

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

155 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

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Staff: DL-SD
Staff Report: August 22, 2002
Hearing Date: September 9-13, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-101

Applicant: Solana Beach Market

Agent: Andrew Stevenson

Description: Renovation of a retail commercial center consisting of a 19,037 sq.ft. building and a 7,741 sq.ft. structure consisting of four connecting trains developed as a theme restaurant. The railroad car structure and a small portion of the existing main building will be demolished, approximately 5,813 sq.ft. of new floor area will be added to the existing main building, and a 150 sq.ft. free-standing kiosk will be added at the northeast corner of the site, resulting in a reduction of gross building area from approximately 26,778 sq.ft. to 25,000 sq. ft. The number of parking spaces will be increased from 92 to 110 spaces, additional landscaping will be provided, and the current free-standing signs will be replaced with monument signs.

Lot Area	81,022 sq. ft.
Building Coverage	25,000 sq. ft. (31%)
Pavement Coverage	53,265 sq. ft. (66%)
Landscape Coverage	2,757 sq. ft. (3%)
Parking Spaces	101
Zoning	C
Plan Designation	Commercial
Ht abv fin grade	35 feet

Site: 315 South Highway 101, Solana Beach, San Diego County. APN 298-052-12

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed commercial renovation. The project will provide adequate parking and substantial landscaping will be added to the site to improve the visual quality of the area. Vegetated bioswales will be provided to treat runoff from the site. Special Conditions placed on the project will require that the landscaped buffer strip on the Highway 101

side of the site be designed in manner that ensures that landscaping will be an average of 4 ½ feet in height, and that the width of the strip is maximized to the extent feasible without reducing the number of parking spaces provided. The existing pole sign on the site will be removed and replaced with monument signs. No impacts to beach access, visual quality, or water quality are anticipated.

The applicant is in agreement with the Special Conditions.

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach DRP/SDP Case No. 17-01-07; Traffic Study by Urban Systems Associates, Inc., 5/17/02 and supplement 5/30/02; Phase I Environmental Assessment by Tetra Tech EM Inc., 3/01.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-101 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. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site and landscaping plans for the proposed development. Said plans shall be stamped and approved by the City of Solana Beach and in substantial conformance with the plans submitted with this application dated 6/24/02, except that they shall be revised to reflect the following:

- a. The landscape buffer strip located alongside the entire Highway 101 shall be designed through berming and/or landscaping with a combination of trees and hedge-style plantings such that the average height of the landscaping is 4 ½ feet. In addition, the width of the landscape strip shall be maximized to the greatest extent feasible without reducing the number of parking spaces. In no case shall the strip be less than 8 feet wide. The applicant shall provide a written commitment that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- b. Only monument signs, not to exceed eight (8) feet in height, or facade signs are permitted. 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 legally required.

2. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final drainage and runoff control plan that have been stamped and approved by the City of Solana Beach. The plan shall document that the runoff from the roof, walkways and other impervious surfaces will be conveyed off site in a non-erosive manner, and will flow into the landscaped areas on the site for infiltration and/or percolation.

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 legally required.

3. Future Development Restriction. This permit is only for the development described in coastal development permit #6-02-101. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, change in the density or intensity of use land, (such as a conversion of use from retail to restaurant) shall require an amendment to Permit #6-02-101 from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The project involves renovation of an existing retail commercial center that currently consists of an approximately 19,037 sq.ft., multi-suite retail commercial building and a separate 7,741 sq.ft. structure consisting of four connecting trains developed as a theme restaurant. The proposed project will demolish and remove the railroad car structure and a small portion of the existing main building. Approximately 5,813 sq.ft. of new floor area will be added to the existing main building, which will be used as a 18,724 sq.ft. drugstore and a 6,126 sq.ft. restaurant. A 150 sq.ft. free-standing kiosk (for uses such as an automatic teller machine, flower shop, etc.) will be added at the northeast corner of the site. Overall, the gross building area on the site will be reduced 1,778 sq.ft., from approximately 26,778 sq.ft. to 25,000 sq.ft.

The existing free-standing signage on the site will be removed and replaced with moment signs. In addition, the parking lot will be regraded and repaved resulting in a total of 110 parking spaces, compared with the 92 spaces currently on the site. Sidewalks will be constructed along the Highway 101 frontage, and landscaping will be installed in and around the parking lot. Three existing mature trees on the southern boundary of the site will remain.

The site is located on the west side of Highway 101, east of South Sierra Street in the City of Solana Beach. The site is bordered by commercial uses to the north and south, and by multi-family residential to the west.

The City of Solana Beach does not yet have a certified Local Coastal Program (LCP) and therefore, the Chapter 3 policies of the Coastal Act are the standard of review. The previously certified County of San Diego LCP is used for guidance in Solana Beach.

2. Runoff/Water Quality. Section 30231 of the Coastal Act requires that the biological productivity of coastal waters be maintained by, among other means, controlling runoff and states, in part, that:

Section 30231

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,

The construction of impervious surfaces can be associated with impacts to water quality when water runoff from hard surfaces contains pollutants that eventually drain onto beaches or other coastal waters. In urban areas, runoff can contain oil, gasoline, brake dust, particles of roofing material and construction matter, chemicals, trash and other contaminants. Filters, catch basins, permeable paving surfaces such as modular pavers, grassed parking areas, and permeable pavements can be employed to trap vehicle-generated pollutants and reduce runoff volumes.

Currently, the project site is paved and built-out with impervious surfaces with very minimal landscaping. As proposed, the project includes the provision of 2,757 sq.ft. of new landscaping around the perimeter of the site and throughout the parking lot, which will result in a reduction of impervious surfaces on the site. The proposed construction will not increase the volume or velocity of runoff from the site. The renovation will increase the number of parking spaces on the site, which could potentially increase the pollutants on the site associated with cars. However, the applicants are proposing to direct runoff from the site into vegetated "bioswales" on the north and west sides of the site, which will help filter pollutants from the runoff. The Commission's water quality staff has reviewed the proposal and determined that it will adequately address water quality concerns.

Special Condition #2 requires that final plans be submitted indicating that runoff from the site will be directed into the landscaped areas as proposed. Therefore, the Commission finds the proposed development consistent with the water quality protection policies of the Coastal Act.

3. Public Access/Parking. Section 30252 of the Coastal Act states, in part, that:

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 nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation

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 or substitute means of serving the development with public transportation is critical for all commercial, recreational and residential development in near shore areas.

The site fronts Highway 101, a major coastal access route. The western side of the subject site is adjacent to Sierra Avenue, a narrow residential street. On the west side of street, approximately 100 feet southwest of the site, there is a public beach stairway. Public parking is allowed on Sierra Avenue, and thus, if sufficient parking were not provided for the proposed development, "over-flow" of cars from the subject site could potentially spill onto Sierra Avenue and impact beach access.

To determine the quantity of parking spaces that would be adequate to protect public access to the coast, 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 has a provision that for projects involving additions to existing structures, rather than construction of entirely new structures, the County may require that only the amount of parking needed to serve the addition be provided and not parking to bring the entire site up to code.

In the case of the proposed project, there will actually be a 1,778 sq.ft. reduction in floor area, and the amount of parking on the site will increase from 92 parking spaces to 110 spaces. In addition, the amount of space leased for restaurant use (typically considered the highest intensity commercial use) will be reduced. Thus, the proposed project will improve parking conditions on the site. Looking at the entire site, with an existing building floor area of 26,778 sq.ft., the ratio of parking currently provided is 1 space per 291 sq.ft. As proposed, the ratio for the entire site would be 1 space per 227 sq.ft., which is within the typical standards for retail/restaurant development applied throughout San Diego County.

Chapter 3 of the Coastal Act is the standard of review for the proposed project, and the Coastal Act does not include specific parking ratios, but rather requires that parking be adequate for the particular development and site location such that adverse impacts on public beach access do not occur. In the case of the proposed project, although located adjacent to the beach, the South Sierra Avenue area has historically had sufficient on and off-street public parking for beach goers. Given that the ratio of parking provided on the site will be substantially improved, and the apparent adequacy of existing beach parking in the area, the proposed project is consistent with Section 30252 of the Coastal Act.

To ensure that in the future the floor area in the proposed structure is not converted to higher intensity uses without Commission review (such as retail to restaurant) which may require more parking spaces, Special Condition #3 notifies the applicant that future changes or additions to the building require review by the Commission as an amendment to this permit. Therefore, as conditioned, the Commission finds the proposed project consistent with the public access policies of the Coastal Act.

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

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

The proposed project will be located on Highway 101, a major coastal access route which was designated as a scenic corridor in the previously certified County of San Diego Local Coastal Program, (which is used for guidance in the City of Solana Beach) and is designated as a scenic roadway in the City of Solana Beach. In the past, on similar projects located on Highway 101 in the City of Solana Beach and Encinitas, the Commission has typically required a minimum ten-foot wide landscaped area be provided along the Highway 101 frontage.

The project includes substantial landscaping for the site, including four street trees along Highway 101 and trees throughout the parking lot and on the Sierra Avenue street frontage and around the perimeter of the site. However, in its review of the project, the City of Solana Beach required the applicant to provide wide sidewalks in anticipation of the area redeveloping as a pedestrian-oriented district, and, as discussed above, to also maximize the parking on the site. As a result of these constraints, the proposed landscape strip along Highway 101 is only approximately 8 feet wide.

In general, the Commission has only required projects that involve redevelopment of the entire site, (compared to an addition to an existing structure), to accommodate a 10-foot wide landscape strip. This particular development is somewhat in between; the site, including the parking lot, is being substantially revised, but the existing building on the site is being added to, not demolished and rebuilt such that the entire site could be designed from the ground up with both a 10-foot wide landscape strip and adequate parking.

Overall, the visual appearance of the site will be significantly improved with the removal of the pole sign and the provision of landscaping throughout the site. The Highway 101 buffer strip will be a minimum of 8 feet wide, which will provide some protection of views from Highway 101. In order to ensure that views from Highway 101 are adequately screened and softened, Special Condition #1 requires that the buffer strip be designed through berming and/or landscaping with a combination of hedges and trees such that the average height of the landscaping is 4 ½ feet high. In addition, the applicant has determined that with minor adjustments to the parking lot, the width of the landscape strip can be increased somewhat, although perhaps not to a consistent 10-foot wide width. Special Condition #1 requires that the applicant submit revised plans demonstrating the

landscape strip has been maximized to the greatest extent feasible without reducing the number of parking spaces. Therefore, in this particular case, the Commission finds the project, as conditioned, consistent with the resource protection policies of the Coastal Act.

In past Commission action on commercial development, the Commission has regulated the height and amount of monument signs because of the potential for adverse impacts on the scenic quality of the area and inconsistency with Section 30251 of the Act. For this reason, strict limits on the size and height of commercial signs were included within the previously certified County of San Diego Local Coastal Program (LCP). To assure that all proposed signage is consistent with Chapter 3 policies, Special Condition #1b has been proposed. The condition requires that signage on the site consist only of monument signs not exceeding eight feet in height or facade signs.

The provision of landscaping as proposed will ensure the visual resources of the area are protected. Special Condition #1 requires the submission of a final landscape plan, and implementation of the proposed landscaping. Therefore, as conditioned, the visual impacts of the project are consistent with Section 30251 of the Coastal Act.

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, such a finding can be made.

The site is zoned and designated Commercial in the City of Solana Beach General Plan and Zoning Ordinance and in the previously certified County of San Diego Local Coastal Program, which the Commission uses for guidance in review of development in the City of Solana Beach. The proposed project is consistent with these designations. The site is not located within any of the special overlays contained in the County LCP. As conditioned, the proposed project is consistent with all applicable Chapter 3 policies of the Coastal Act. Thus, the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the visual and water quality protection policies of the Coastal Act. Mitigation measures, including

conditions addressing signage, landscaping and water quality, 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 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.

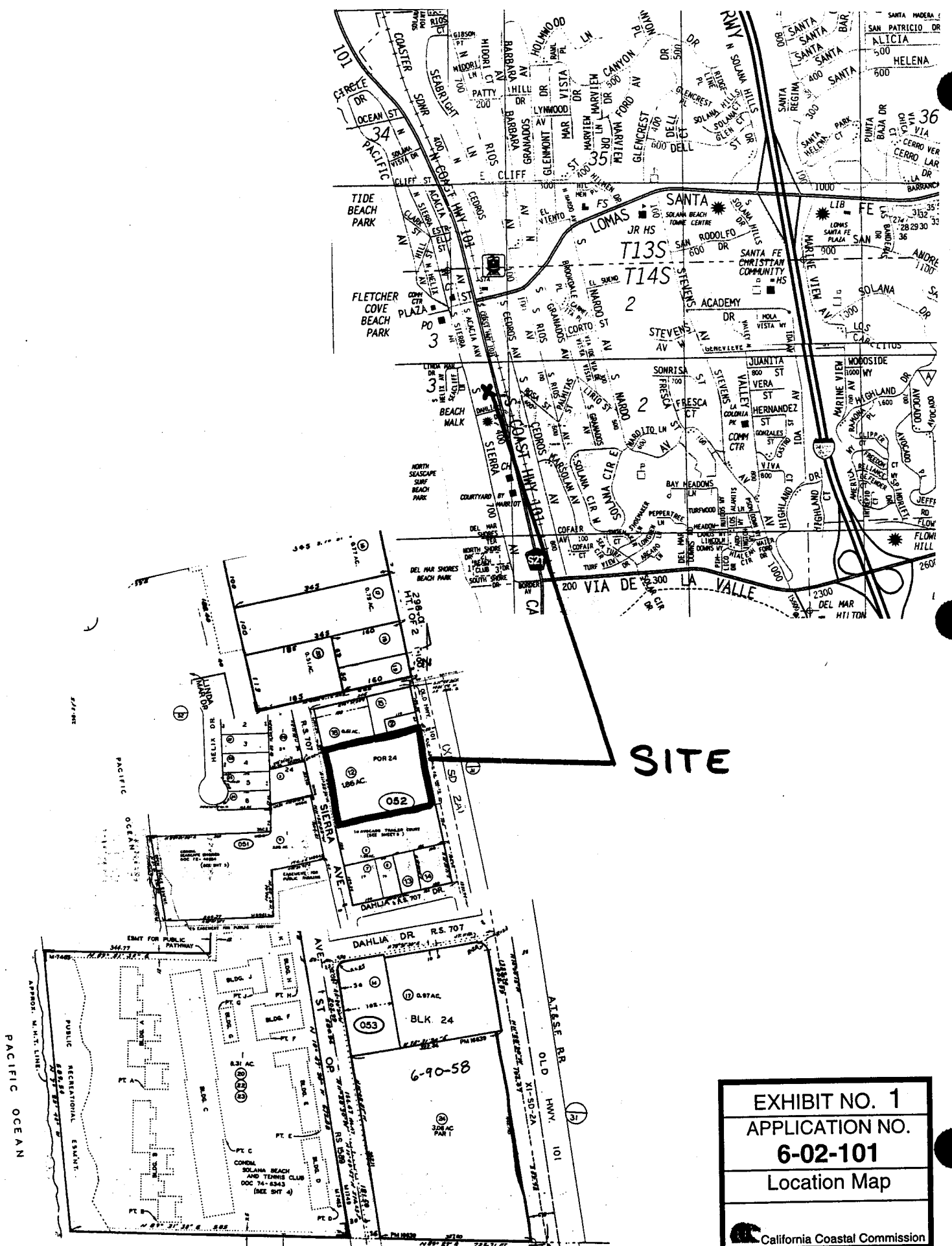



EXHIBIT NO. 1
APPLICATION NO.
6-02-101
Location Map
 California Coastal Commission

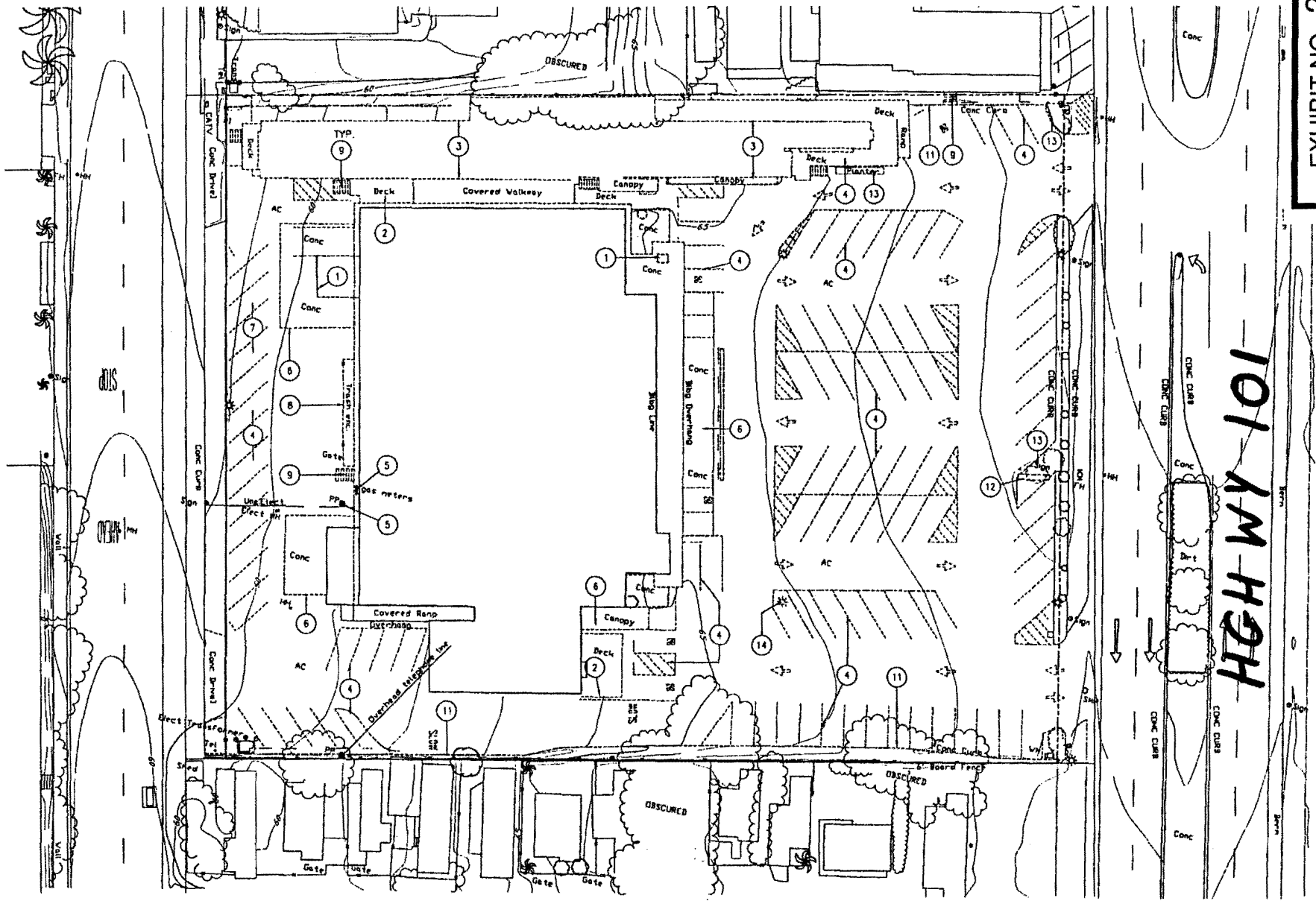


EXHIBIT NO. 2
APPLICATION NO.
6-02-101
Existing Site Plan
California Coastal Commission

- 6. REMOVE CONCRETE PAV.
- 7. REMOVE A.C. PAVING
- 8. REMOVE FENCING
- 9. REMOVE EXTERIOR STAIRS
- 10. REMOVE BUILDING OVER
- 11. REMOVE CONCRETE /
- 12. REMOVE SIGN
- 13. REMOVE LANDSCAPING
- 14. REMOVE PARKING LOT

NOTES:

- 1) VERIFY EXTENT OF REMOVAL

EXISTING CONDITIONS/DEMO SITE PLAN

Refer, vertically or horizontally as to the location of buildings, improvements, parking, trees, and signs, utilities and structures as the situation may vary. Any specific layout, information, color, change of location, etc., at any time.

SITE PLAN

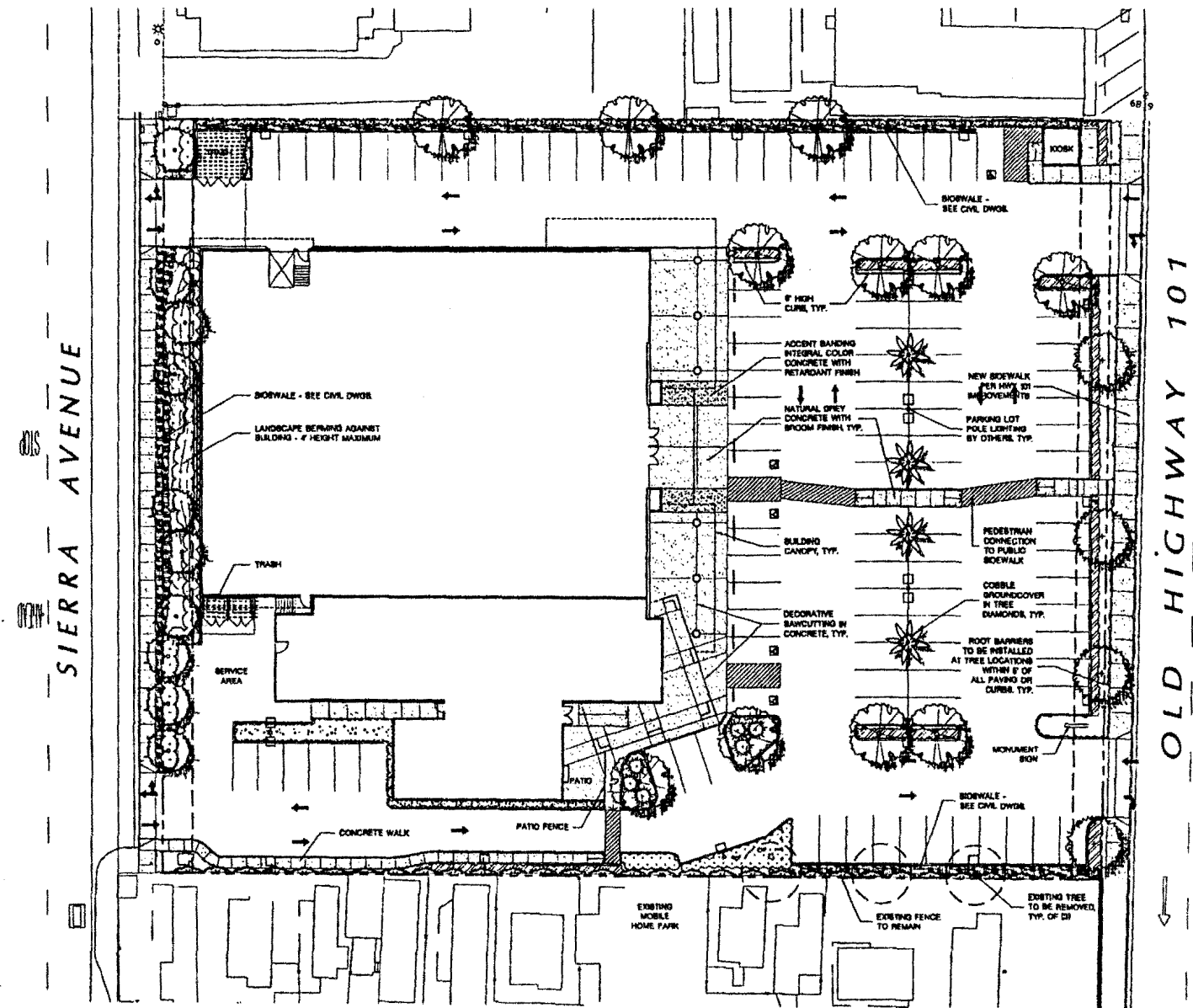


EXHIBIT NO. 4
APPLICATION NO.
6-02-101
Landscape Plan
California Coastal Commission

- 100% 24" box, such as:
Lagunaria paleront (Pinkrose Tree)
Pinus halepensis (Aleppo Pine)
- PALM TREE
100% 36" box, such as:
Syneurus romanzoffianum (Queen Palm)
Washingtonia robusta (Mexican Fan Palm)
- LARGE SCREENING SHRUB
100% 5 gallon, such as:
Pittosporum tenuifolium
Elaeagnus pungens (Silverberry)
- BAMBOO HEDGE
100% 5 gallon, such as:
Samburundinaria fastuosa (Nashua Bamboo)
- EVERGREEN HEDGE
100% 5 gallon, such as:
Ligustrum japonicum (Japanese Privet)
- ACCENT SHRUB
100% 5 gallon, such as:
Pennisetum setaceum 'Rubrum'
Agave vittoriana (Octopus Agave)
Phormium tenax 'Bronze' (New Zealand Flax)
- MEDIUM SHRUB
100% 5 gallon, such as:
Raphiophila indica 'Clara' (Indian Hawthorn)
Canassa macrocarpa (Natal Plum)
- GROUNDCOVER
100% 1 gallon, such as:
Lantana montevidensis
Canassa macrocarpa 'Tuffa' (Natal Plum)
Senecio mandarinica (Blue Chalk Sticks)
- VINE
100% 1 gallon, such as:
Parthenocissus vitacea (Boston Ivy)
Macledysena unguis-cati (Cat's Claw)
- PLANTING IN BIOSWALE
100% 1 gallon, such as:
Juncus patens (California Gray Rush)

LANDSCAPE CALCULATIONS

REQUIRED LANDSCAPING IN PARKING AREA (5%):
Total Parking Area = 41,743 s.f.
Planting Area Required (5%) = 2,087 s.f.
Planting Area Provided = 2,757 s.f.

LANDSCAPE SITE PLAN

