, some of the BMP's themselves (such as detention basins) might lessen the velocity of the flows entering Stevens Creek and reduce the need to raise the channel walls. However, the applicant has not examined these alternatives because they are not responsible for designing the planned-for City storm drains. Therefore, until the City submits the planned-for storm drain improvements within Stevens Avenue north of the subject site for Commission review, it is premature to approve the raising of the walls of the concrete channel and the amendment should be denied.

In addition, Section 30231 of the Coastal Act requires that development protect "the biological productivity and quality of coastal waters." Since any future expansion of the City's storm drain system will likely require the application of BMP's to prevent polluted runoff from entering into the stream and, thereby, coastal waters, approval of the subject development may in some ways reduce the opportunities to incorporate BMP's in the future storm drain project. If the applicant, for example, were to raise the walls in advance of the City's plan-for storm drains, the City may determine it is no longer cost-effective to also install detention basins or divert flows to the open stream areas north of the subject site. Therefore, the proposed development should be denied because it may reduce the feasible application of BMP's for the City's planned-for expansion of storm drains within Stevens Avenue.

In summary, the proposed amendment request has not been documented to be a necessary flood control measure related to runoff from the Commission approved development site. In addition, there may be alternatives to the proposal which would lessen the need for the project and be more protective of coastal resources such as water quality. Therefore, as described above, the proposed amendment request is inconsistent with Section 30236 and 30231 of the Coastal Act and must be denied.

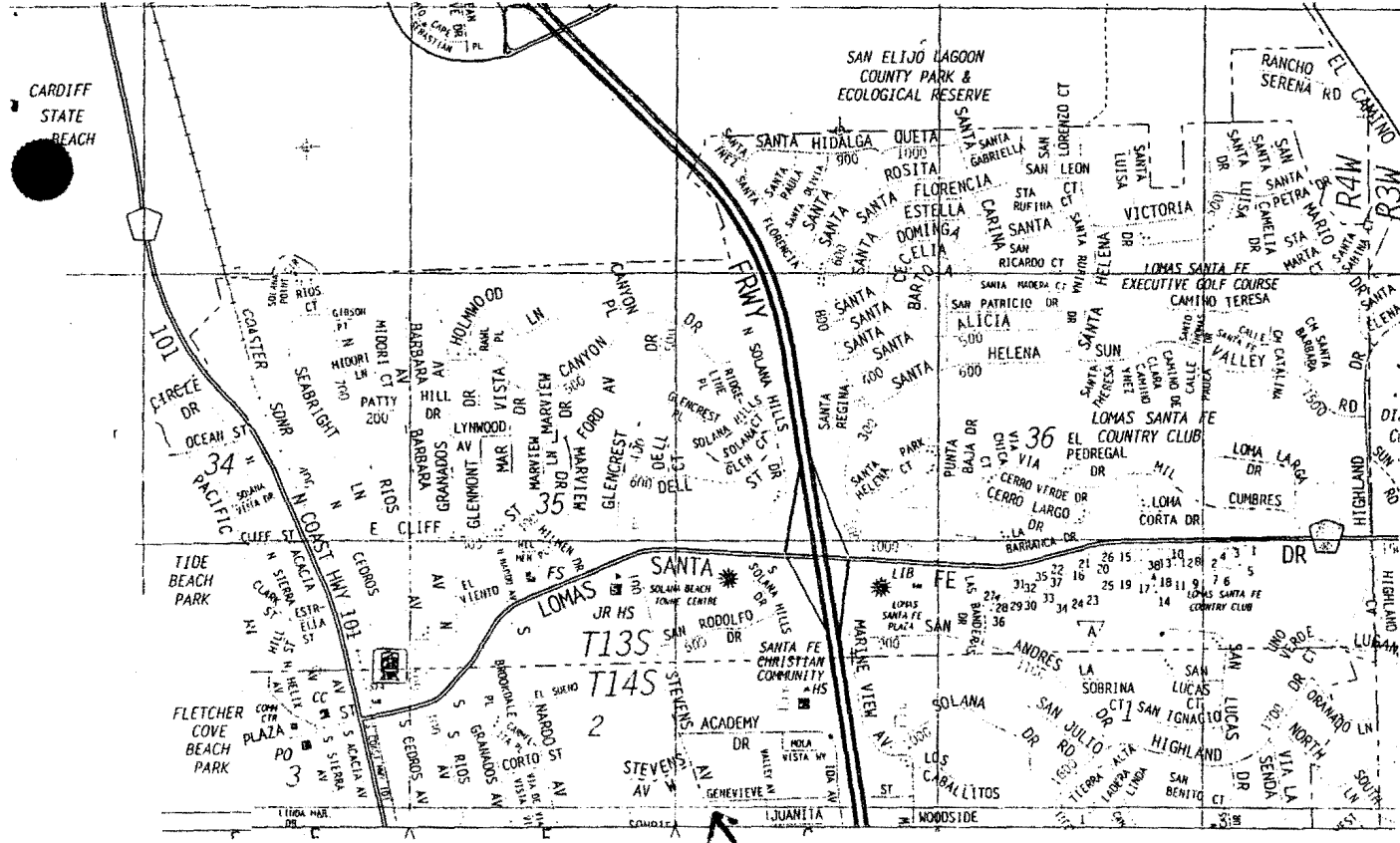
4. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can not be made.

The proposed development would occur within a City drainage easement of Stevens Creek adjacent to commercial development. Although the proposed project is consistent with types of development permitted within the easement, the proposed development does not meet the requirements of Chapter 3 policies of the Coastal Act relating to channelization of streams and the protection of coastal waters. Therefore, the Commission finds that project approval will prejudice the ability of the City of Solana Beach to obtain a certified LCP and must be denied.

5. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal

Development Permit to be supported by a finding showing the permit is 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 found inconsistent with the stream and coastal waters protection policies of the Coastal Act. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. These alternatives include no project, and the construction of structural or non-structural BMPs which could have the effect of making the proposed development unnecessary. Therefore, the Commission finds that the proposed project is not the least environmentally damaging feasible alternative and cannot be found consistent with the requirements of CEQA.



PROJECT SITE

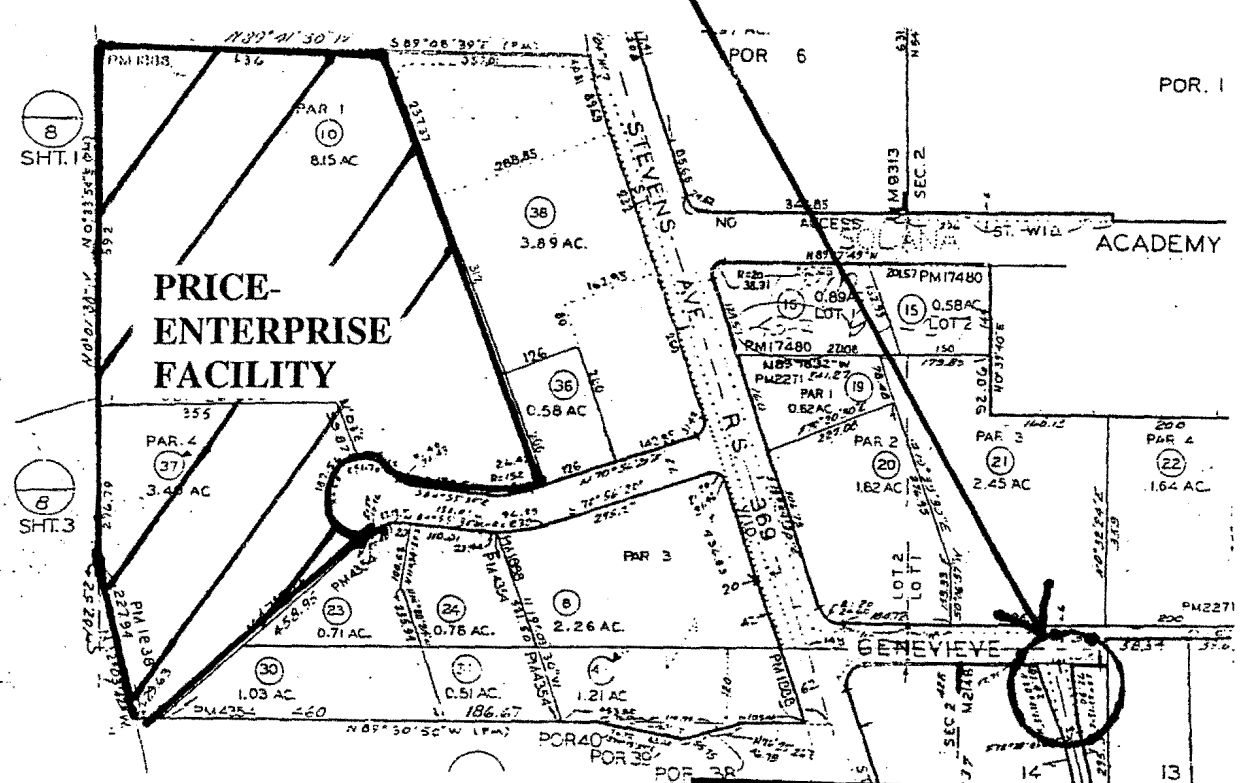


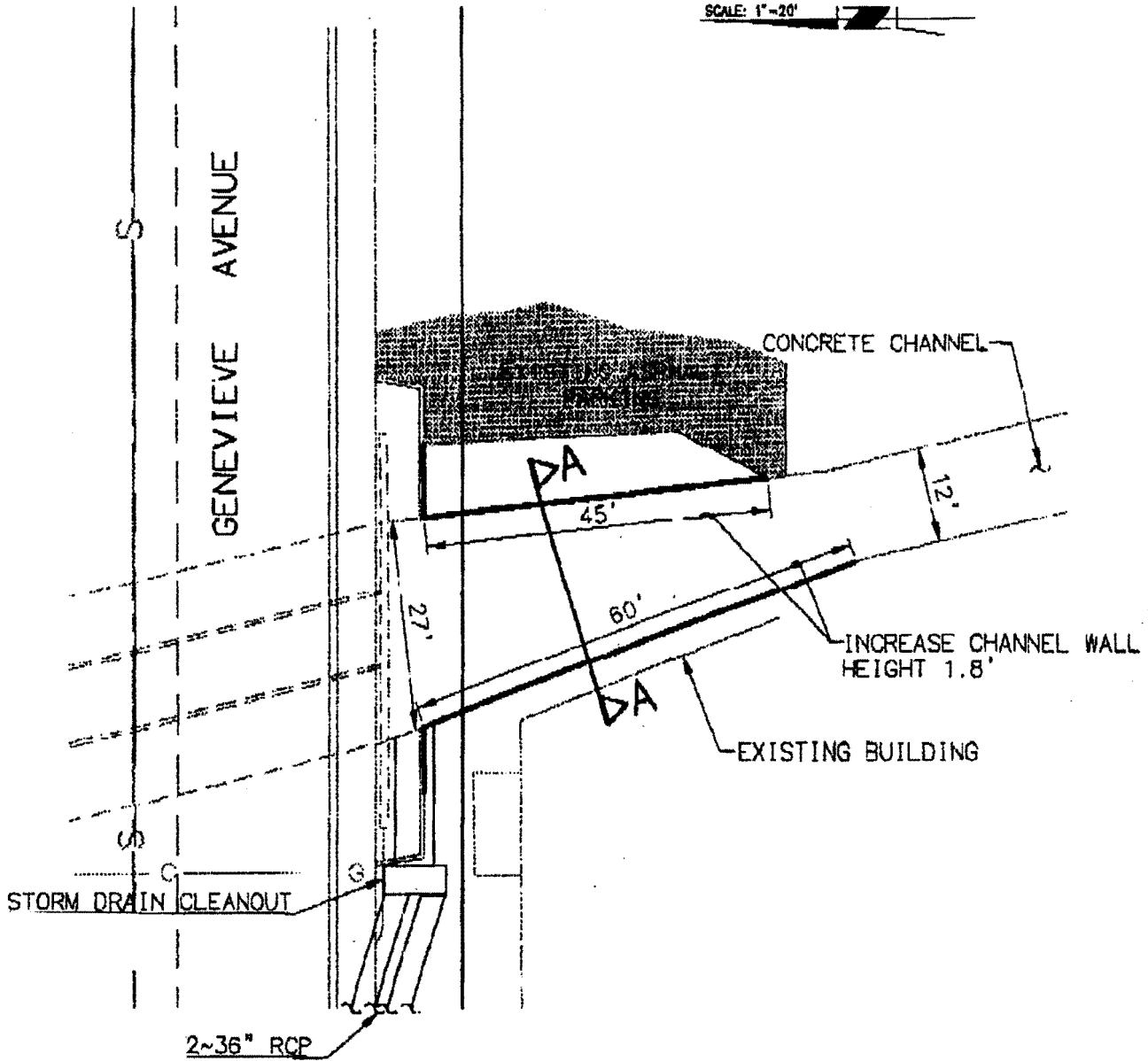
EXHIBIT NO. 1
 APPLICATION NO.
6-99-74-A1
 Location Map



6-99-074-A1

EXHIBIT STEVENS CHANNEL IMPROVEMENTS SHEET 1 OF 2

SCALE: 1"=20'



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MAY 25 2000

JN: 25100048
DRAWING: 045EX008.DWG
PLOT: 05-23-00

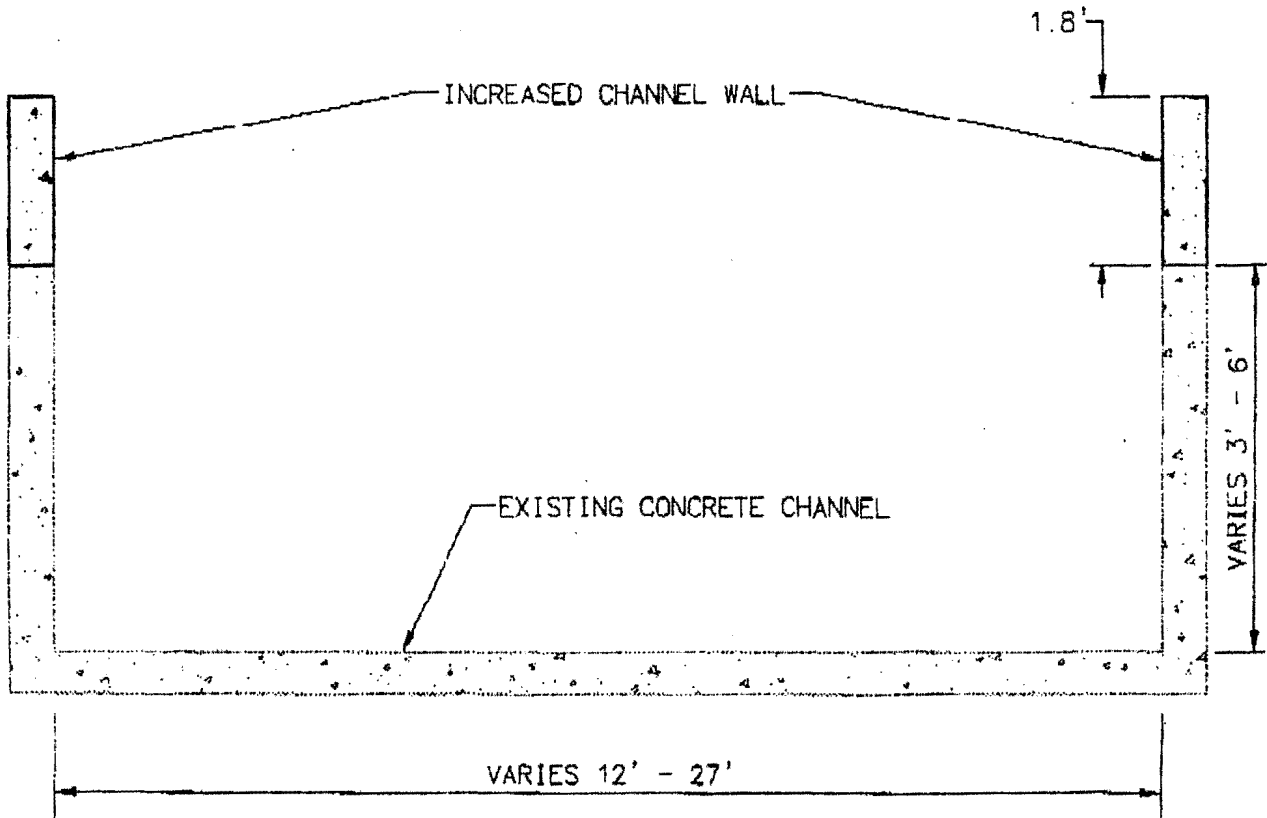


EXHIBIT NO. 2
APPLICATION NO. 6-99-74-A1
Site Plan
California Coastal Commission

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

6-99-074-A1

EXHIBIT STEVENS CHANNEL IMPROVEMENTS SHEET 2 OF 2



SECTION A-A
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MAY 25 2000

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COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

JN: 25100045
DRAWING: 045EX008.DWG
PLOT: 05-23-00



EXHIBIT NO. 3
APPLICATION NO.
6-99-74-A1
Cross-Sections
California Coastal Commission

July 3, 2000

Peter Douglas, Executive Director
California Coastal Commission
San Diego Coast Area
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402

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JUL 06 2000

Subject: PROTEST re Permit No: 6-99-074-A1
Granted to Price Enterprises, Inc.

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Mr. Douglas:

We, Freling E. Baker and Natalie Jensen, husband and wife, are owners of the property at 616 Stevens Avenue immediately south of Genevieve St. A neighborhood shopping center, comprising two buildings, is located on the property. The drainage channel referred to in the referenced permit passes through our property. The proposed increase in height of a 45-60 foot section of the existing concrete channel walls would be on our property immediately adjacent to one of our buildings housing retail tenants.

We hereby register our objection to the proposal set forth in the subject permit.

The proposed 18 inch increase in height of the channel walls would extend 18 inches above the adjacent ground surface thereby blocking **essential** drainage from our property into the channel. This would result in water standing on our property and undermining the foundation of one of our buildings.

Moreover, the proposed height increase does not address the flow of water downstream of the 45-60 foot section. Because the channel does not widen south of Genevieve St., it appears that the height of the walls along the entire length of the channel would need to be increased to eliminate flooding of properties on both sides of the channel.


Finally, it is respectfully submitted that the best solution would be to cover the channel to totally contain the water flow as was done some time ago in the channel downstream of our property.

Very truly yours,

2715 Inverness Dr.
La Jolla, CA 92037
858-552-1514

Freling E. Baker
Freling E. Baker

Natalie Jensen
Natalie Jensen

EXHIBIT NO. 4
APPLICATION NO.
6-99-74-A1
Letter of Objection
 California Coastal Commission

cc: Gary Cannon

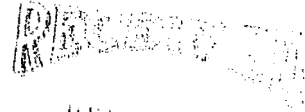
ROBERT BEIN, WILLIAM FROST & ASSOCIATES

PROFESSIONAL ENGINEERS, PLANNERS & SURVEYORS

June 14, 2000

JN 25-100045.001

Mr. Gary Cannon
California Coastal Commission
3111 Camino del Rio North
Suite #200
San Diego, CA 92108



JUN 14 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Subject: Stevens Creek Drainage

Dear Mr. Cannon:

We are writing this letter to summarize the existing and proposed offsite storm drain basins and systems in Solana Beach as they pertain to the Price Self Storage Project. Throughout this summary, references will be made to the attached Exhibit "A" which was prepared using the County of San Diego 200 scale Topographic Survey sheets 298-1683, 298-1689, 302-1683, and 302-1689 dated October 1985.

In the existing condition, runoff from the Price Self Storage project Site (Basin A), and the contributing upstream basin (Basin B) flows down Stevens Avenue West (formerly Jack Drive) and combines with offsite Basin C, and Basin D, and flows down Stevens Avenue. Approximately 150' south of Genevieve Avenue there are 2 curb inlets on Stevens Avenue which are connected to the Stevens Creek channel at Node 1 by a single 48" pipe. These two curb inlets capture the runoff from Basins A, B, C & D. It was not within the scope of the project to calculate the flow in the 48" pipe since there are several additional offsite basins which would need to be analyzed.


In the proposed condition, runoff from Basin A and B are conveyed from the site by a single 36" pipe in Stevens Avenue West. The pipe in Stevens Avenue West was sized to accommodate the flow from offsite Basin C, although we have not prepared any plans for such a connection. The single 36" pipe in Stevens Avenue West connects to double 36" pipes in Stevens Avenue. A short section of 36" pipe is stubbed to the north for a future system to convey flows from offsite Basin D. We have not prepared any plans for the extension of the 36" pipe further to the north, and the stub is proposed to be capped. The double 36" pipes turn at Genevieve Avenue and are proposed to connect to the Stevens Creek channel, at Node 2, immediately south of the triple 9'x3' box culvert at Genevieve. In this area Stevens Creek is a

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professional engineers

EXHIBIT NO. 5
APPLICATION NO.
6-99-74-A1
Letter from Applicant's Engineer Addressing Hydrology
 California Coastal Commission

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SAN DIEGO COAST DISTRICT

rectangular shaped concrete lined channel with sidewalls of a varying height. Please see the attached plans for offsite storm drain improvements for the exact alignment.

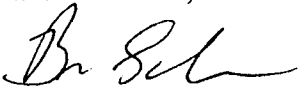
At Node 2, in the existing condition, 675 cfs is being conveyed. (Based on calculations prepared by Rick Engineering for the 500 Stevens Avenue Building Project, dated March 1999, and calculations prepared by Pascoe Engineering for improvements to Ida Avenue. Please let me know if you would like a copies of these calculations.) At Node 2, with the future construction of pipes necessary to add flow from Basins C and D, Stevens Creek will convey 753 (see letter to City of Solana Beach dated May 18, 2000). This represents an increase of 78 cfs, and this additional flow necessitates the raising of the channel walls by 1.8 feet. However, there is no net change in flow downstream of Node 1, since the proposed storm drain system will convey runoff that is presently being conveyed by the existing 48" pipe.

Additionally, the development of the Price Self Storage project is not a significant change in land use as the property was previously developed as a manufacturing facility with a large building, several smaller building, and paved parking lots. Any change in runoff from the site would be insignificant.

If you have any questions or require additional information regarding this matter, please call me at (858) 614-5007.

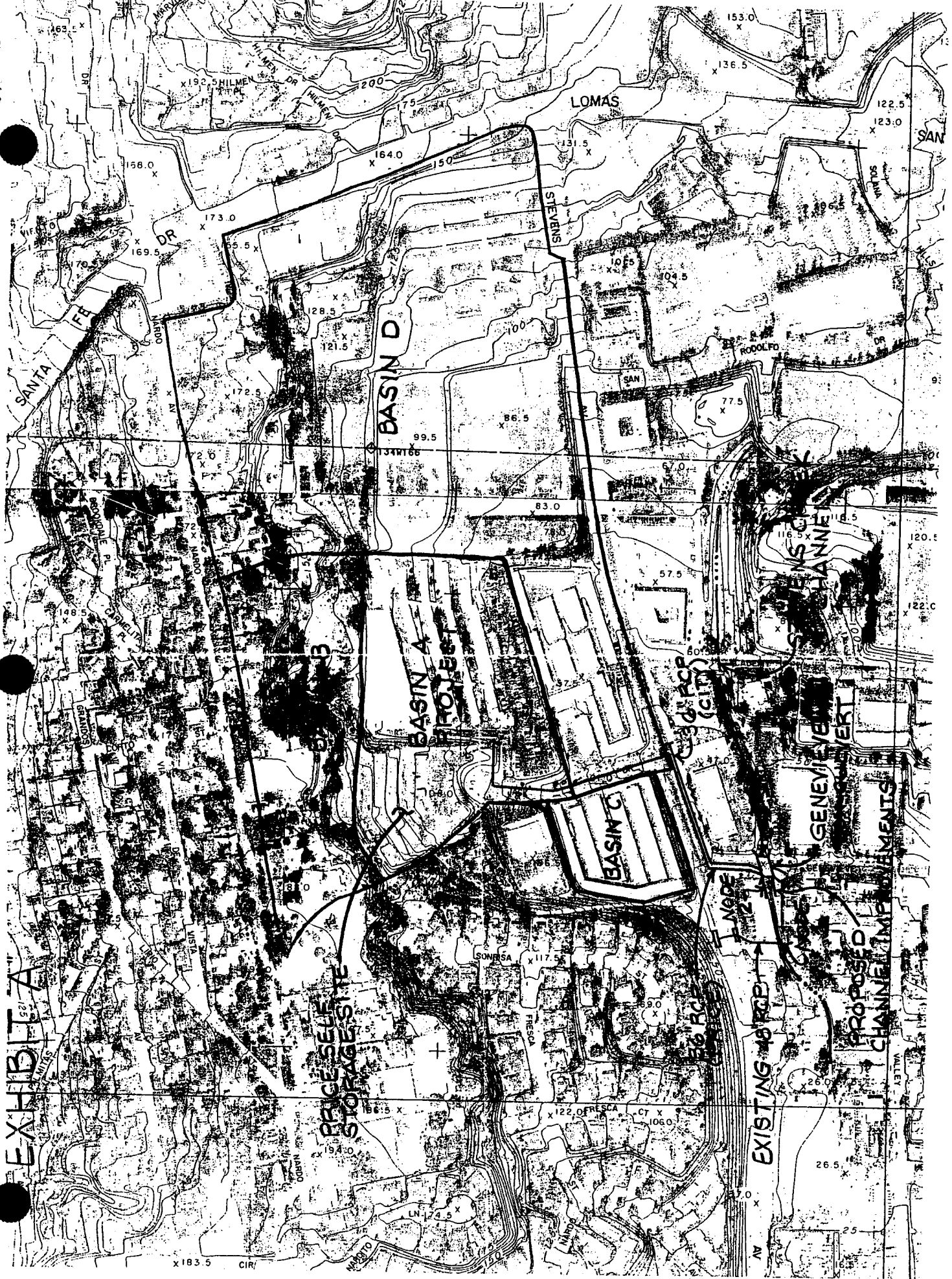
Sincerely,

Robert Bein, William Frost & Associates



Brian Schram, PE
Project Manager

EXHIBIT A



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