

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

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Filed: 1/27/04
49th Day: 3/16/04
180th Day: 7/25/04
Staff: GDC-SD
Staff Report: 1/29/04
Hearing Date: 2/18-20/04

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-03-116

Applicant: Leon Perl

Agent: Michael Kinoshita

Description: Demolish an existing approximately 1,980 sq. ft. structure and construct a two-story approximately 27,300 sq.ft. retail, office & residential complex with underground parking involving approximately 9,597 cu. yds. of grading on an approximately 34,454 sq. ft. lot.

Lot Area	34,454 sq. ft.
Building Coverage	18,404 sq. ft. (54%)
Pavement Coverage	14,570 sq. ft. (42%)
Landscape Coverage	1,480 sq. ft. (04%)
Parking Spaces	86
Hgt abv fin grade	30 ft.
Zoning	Commercial
Plan Designation	Commercial

Site: 201-204 South Highway 101, Solana Beach, San Diego County.
APN 298-010-31, 32.

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Code; City of Solana Beach Resolution No. 2003-135; DRP/SDP 17-02; Project plans by Martorana-Kinoshita dated 5-23-02;

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. 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, building, elevation and landscaping plans for the proposed development. Said plans shall be stamped and approved by the City of Solana Beach and be in substantial conformance with the plans submitted with this application dated 5/23/02 by Martorana – Kinoshita Associates, Inc., except that they shall be revised to reflect the following:

- a. The landscape plan shall include a minimum 10-ft. wide landscaping strip along Highway 101. The landscape plan shall indicate the type size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Only native, drought-tolerant or non-invasive plants shall be used. The applicant shall provide a written commitment that all required plantings will be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape requirements.

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. Sign Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, freestanding pole or roof signs shall be allowed. Said plans shall be subject to the review and written approval of the Executive Director.

The permittee shall undertake development in accordance with the approved sign plans. Any proposed changes to the approved sign plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this

coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans approved by the City of Solana Beach, including supporting calculations. The plans shall be in substantial conformance with the Conceptual Storm Water Plans submitted with this application dated 9/2/03. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of all outflow drains.
- (c) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building pad shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.
- (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan

to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Future Development Restriction. This permit is only for the development described in coastal development permit #6-03-116. 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 office/retail to restaurant) shall require an amendment to Permit #6-03-116 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:

A. Detailed Project Description/History. The applicant proposes to demolish an existing approximately 1,980 sq. ft. commercial building and construct a two-story approximately 27,300 sq. ft. retail, office, residential development with an approximately 28,500 sq. ft. subterranean garage involving approximately 9,597 cu. yds. of grading on an approximately 34,454 sq. ft. lot. The applicant is proposing approximately 11,000 sq. ft. of retail and approximately 7,300 sq. ft. of office space. Six residential units are also proposed. All export materials are proposed to be taken outside of the coastal zone. Special Condition #1 requires the submission of final plans consistent with the preliminary plans submitted with the subject application. The City of Solana Beach does not have a certified LCP at this time and, therefore, Chapter 3 of the Coastal Act remains the legal standard of review for new development in Solana Beach.

The proposed development will be located on the west side Highway 101 adjacent to commercial developments of similar size and bulk. Highway 101 is a major coastal access route which was designated as a scenic corridor in the previously certified County of San Diego Local Coastal Plan, and is designated as scenic roadway in the City of Solana Beach. No views across the site to the ocean current exist. However, on similar projects along Highway 101 in Solana Beach, the Commission has typically required a minimum ten-foot-wide landscape area along Highway 101 frontage, not including the right-of-way, to mitigate the visual impact of the commercial structures. The applicant's preliminary landscape plan only shows an 8-foot wide landscape strip. Therefore, Special Condition #1 requires the submission of revised plans documenting the use of a 10 ft. wide landscape strip along Highway 101 which incorporates the use of native, drought-tolerant or non-invasive species.

In addition, in past Commission action on commercial development in this area, the Commission has regulated the height and amount of signage because of the potential of adverse visual impacts along this scenic route. No sign program was submitted with the application. Special Condition #2 requires the submission of a sign program documenting that only monument signs not exceeding eight feet in height or facade signs will be installed. The previously certified County of San Diego LCP included similar requirements, as does the City of Solana Beach's zoning ordinance.

The applicant's preliminary plans also document the use of Best Management Practices to address runoff from the site. However, since all runoff from the subject site eventually flows into Fletcher Cove and the ocean approximately ½ mile away, the Commission's water quality division has reviewed the proposed BMP's and has suggested improvements to the plan. Therefore, Special Condition #3 has been attached which requires the submission of adequate BMP's that will be subject to final approval by the Executive Director and the City of Solana Beach.

The applicant has also submitted a traffic analysis documenting the development will not adversely affect coastal access. The traffic study documents beach access normally occurs between approximately 10:00 a.m. to 4:00 p.m. while peak traffic generated by the subject development will occur between 7:00 to 9:00 a.m. and between 4:00 to 6:00 p.m. Beach access parking is currently available along Sierra Avenue on the west side of the subject site, in a City owned parking lot adjacent to the northwest corner of the subject site and at Fletcher Cove approximately ¼ mile northwest of the subject site. The project will include 86 onsite parking spaces to support the proposed development which is consistent with parking standards required for a mixed used facility in the Plaza District of the City's Highway 101 Specific Plan. In addition, it is unlikely patrons of the commercial/retail business will park in beach parking areas west of the site since pedestrian access into the commercial/retail areas of the development is effectively blocked by the proposed residential units which front Sierra Avenue.

Although the proposed 86 parking spaces is adequate to serve the proposed development, if the level of retail space should increase in the future or if portions of the commercial development should change to restaurant use, adequate parking may not exist to serve the increase in intensity of use. Therefore, Special Condition #4 has been attached which requires the applicant to apply for an amendment or a new coastal development permit for any change in use at the proposed office/retail/residential facility to assure adequate parking will continue to exist onsite. With this condition, the Commission can be assured that any change in use will not result in the need for patrons of the subject development to park in public areas that could otherwise be available for beach parking.

B. Biological Resources. Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

C. Community Character /Visual Quality. The development as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Solana Beach to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

F. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect 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.

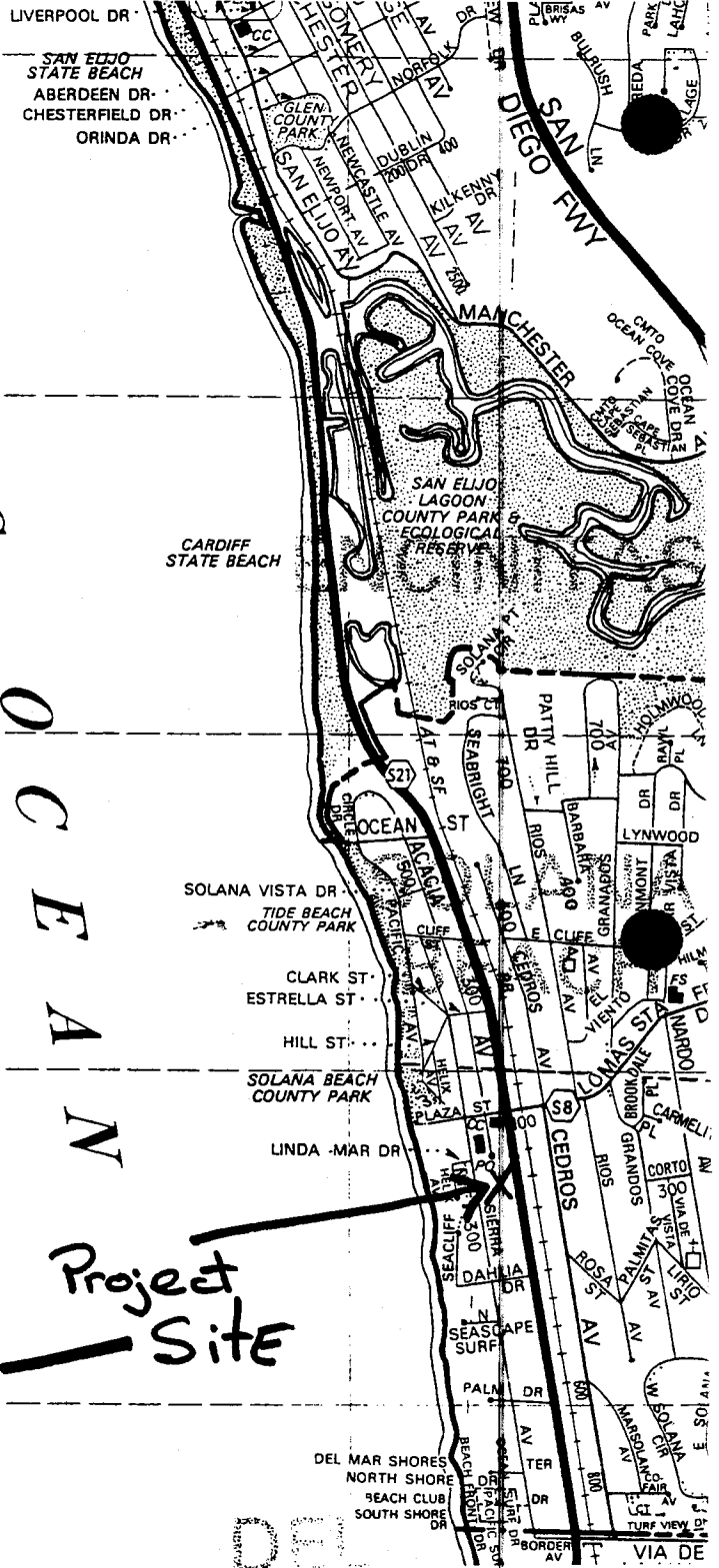
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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.

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Project Site

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X1-SD-2A

298-C SHT 101

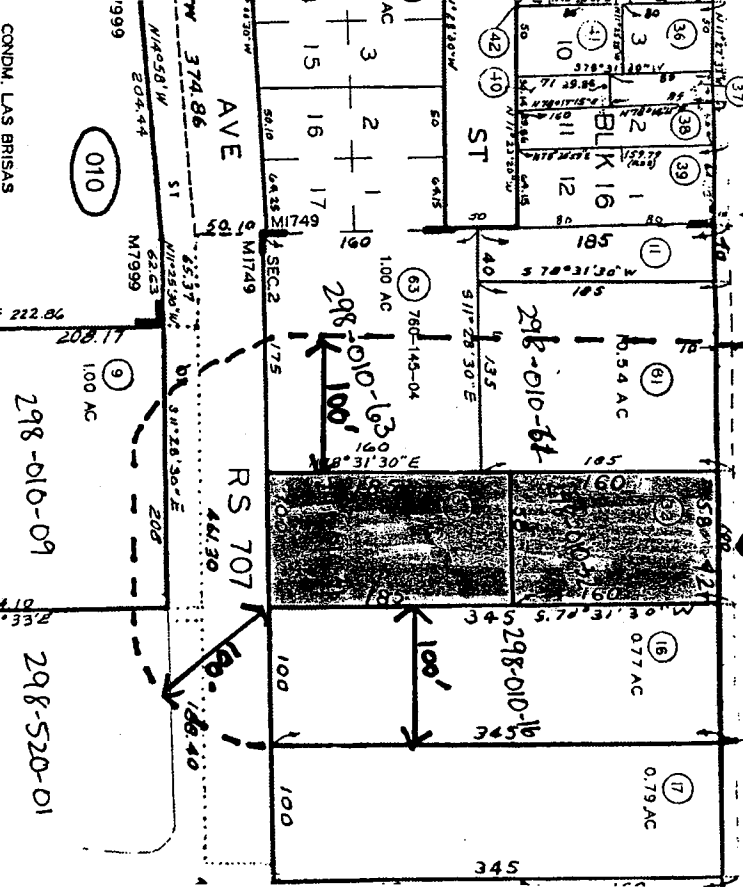
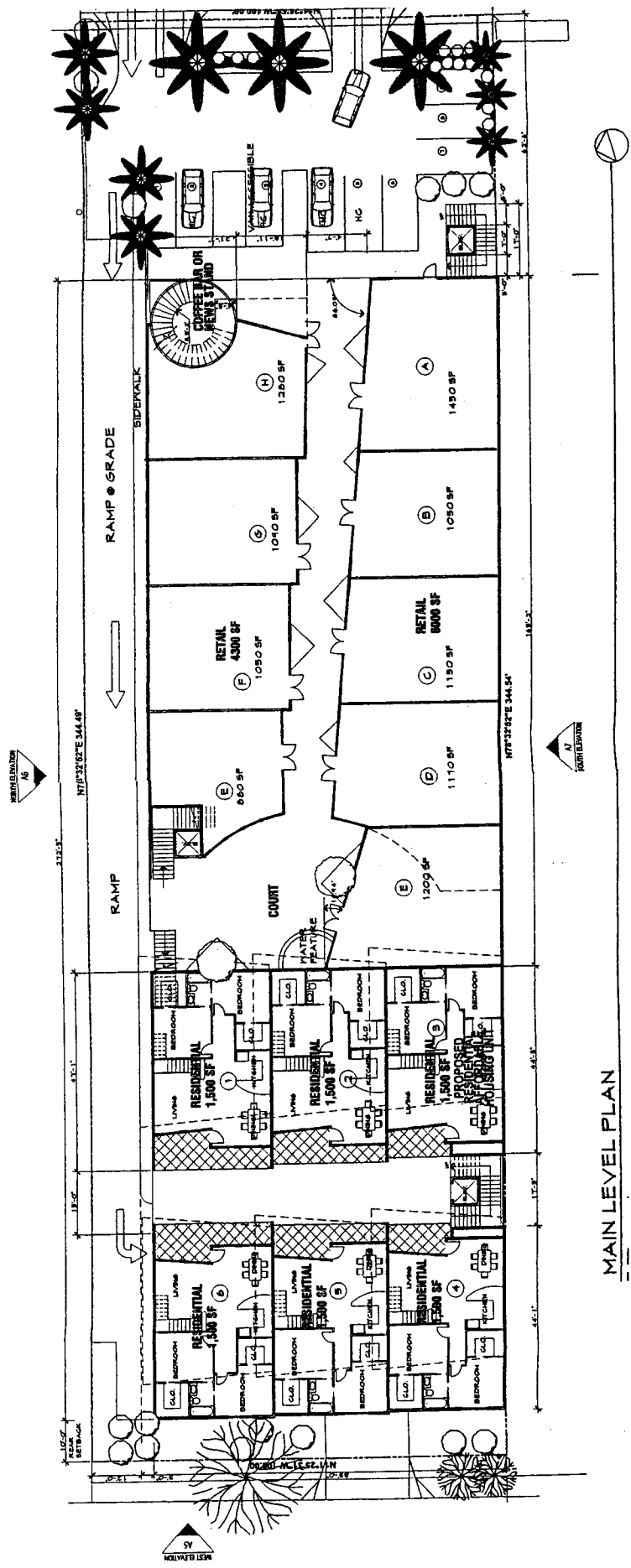


EXHIBIT NO. 1
APPLICATION NO.
6-03-116
Location Map
California Coastal Commission

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DOC78-284281

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298-520-01

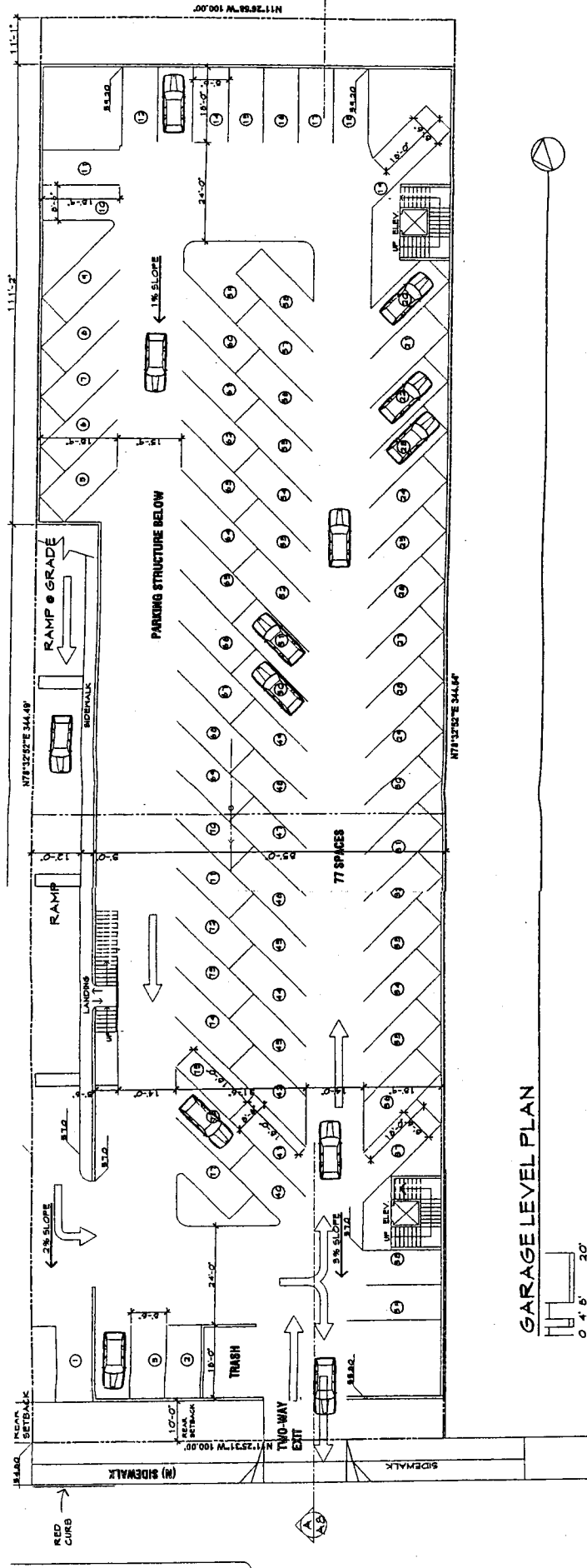
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MAIN LEVEL PLAN

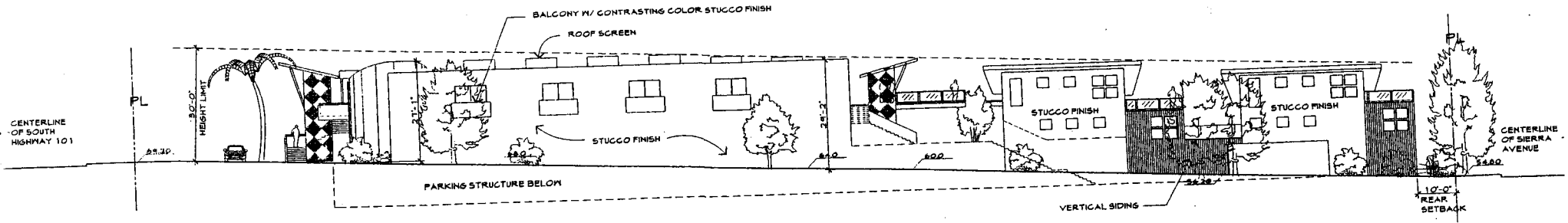
EXHIBIT NO. 2
APPLICATION NO.
6-03-116
Site Plan
California Coastal Commission

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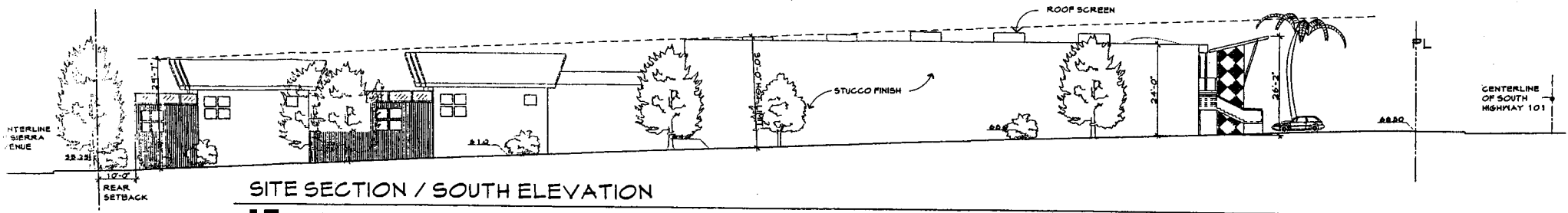


GARAGE LEVEL PLAN


EXHIBIT NO. 3
APPLICATION NO.
6-03-116
Garage Plan
California Coastal Commission

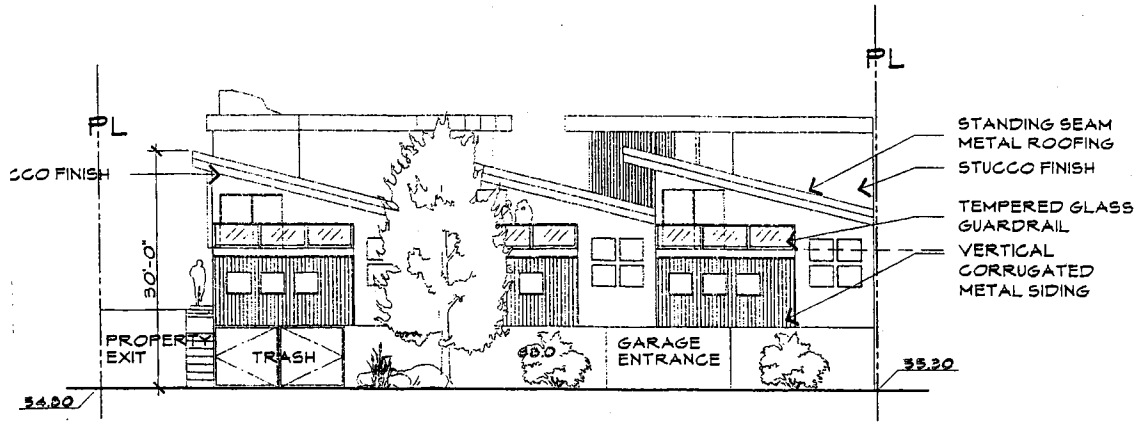


SITE SECTION / NORTH ELEVATION

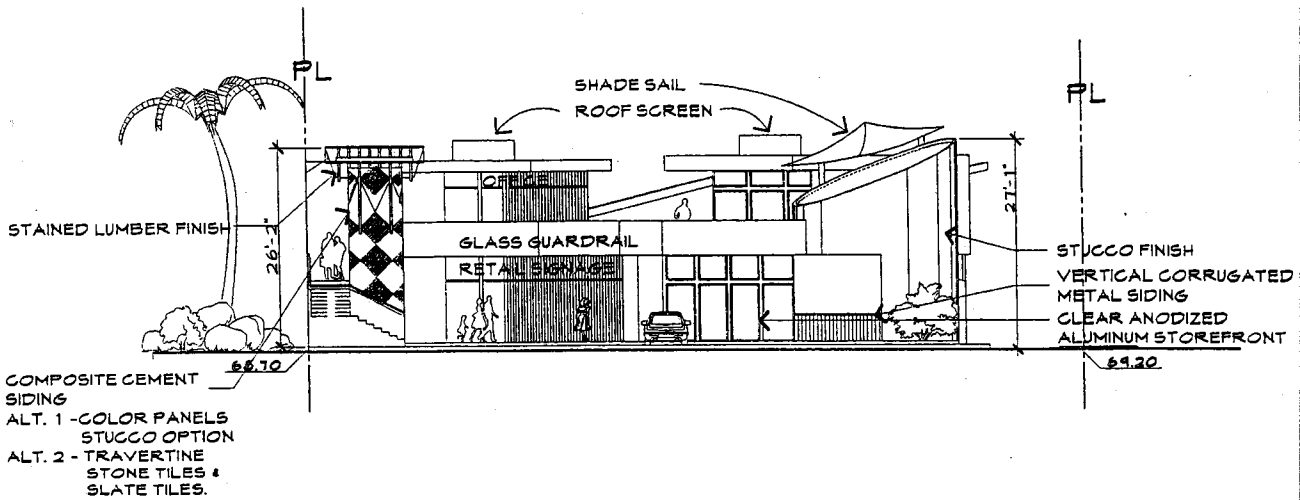
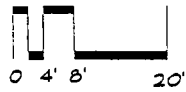


SITE SECTION / SOUTH ELEVATION

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	Elevations
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WEST ELEVATION



EAST ELEVATION

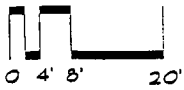


EXHIBIT NO. 4
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