

CALIFORNIA COASTAL COMMISSION

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

**Wed 18d****RECORD PACKET COPY**

Filed: 11/8/01
49th Day: 1/28/02
180th Day: 5/7/02
Staff: DS-SD
Staff Report: 11/14/01
Hearing Date: 12/11-14/01

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-093

Applicant: Solana Beach Towne Centers Investments Agent: Kyle Stevens

Description: Conversion of existing 4,917 sq. ft. restaurant to retail space, construction of 1,410 sq. ft. of new retail space, and the creation of 32 new parking spaces by re-striping the existing parking lot at a multi-tenant commercial development of 251,237 sq. ft on a 22.83 acre site.

Lot Area	22.83 acres (994,475 sq. ft.)
Building Coverage	251,237 sq. ft. (25%)
Pavement Coverage	491,680 sq. ft. (50%)
Landscape Coverage	251,557 sq. ft. (25%)
Parking Spaces	1124
Zoning	General Commercial
Plan Designation	Commercial
Ht abv fin grade	35 feet

Site: 663-689 Lomas Santa Fe Drive, 662-685 San Rodolfo Drive, 106-168 Solana Hills Drive, Solana Beach, San Diego County. APN 263-420-27, 28, 83, 89, 90.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; Solana Beach Resolution 98-27; Negative Declaration 2/6/98; CDP #'s 6-86-41; 6-88-446; 6-89- 279; 6-91-33; 6-91-49; 6-92-40; 6-98-47.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: The staff recommends the Commission approve the subject development with special conditions. Potential issues raised by the subject development relate to parking and visual resources.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-01-093 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 policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. 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. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, final site, floor, and elevation plans, that have been stamped and approved by the City of Solana Beach, indicating that a minimum of 1,123 parking spaces are provided for the site and shall be in substantial conformance with the submitted plans dated 10/10/01 by Milo Architecture Group.

The permittees shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required

2. Sign Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program for all proposed signage documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No freestanding pole or roof signs shall be allowed. Said plans shall be in substantial conformance with the submitted plans dated 11/08/01, and shall be subject to the review and written approval of the Executive Director.

The permittees shall undertake the development in accordance with the approved project. Any proposed changes to the approved project shall be reported to the Executive Director. No change to the project shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed project involves the conversion of an existing 4,917 sq. ft. restaurant into retail space, the addition of 1,410 sq. ft. of new retail space, and the addition of 32 parking spaces, gained by re-striping the existing parking lot. The proposal includes exterior "façade" improvements that consist of 3 tower structures attached to existing retail development that will rise no taller than 30 ft. However, the architectural embellishments are exempt from permit requirements per section 13253 of Commission Regulations as additions to non-residential structures that do not result in an increase in the intensity of use for the site.

The subject site is located on the south side of Lomas Santa Fe Drive, approximately 700 feet west of Interstate 5 in the city of Solana Beach. Solana Hills Drive/San Rodolfo Drive runs through the shopping center in a southerly direction from Lomas Santa Fe Drive, bisecting the shopping center complex. The subject development is located in structures east of Solana Hills Drive, parallel to Interstate 5 (see Exhibit 2).

There have been a number of past approvals for development within the shopping center site, including a permit for the construction of three new retail buildings southeast of San Rodolfo Drive, which were never built (#6-86-41), construction of a 34,005 sq. ft. retail structure southeast of San Rodolfo Drive (#6-88-446), and construction of a 10,500 sq. ft. addition and three new retail buildings, also southeast of San Rodolfo Drive (#6-89-279). Several permits involved conversion of uses in the center, including permit #6-91-33 for conversion of 1,272 sq. ft. of retail space to restaurant use, the conversion of 826 sq. ft. of retail to restaurant (#6-91-49), and the conversion of 1,200 sq. ft. from retail to restaurant (#6-92-40). There have been two permit waivers granted, one for a new storage area for Dixieline Lumber (#6-89-257-W) and one for a storage/maintenance shop (#6-92-169).

In July 1998, the Commission approved permit #6-98-47 for the demolition of three existing commercial buildings totaling 45,423 sq. ft. and the construction of five new

structures totaling 40,000 sq. ft. The project also involved the realignment of San Rodolfo Drive and Solana Hills Drive and street improvements to Lomas Santa Fe Drive. Special Conditions on the permit included the submission of final plans, a landscaping plan, a sign program, and a future development condition. The project proposal was only partially built, however, with 27,200 sq. ft. demolished and 24,625 sq. ft. constructed.

The site is both planned and zoned for General Commercial uses in the City of Solana Beach's draft land use plan and zoning ordinance as well as in the County of San Diego Local Coastal Program (LCP). The site is not subject to any of the special overlay area designations in the County LCP, and Chapter 3 policies of the Coastal Act are the standard of review

2. Public Access/Parking. 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 and states, in part:

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

Because inadequate parking and congestion can interfere with public access opportunities, the provision of adequate off-street parking or substitute public transportation is critical for commercial, recreational and residential development near coastal access points. As proposed, the shopping center would contain approximately 242,593 sq. ft. of retail floor area, and 10,054 sq. ft. of restaurant area. To determine the quantity of parking spaces that could be required to serve the entire commercial center, the Commission may consider for guidance purposes the amount of parking required under the previously certified County of San Diego Local Coastal Program (LCP). The County LCP requires that parking for a retail/commercial center of this size be provided at a ratio of one space for every 225 sq. ft. of gross floor area, when restaurant uses are less than 10% of the gross floor area. The City of Solana Beach also requires parking to be provided at a ratio of one space for every 225 sq. ft. of floor area, although the City's zoning ordinance does not specify a maximum amount of restaurant allowed. Thus, for the proposed project, a total of 1,123 parking spaces would be required. Currently, 1092 parking spaces are provided for the center. With re-striping of the parking lot, the applicant is proposing to provide 1,124 spaces, consistent with these requirements. Because no parking plan was submitted with the application, special Condition #1 requires the applicant to submit final project plans indicating that a minimum of 1,123 parking spaces will be provided.

As noted above, the project site is located on the south side of Lomas Santa Fe Drive, a major coastal access route. In past approvals on the project site, the Commission has indicated that higher parking ratios (requiring more parking) may be required if restaurant use on the site increases beyond 10% of the total floor area. Staff at the City has also indicated that additional parking could be required if restaurant use at the site increases substantially (E. Darnell, pers. comm., 6/98). However, the project site is located nearly one mile east of the coastline and the nearest beach access point at Fletcher Cove. Because of the distance from the beach and the absence of nearby public recreational facilities, a parking deficiency in this area does not have the potential to impact the amount of parking available to beach users. Thus, even if the percentage of restaurant uses on the site does increase in the future, it is unlikely that public beach access would be adversely affected. Moreover, the amount of parking proposed is sufficient for the needs of the development, and any future change in the intensity of use on the site would require a new permit. Therefore, as conditioned, the proposed project is consistent with Section 30252 of the Coastal Act.

3. Visual Impact/Community Character. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The shopping center site is located below the street level of Lomas Santa Fe Drive and Interstate 5 to the east, and none of the new construction will block any public views to the ocean across the site. While portions of the proposed development include exterior architectural embellishments that reach a maximum of 30 ft, no public views to the ocean will be impacted. The new retail space will be located within the developed shopping center and will be compatible in design and architectural features to the existing buildings. Therefore, the proposed development will not have an adverse impact on the visual quality of the surrounding area.

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. 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 existing pole signs currently located at the shopping center. Special Condition #2 assures that all proposed signage is consistent with Chapter 3 policies, Special Condition #2 has been proposed. The condition requires the submittal of a sign program in substantial conformance to the submitted sign plan dated November 8, 2001 by Milo Architecture Group, and 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 is consistent with Section 30251 of the Coastal Act.

4. Runoff/Water Quality. Section 30230 of the Coastal Act states requires the protection of coastal resources and states that:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate.

Section 30231 and of the Coastal Act requires 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 entrapment, 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 applicant has indicated that the shopping center currently utilizes a BMP program to assure water quality is addressed. These BMP's include the provision of trash receptacles, sweeping of parking lots, prohibiting the cleaning of landscaping equipment on-site, as well as maintaining catch basins and the grease traps associated with restaurant uses. The current project does not propose any changes to the amount of impervious surfaces on the site (only a structural expansion onto existing paved area), and the increased number of parking spaces proposed are gained by re-striping the existing paved parking lot. As well, approximately ¼ of the site is pervious, landscaped area that aids in the filtration of runoff.

The Commission finds that the proposed development, as conditioned, will not negatively impact the quality of local Coastal waters. The Commission finds that approval of the development, as conditioned, is fully consistent with the cited Coastal Act policies

5. Local Coastal Planning. Section 30604 (a) 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 was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. However, the Commission will continue to utilize the San Diego County LCP documents for guidance

in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City.

As discussed above, the proposed and existing parking can be found consistent with the Chapter 3 policies regarding the provision of adequate parking facilities. The site was not subject to any of the special area overlays established in the County LCP. As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act, and the development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, 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 impact which the activity may have on the environment.

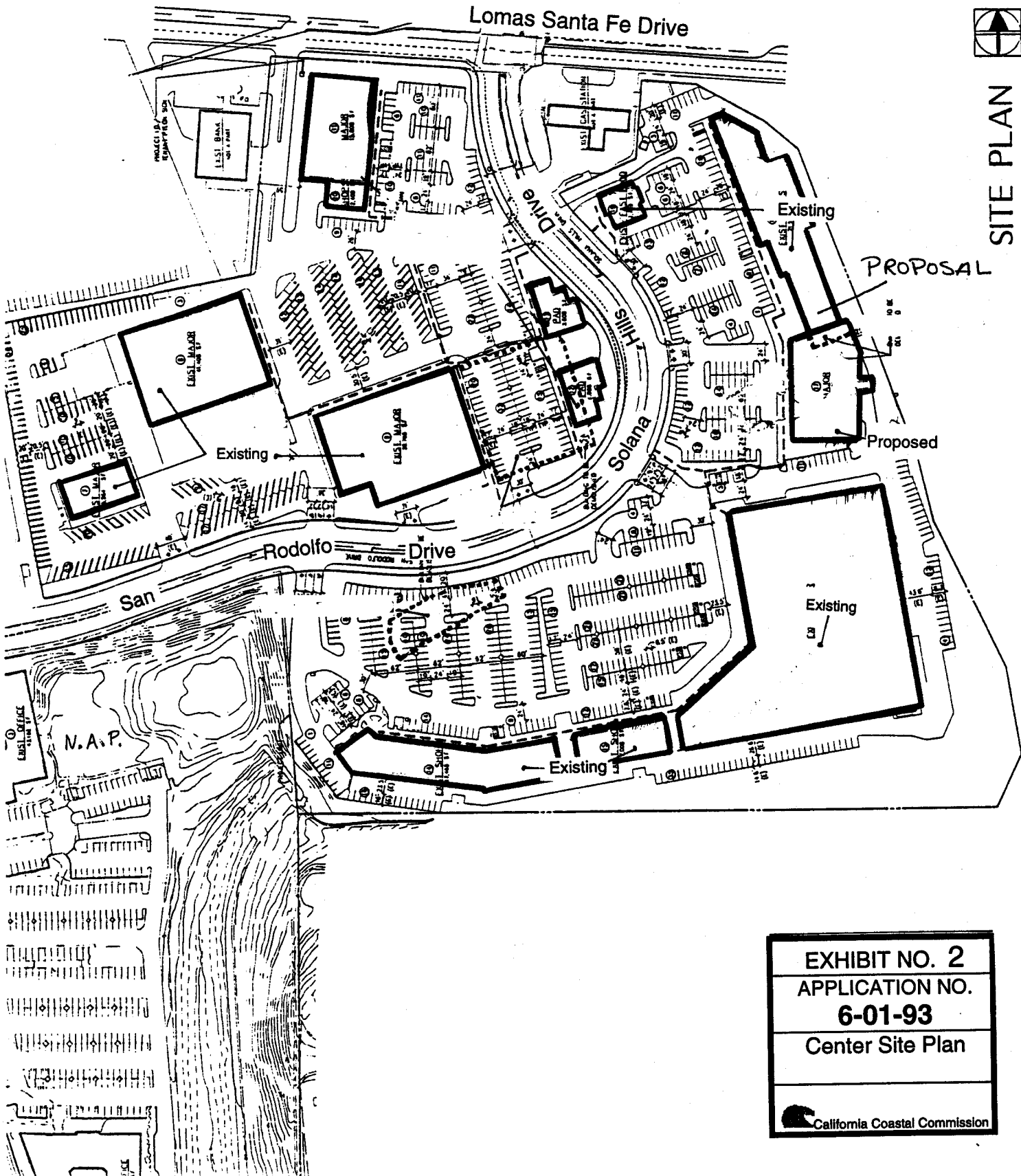
The proposed project has been conditioned in order to be found consistent with the public access and visual quality policies of the Coastal Act. Mitigation measures, including submittal of a sign program, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives 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, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. 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.

RECALCULATED EXISTING CONDITIONS	
B.O.C.	DESCRIPTION
1	WALKER
2	WALKER
3	WALKER
4	WALKER
5	WALKER
6	WALKER
7	WALKER
8	WALKER
9	WALKER
10	WALKER
11	WALKER
12	WALKER
13	WALKER
14	WALKER
15	WALKER
16	WALKER
17	WALKER
18	WALKER
19	WALKER
20	WALKER
21	WALKER
22	WALKER
23	WALKER
24	WALKER
25	WALKER
26	WALKER
27	WALKER
28	WALKER
29	WALKER
30	WALKER
31	WALKER
32	WALKER
33	WALKER
34	WALKER
35	WALKER
36	WALKER
37	WALKER
38	WALKER
39	WALKER
40	WALKER
41	WALKER
42	WALKER
43	WALKER
44	WALKER
45	WALKER
46	WALKER
47	WALKER
48	WALKER
49	WALKER
50	WALKER
51	WALKER
52	WALKER
53	WALKER
54	WALKER
55	WALKER
56	WALKER
57	WALKER
58	WALKER
59	WALKER
60	WALKER
61	WALKER
62	WALKER
63	WALKER
64	WALKER
65	WALKER
66	WALKER
67	WALKER
68	WALKER
69	WALKER
70	WALKER
71	WALKER
72	WALKER
73	WALKER
74	WALKER
75	WALKER
76	WALKER
77	WALKER
78	WALKER
79	WALKER
80	WALKER
81	WALKER
82	WALKER
83	WALKER
84	WALKER
85	WALKER
86	WALKER
87	WALKER
88	WALKER
89	WALKER
90	WALKER
91	WALKER
92	WALKER
93	WALKER
94	WALKER
95	WALKER
96	WALKER
97	WALKER
98	WALKER
99	WALKER
100	WALKER



SITE PLAN

EXHIBIT NO. 2

APPLICATION NO.

6-01-93

Center Site Plan

California Coastal Commission

1/1/93
2/1/93
3/1/93
4/1/93
5/1/93
6/1/93
7/1/93
8/1/93
9/1/93
10/1/93
11/1/93
12/1/93

