

CALIFORNIA COASTAL COMMISSION

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



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Filed: June 1, 2004
49th Day: July 20, 2004
180th Day: November 28, 2004
Staff: DL-SD
Staff Report: June 21, 2004
Hearing Date: July 14-16, 2004

STAFF REPORT: CONSENT CALENDAR**Application No.:** 6-04-33**Applicant:** John Cavanaugh**Agent:** Peter Geissler

Description: Construction of a 3,859 sq.ft. detached, 8-car commercial garage and after-the-fact paving to create a parking area on a 20,140 sq.ft. lot with an existing 1,337 sq.ft. office building, a 562 sq.ft. office building and a 273 sq.ft. detached restroom.

Lot Area	20,140 sq. ft.
Building Coverage	6,031 sq. ft. (30%)
Pavement Coverage	11,000 sq. ft. (55%)
Landscape Coverage	3,100 sq. ft. (15%)
Parking Spaces	18
Ht abv fin grade	16 feet
Zoning	Special Commercial
Plan Designation	Special Commercial

Site: 202 North Cedros, Solana Beach, San Diego County.
APN 298-351-16

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Stormwater Pollution Prevention Plan, Geissler Engineering, 4/2/04.

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:

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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. Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final landscaping plans for the proposed development that have been approved by the City of Solana Beach. Said plans shall be in substantial conformance with the plans submitted with this application by Oehm Engineering dated 2/06/04, and include the follow:

- a. Drought tolerant native or non-invasive plant materials shall be utilized.

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 ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a comprehensive sign program that has been approved by the City of Solana Beach, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall or free-standing pole or roof signs shall be allowed.

The permittee shall undertake 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 legally required.

3. Runoff Control/Best Management Practices (BMPs). The permittee shall comply with the submitted Stormwater Pollution Prevention Plan, by Geissler Engineering, dated 4/2/04. The water quality program shall be implemented in accordance with these approved plans. Any proposed changes to the approved 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. Condition Compliance. WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The proposed project is construction of a 3,859 sq.ft. detached, 8-car commercial garage. The garage will be constructed on a 20,140 sq.ft. lot with an existing 1,337 sq.ft. one-story office building, a 562 sq.ft. office building and a 273 sq.ft. detached restroom. The lot is currently developed with a paved driveway, gravel parking area, and landscaping.

The site is located on the east side of North Cedros Ave, across from the train station parking lot and Highway 101 in the City of Solana Beach. The subject site was developed as a mobile home park in the 1940's, with concrete slabs for the trailers and the three buildings on the site. The trailers and concrete slabs were removed some years ago. The applicant acquired the property in January 2003, rehabilitated the existing structures (with no changes in the footprints of the buildings) and graded and repaved the front and rear portions of the site to provide a driveway and parking for visitor and employee parking. Three shipping-size storage containers were also placed on the lot for storage purposes. Placement of the storage containers and the grading and paving to create a parking area was done without benefit of a coastal development permit. The applicant is proposing to retain the paved driveway, but the shipping containers and the rear gravel parking area will be replaced by the proposed garage.

The subject site is zoned "Special Commercial" and the surrounding area includes a variety of office commercial and light industrial uses, as well as some single-family residences. The proposed garage will be located on the rear portion of the site, behind the existing 1,337 sq.ft. office building. There are no views across the site. The applicant has proposed construction and post-construction water quality BMPs including a storm water filtration and dissipation system, which have been accepted by the Commission's water quality staff. Adequate on-site parking to serve the development will be provided in the proposed garage.

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.

B. Community Character /Visual Quality. The development is located within an existing developed area and, 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.

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

E. Biological Resources/Water Quality. 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.

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

F. No Waiver of Violation. Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

Three storage containers were placed on the site and grading and repaving the site for use as a parking area has occurred without benefit of a coastal development permit. The shipping containers and most of the parking area will be replaced by the proposed garage. Thus, the applicant is also including a request for after-the-fact approval of the paving for the driveway in this application.

G. 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.

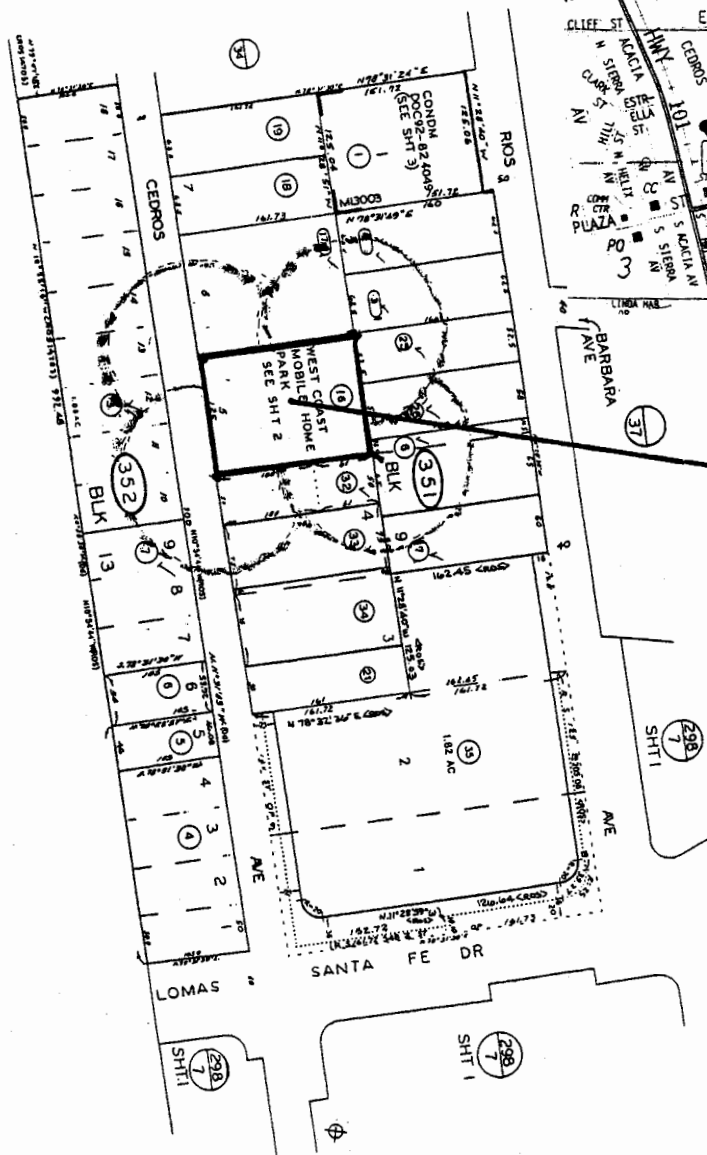
H. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

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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SITE

EXHIBIT NO. 1
APPLICATION NO.
6-04-33
Location Map



California Coastal Commission

