

CALIFORNIA COASTAL COMMISSION

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

RECORD PACKET COPY

Thu 15g

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 49th Day: 9/21/01
 180th Day: 1/30/02
 Staff: LRO-SD
 Staff Report: 9/19/01
 Hearing Date: 10/9-12/01

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-123

Applicant: Bob and Pam Stonebreaker

Agent: Jon Mehnert

Description: Construction of one-story additions totaling 1,620 sq.ft. to an existing two-level, 3,124 sq.ft. veterinary clinic including the expansion of a deck at the second level, pavement of a dirt lot for additional on-site parking and replacement of existing signage on a 22,162 sq.ft. site.

Lot Area	22,162 sq. ft.
Building Coverage	4,738 sq. ft. (21 %)
Pavement Coverage	8,204 sq. ft. (37 %)
Landscape Coverage	9,220 sq. ft. (42%)
Parking Spaces	21
Zoning	NC
Plan Designation	North Commercial
Ht abv fin grade	23 feet

Site: 2132 Jimmy Durante Blvd., Del Mar, San Diego County.
 APN 299-100-29

Substantive File Documents: Certified City of Del Mar Local Coastal Program (LCP)

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development. The proposed development is a small expansion of an existing veterinary clinic. The primary issue raised by the proposed development pertains to water quality as the new additions and paved parking area will create additional impervious surfaces. The project has been conditioned to require the provision of landscape buffer strips which will filter drainage and runoff from the project site before it discharges off-site, to reduce the potential

impacts for water quality impacts. In addition Special Conditions require a sign program. As conditioned, no impacts to coastal resources are anticipated.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-123 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the Certified city of Del Mar LCP. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Assumption of Risk.

A. By acceptance of this permit, the applicants, on behalf of themselves and their successors and assigns, acknowledge and agree (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicants and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the

Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicants' entire parcel. The deed restriction shall run with the land, 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 Commission amendment to this coastal development permit.

2. 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, approved by the City of Del Mar, 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 sign program. Any proposed changes to the approved sign program shall be reported to the Executive Director. No changes to the sign program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Landscaping Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed landscape plan that is in substantial conformance with the draft landscape plan by Jon Mehnert, dated 1/5/01, approved by the City of Del Mar. Said plan shall indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native and non-invasive plant materials, and low-flow irrigation systems shall be utilized. The plan shall include a landscaped strip (consisting of ground cover and shrubs) adjacent to the proposed paved parking lot at the northwest corner of the site, and shall allow for the flow of drainage from the site into these landscape areas.

The permittee shall undertake development in accordance with the approved landscape plan. 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.

4. Drainage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written

approval, a drainage and runoff control plan documenting that the runoff from the roof, driveway and other impervious surfaces will be collected and directed into the landscaped areas. The plan must indicate that parking stall blocks adjacent to the landscape areas are open to allow the flow of water to pass unhindered into the landscape strip.

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 are one-story additions totaling 1,620 sq.ft. to the west and south sides of an existing two-level, 3,124 sq.ft. veterinary clinic (Animal and Bird Hospital). The additions will consist of three new examination rooms, a handicapped restroom, additional kennel area and a new covered entry. An expansion of a deck at the second level is also proposed. In addition, an existing open carport at the northwest corner of the site is proposed to be demolished and replaced with a paved and striped parking lot to accommodate 14 additional parking spaces. Paved parking in front of the veterinary clinic is proposed to be retained. A total of 21 parking spaces will be provided for the improved clinic which is adequate to meet the requirements for the facility. The existing two-level structure presently contains 2,451 sq.ft. at its lower level and 673 sq.ft. at its upper level. An existing exhibit/bird sanctuary called "Free Flight" at the northeast corner of the site is proposed to be retained. The exhibit contains exotic birds and operates similar to a "petting zoo" which is open to the public.

The subject site is located on the west side of Jimmy Durante Boulevard two lots south of the San Dieguito River in the City of Del Mar. To the north of the river channel is the Del Mar Fairgrounds. The surrounding area consists of other commercial development.

2. Hazards. The proposed project is located within the 100-year floodplain of the San Dieguito River and within the City's Floodplain Overlay Zone. The site is located on the west side of Jimmy Durante Boulevard just two lots south of the San Dieguito River flood channel. The surrounding area contains other commercial development and the site is south of, and in close proximity to, the Del Mar Fairgrounds within the floodplain. The City of Del Mar's certified LCP contains policies that address flood hazards. Specifically, Goal III-D states, "Minimize risks to life and property associated with flooding and flood waters."

The site is within an established urbanized area currently committed to urban development, and further infilling is deemed appropriate and consistent with past Commission action in this area. This is one of the older portions of Del Mar. It is fully

built-out, with the only new construction consisting of redevelopment of existing properties or additions to existing structures. The subject site is south of the San Dieguito River, and the proposed development only involves an addition to an existing commercial structure, will not channelize the river nor have any significant effect on flood flows. When the river runs especially high (as during severe winter storms), the storm drain outlets are covered and the existing storm drain system backs up. Thus, flooding in this area tends to occur due to storm drain system failure, rather than from the river itself overflowing its banks.

The proposal only involves the addition to an existing structure. Nevertheless, the potential for damage resulting from flooding still exists. Continuing development in the area has decreased the amount of permeable land, thus increasing the amount of storm runoff. That increased runoff, along with the area's history of flooding, leads the Commission to find that the risk of flooding, either from storms or improper drainage, is not eliminated.

Therefore, the Commission is requiring, through Special Condition #1, that the applicant record a waiver of liability/indemnification. Recordation insures that the applicant and all future property owners understand that flooding and/or failure of drainage channels, etc. to adequately convey or drain runoff associated with storm events could occur and cause damage to life or property, and that the Commission will not be liable for such damages. The indemnification further insures that the Commission will not incur damages as a result of the applicant's decision to build in an area subject to risk of flooding. This condition has also been placed on other projects (Coastal Development Permits 6-97-17, 6-97-61, 6-98-42, 6-99-73 and many more) in the floodplain areas of Del Mar. Therefore, as conditioned, the Commission finds the project consistent with the policies of the certified LCP.

3. Water Quality. Several policies of the certified City of Del Mar Land Use Plan contain provisions addressing the protection of water quality. The subject site is located two lots south of the San Dieguito River Channel, and as such, is located within the City's Lagoon Overlay Zone. In addition, the certified LUP contains provisions under its "Wetland Preservation Regulations" which state the following:

8. Drainage and Erosion Control. All development activities on project sites within the Lagoon Overlay Zone shall be subject to conditions for the provision of measures to minimize and control runoff and the associated erosion and sedimentation of downstream areas. Runoff from developed sites shall be either directed towards existing storm drain systems or retained on-site in settling ponds or other drainage/erosion control measures....

This policy group also contains the following applicable requirements:

10. Runoff from the projects within the Lagoon Overlay Zone shall be controlled and directed to ensure that neither toxic materials nor excess nutrients flow into lagoon areas.

11. New or redevelopment projects within the Lagoon Overlay Zone shall include the retention of the maximum amount of native vegetation on the site. Revegetation of sites within the Lagoon Overlay Zone shall include the use of non-invasive, drought tolerant species native to the San Diego coastal region and which are compatible with adjacent wetland habitat species. Landscape plans including their associated berms, planters and fences shall also be designed to minimize the disruption of view corridors from public roadways and parks.

The majority of the site is either already paved or landscaped. The site is located two lots south of the San Dieguito River (approximately 500 feet south of the river channel) which is a sensitive resource that could be adversely impacted by runoff from the site. The site is flat and drainage currently consists of sheet flow conveyed to the east onto Jimmy Durante Blvd. and to the north towards a dirt driveway that parallels the northern property line. The project includes additions to the existing structure and the paving of an existing dirt lot to accommodate striped parking for 14 vehicles. No new drainage facilities are proposed and the project would not alter existing drainage patterns.

Although the site contains existing vegetation and the site is flat, it will result in an increase of impervious surfaces both through the construction of the additions as well as the paving of an existing dirt lot on the site. In order to reduce the potential for adverse impacts to water quality resulting from runoff from the proposed development, Special Condition #3 requires that a landscape strip be installed adjacent to the proposed paved parking area. Special Condition #4 requires that the majority of the drainage from the site be collected and directed into the landscaped areas. Vegetated filter strips, or "biofilters" such as the proposed landscape strips, are a well-established Best Management Practice for treating runoff. Vegetative buffers can absorb pollutants from runoff and strain automobile oil and grease. Special Condition #4 requires that the parking stall blocks must be open to allow the flow of water to pass as unhindered as possible. As conditioned, the proposed landscaping will serve to reduce any potential impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with the water quality policies of the certified LCP.

4. Visual Quality. As noted in the previous finding, the site is located within the City's Lagoon Overlay Zone. One of the provisions of the certified LUP states the following:

- VI-6 The viewsheds of the San Dieguito and Los Penasquitos Lagoons shall be preserved and protected through the application of the following design of new and redevelopment projects within the viewshed areas of the San Dieguito and Los Penasquitos Lagoons, respectively.
 - a. Compatibility of design with the existing and desired character of the surrounding area;

[...]

- d. Consideration of views from the lagoon and the surrounding roadways in the landscape and structure design.

In addition, Policy IV-28 of the City's LUP states the following:

IV – 28 In order to protect the scenic resources of the City, no roof top signs shall be allowed. Freestanding monument signs shall be allowed but shall be limited to a maximum height of three feet in cases where front-yard building setbacks of less than 20 feet are provided and 8 feet in cases where frontyard building setbacks of 20 feet or greater are provided. Freestanding pole or roof signs are not permitted. In addition, all new development or redevelopment shall provide a minimum of 15% landscape coverage for commercial sites and 30% landscape coverage for residential sites.

Although the site is located on a major coastal access route (Jimmy Durante Boulevard) which is south of the Del Mar Fairgrounds, the proposed project is not located within or visible from any significant public view corridors in the surrounding area. The site is not visible from the San Dieguito River or Lagoon and as such, the proposed minor additions to an existing structure will not block any views from the lagoon or roadways in the surrounding area, consistent with the above-cited provisions of the certified LCP. The project has been approved by the design review committee of the City of Del Mar. Existing Eucalyptus trees and ficus trees are proposed to be removed in the area where the additions are proposed and also for the purpose of paving the existing dirt parking area immediately west of the "free flight" exhibit. The proposed additions to an existing structure will be compatible in design and scale to other commercial structures in the area, consistent with the above cited policies of the certified LCP. However, the applicant has not submitted a final landscape plan. Therefore, Special Condition #2 requires the applicant to submit a final landscaping plan, using drought-tolerant plants and low-flow water systems. The plan requires that a landscaping strip be provided adjacent to the paved parking lot at the northwest corner of the site, which, as discussed above, will filter runoff from the site. In addition, the landscaping (existing and proposed) will serve to screen the structure from view and is adequate (minimum of 15%) for the site, pursuant to three requirements of the certified LCP.

In addition, the Commission has traditionally restricted the size, number and extent of commercial and industrial signage to avoid adverse visual impacts. The applicants propose to replace existing signage through the proposed additions to the veterinary clinic. However, the applicant has not submitted a final signage plan. Therefore, Special Condition #2 requires the submission of a comprehensive sign program that details that only monument or facade signs less than 8 feet in height are proposed, and prohibits any freestanding pole signs. This is consistent with, and mirrors Policy IV-28 contained in the City's certified LCP addressing signage requirements. As conditioned, the

Commission finds that the proposed development is consistent with the visual resource policies and signage provisions of the certified LCP.

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

The subject site is within the City of Del Mar. The site is zoned NC and designated for North Commercial use in the certified City of Del Mar Land Use Plan. The proposed development is consistent with these designations. The City of Del Mar has a fully certified LCP. However, permit authority is delegated to the City as of September 26, 2001. Since this application was filed prior to delegation of authority and the Commission will vote on the project after permit authority has been transferred, pursuant to Section 13546(b) of the California Code of Regulations, the Commission will continue its review of the project, utilizing the City's certified LCP as the standard of review.

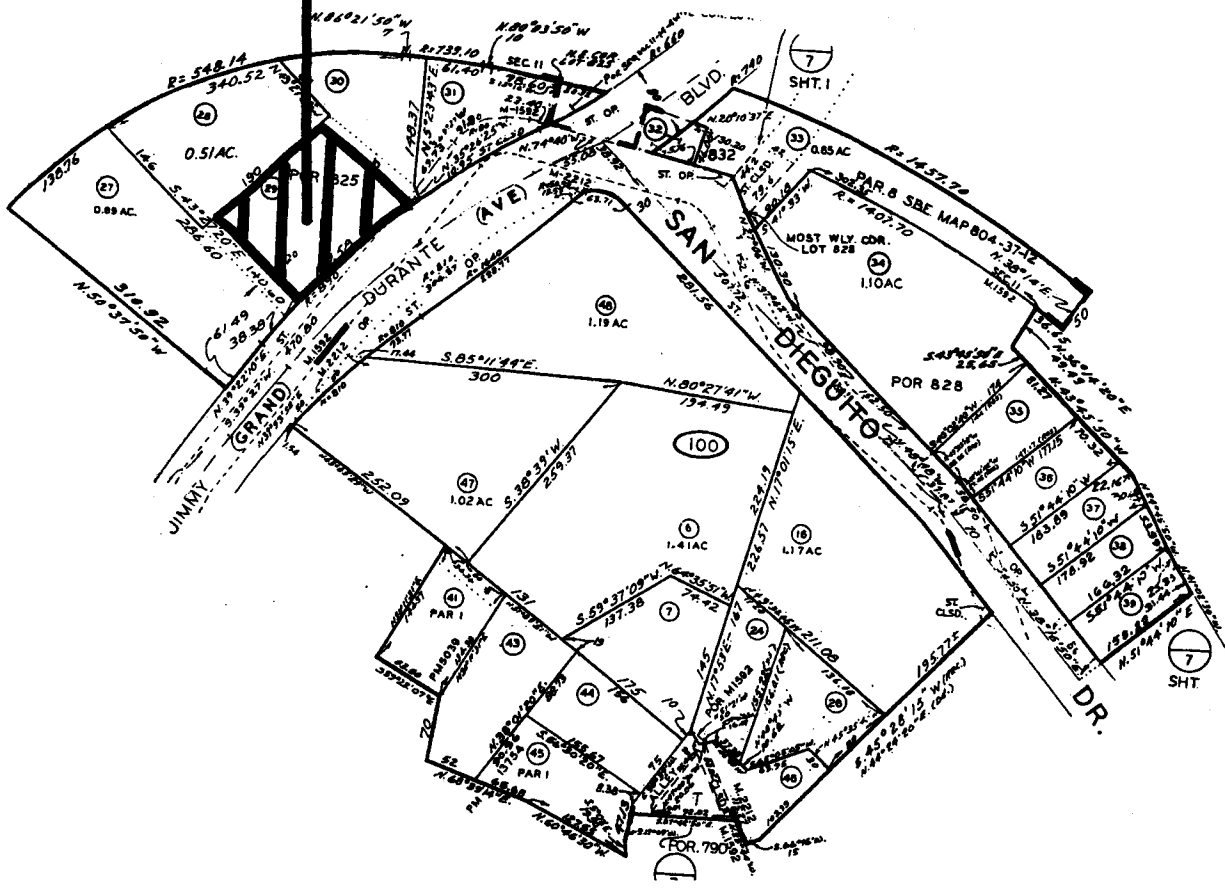
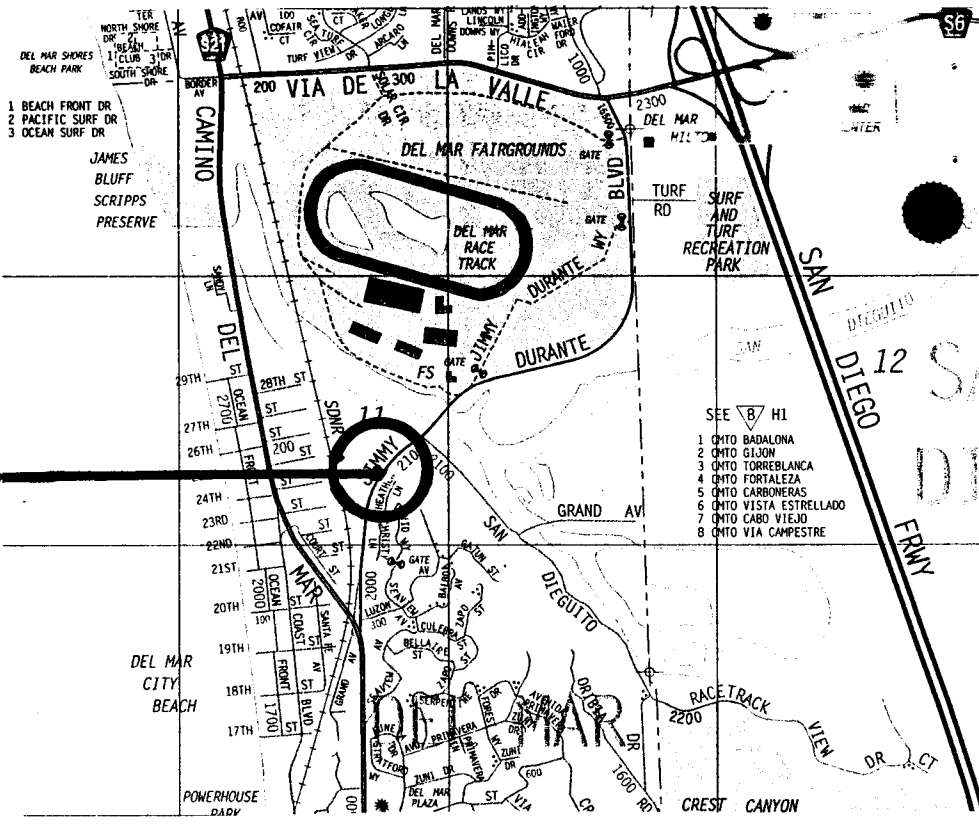
Furthermore, although the subject site is located within the Lagoon Overlay Zone as well as within the Floodplain Overlay Zone, as conditioned, the proposed development is fully consistent with the policies of those overlay zones. Specifically, with regard to the Lagoon Overlay Zone, the proposed development has been conditioned to adequately address the protection of water quality consistent with the erosion and runoff control policies of the certified LUP. Furthermore, a waiver of liability is required as a condition of approval to address the hazards of development within the floodplain overlay zone, consistent with the City's certified LCP.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, 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 water quality and visual resource provisions of the certified Del Mar LCP. Mitigation measures, including conditions addressing water quality and visual resources, 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 certified LCP 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
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.



MEHNER

AUG 03 2001

G-01-123

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

PROJECT SUMMARY

TOTAL BUILDING COVERAGE:
 MAIN BUILDING 4,071 SF } 4,738 SF
 AUX. BUILDING 667 SF }
 LOT COVERAGE 21.4% 40% ALLOWED

BUILDING SQUARE FOOTAGES:
 EXISTING LOWER LEVEL 2451 SF } 3124 SF
 EXISTING UPPER LEVEL 673 SF }
 ADDITION TO LOWER LEVEL 1620 SF }
 4744 SF

PROJECT DESCRIPTION:
 ADD 1620 SF TO EXISTING
 3124 SF VETERINARY CLINIC

OWNER:
 BOB AND PAM STONEBREAKER
 ANIMAL AND BIRD HOSPITAL
 2132 JIMMY DURANTE BLVD.
 DEL MAR, CA. 92014

SITE ACREAGE:
 .51 ACRES (22,162 SF)

ARCHITECT:
 JON MEHNER
 1209 FALL RIVER WAY
 SAN MARCOS, CA. 92069

PERCENT LANDSCAPING:
 30.4%

CIVIL ENGINEER:
 DOUG DENNING
 EXCEL ENGINEERING
 346 STATE PL.
 ESCONDIDO, CA. 92029

PARKING SPACES:
 1 PER 200 SF GROSS FLOOR AREA
 (EXCLUDING ANIMAL HOLDING AREAS)
 4060 SF / 200 = 20.3 SPACES

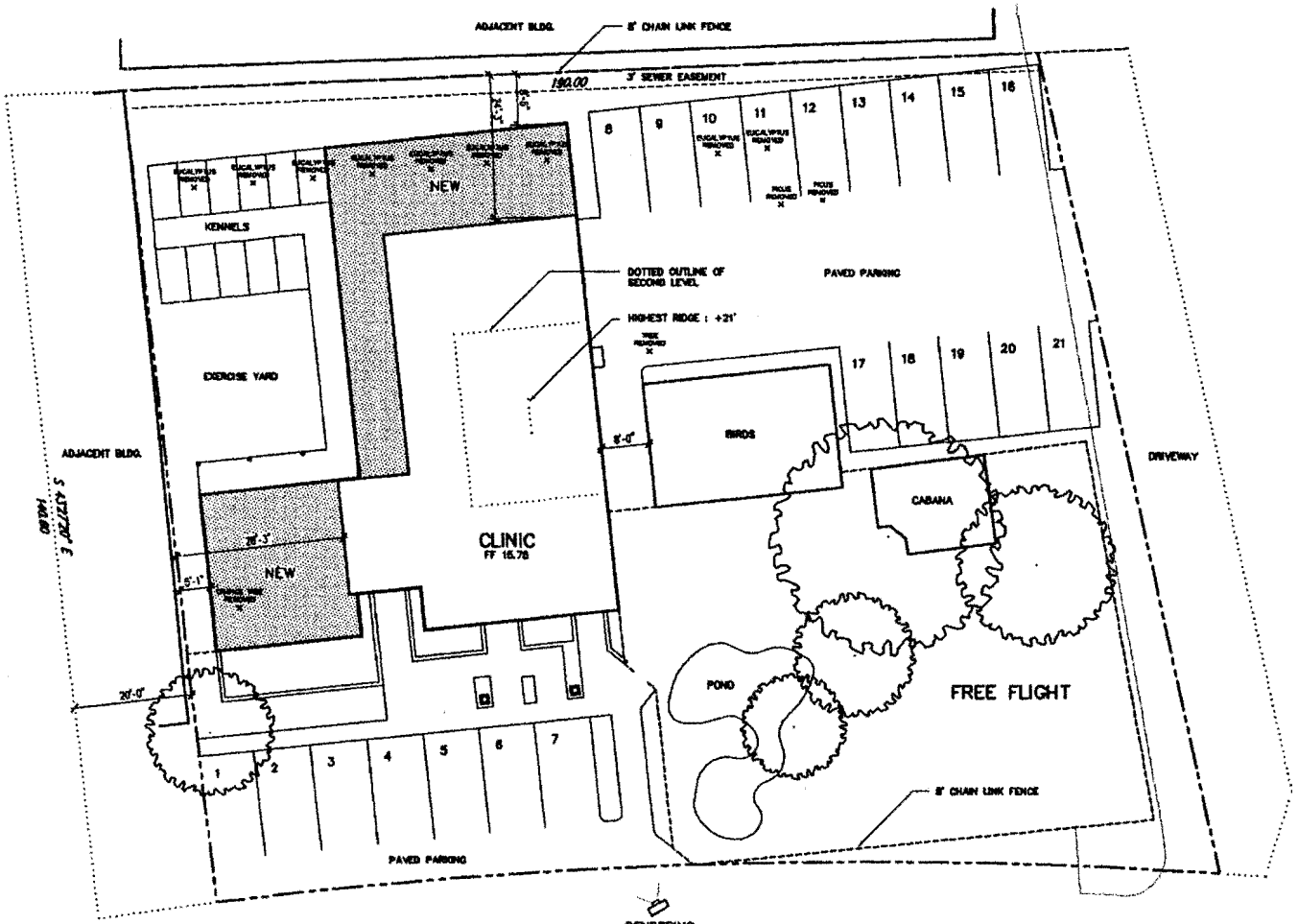
EXISTING ZONING:
 NORTH COMMERCIAL ZONE

BASE FLOOD ELEVATION:
 16

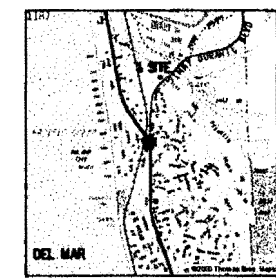
EXISTING LAND USE:
 VETERINARY CLINIC

BUILDING HEIGHT:
 23' TO HIGHEST RIDGE
 26' ALLOWED

PROPOSED LAND USE:
 VETERINARY CLINIC



RENDERING



VICINITY MAP



ANIMAL AND BIRD HOST

1

JON MEHNER
ARCHITECT

1209 FALL RIVER WAY, SAN MARCOS, CA 92069

JAN 5, 2001

JIMMY DURANTE BLVD.

SITE PLAN



