

CALIFORNIA COASTAL COMMISSION

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 Staff: GDC-SD
 Staff Report: November 22, 2005
 Hearing Date: December 14-16, 2005

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-05-104

Applicant: Harry Guzelimian

Agent: James Chinn,
 Architect

Description: Demolish an existing approximately 200 sq. ft. office structure, consolidate three lots into one and construct an approximately 4,480 sq. ft. two-story retail/office building with approximately 6 ft. high masonry walls along the south and north property lines on the new approximately 11,000 sq. ft. lot.

Lot Area	11,000 sq. ft.
Building Coverage	2,408 sq. ft. (22%)
Pavement Coverage	7,600 sq. ft. (69%)
Landscape Coverage	992 sq. ft. (09%)
Parking Spaces	16
Zoning	General Commercial
Plan Designation	General Commercial
Ht abv fin grade	26 ½ feet

Site: 153 N. Highway 101, Solana Beach, San Diego County
 APN 263-331-08, 09, and 25

Substantive File Documents: City of Solana Beach General Plan and Zoning Ordinance; Design Review Permit/Structural Development Permit #17-05-10; CDP Nos. 6-90-58/Irish, 6-96-106/Surfride, 6-02-101/Solana Beach Market, and 6-03-116/Perl.

STAFF NOTES:

The standard of review for this project is the Coastal Act since the City does not have a certified LCP.

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed retail/office building with conditions requiring sufficient landscaping along Highway 101 with the use of native, drought-tolerant and non-invasive species, a signage program and the submission of an adequate runoff and control plan to assure the use of Best Management Practices in treating polluted runoff. With these conditions, no adverse 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. 6-05-104 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, building, elevation, grading and drainage 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 2/9/2005 by James Chinn Architect Associates, Inc.

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. Revised Landscape Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final revised landscape plan. Said plan shall be stamped and approved by the City of Solana Beach and be in substantial conformance with the plans submitted with this application dated 2/9/2005 by James Chinn Architect Associates, Inc., except that they shall be revised to reflect the following:

- a. The landscape plan shall include a minimum 10-ft. wide landscape strip along Highway 101 fronting the proposed building and a minimum 5-ft. wide landscape strip fronting the proposed parking lot and any fencing.
- b. Landscaping shall be of substantial height to break up the façade of the structure and to effectively screen the parking lot and any proposed fencing.
- c. Any proposed fencing fronting the parking lot shall be located on the west side of the 5 ft.-wide landscape strip.
- d. The landscape plan shall indicate the type size, extent and location of all plant materials, the proposed irrigation system and other landscape features.
- e. All landscaping shall be (1) drought-tolerant and native or (2) non-invasive plant species (i.e., no plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized
- f. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of the proposed office/retail construction
- g. 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 landscape 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. 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.

4. 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 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) Provide descriptions of the pollutants of concern based on the proposed use of this site.
- (b) Provide the basis for selection and description of Site Design, Source Control and any required Treatment Control BMPs to be implemented.
- (c) Treatment Control BMPs using the numerical sizing criteria described below are required for priority projects identified in the San Diego Municipal NPDES Stormwater Permit (Order No. 2001-01) or the latest approved version of that permit.
- (d) Selected Treatment Control BMPs (or suites of Treatment Control 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.
- (e) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of all outflow drains.

- (f) 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.
- (g) Opportunities for directing stormwater into pervious areas on-site for infiltration shall be maximized where geotechnical concerns would not otherwise prohibit such use.
- (h) 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 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.

5. Lot Consolidation. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, evidence of local government approval of the proposed lot consolidation of Assessor Parcel Numbered lots 263-331-08, 09 and 25.

6. Future Development Restriction. This permit is only for the development described in coastal development permit #6-05-104. 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 #6-05-104 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 proposed development involves the demolition of an existing approximately 200 sq. ft. building, the consolidation of three lots into one lot and the construction of an approximately 4,480 sq. ft. two-story office/retail building that includes 16 parking spaces and approximately 992 sq. ft. of landscaping on an approximately 11,000 sq. ft. (combined) lot. The project also involves approximately 550 cu. yds. of grading with the approximately 550 cu. yds. grading material being imported from outside of the coastal zone. Since only preliminary plans have been submitted with the application, Special Condition #1 has been attached which requires submission of final project plans to be reviewed by the Executive Director to assure the final plans are in substantial conformance with the preliminary plans submitted with this application before the coastal development permit is released.

The project is located on the west side of Highway 101 in the City of Solana Beach approximately 1,000 feet northeast of Fletcher Cove Beach Park, the City's primary beach access location. Similar commercial structures line Highway 101 both north and south of the subject site.

The City of Solana Beach does not have a certified Local Coastal Program, therefore, the Coastal Act is the standard of review.

2. Parking/Public Access. Section 30252 of the Coastal Act 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 nonautomobile circulation within the development, (4) providing adequate parking facilities....

The proposed project is located along Highway 101, which is designated as a major coastal access route in the previously-certified County of San Diego Local Coastal Program (LCP), which the Commission has used for guidance in review of development in Solana Beach. With the incorporation of the Cities of Solana Beach and Encinitas, the certified County LCP is no longer in use by the County as it relates to these two Cities, however, Highway 101 still remains one of the major coastal access routes for the City. In addition, the project site is located approximately 1,000 ft. northeast of the beach at Fletcher Cove Beach Park. As such, it is important that the parking needs of the project be accommodated on-site so as not to displace on-street parking that should remain available for public beach users.

As proposed, the development involves the construction of an approximately 4,480 sq. ft. retail/office building. The project site is located within the Plaza District of the City of Solana Beach's Highway 101 Specific Plan. The Plaza District has been designed to be a pedestrian oriented district relying on its close proximity to the North County Transit Center that

accommodates a local commuter train system, local buses and Amtrak services. The City's parking standard within this district requires one parking space for each 300 sq. ft. of office/retail space. This translates into a requirement for 15 onsite parking spaces for the subject 4,480 sq. ft. commercial building. The applicant is proposing 16 onsite parking spaces. The City of Encinitas, located immediately north of Solana Beach has a certified LCP with similar parking requirements for office/retail in its Downtown Specific Plan, which includes a section of Highway 101.

While adequate parking is provided in this particular case, there is still a concern that as increases in population occur in north San Diego County and local beach communities become more popular, the proposed 16 spaces may not be adequate to serve the proposed development. Thus, customers and employees might be required to park on the public streets in spaces that otherwise could be used by beachgoers. While this is a concern, in this case the nearby public transit center provides an incentive for both employees and customers to make use of these alternative forms of transportation. The Transit Center is located approximately 500 feet away from the proposed development, an easy walking distance. The City has also included a requirement that at least one bicycle parking space be provide onsite including lockup facilities and that it be located near the building entrance. In addition, it is anticipated that any future certified LCP for the City of Solana Beach will need to include provisions for traffic and parking demand management that could include requirements that employers provide incentives for their employees to help encourage and make use of these alternative forms of transportation.

Although the proposed development provides adequate onsite parking for its proposed uses, if the proposed uses should change, for instance from office/retail to restaurant use, additional parking may be required. To address this concern, Special Condition #6 has been attached which identifies that only a retail/office building is approved for this site and that before any change in use occurs an amendment or new coastal development may be required.

Therefore, as conditioned, since the proposed development provides adequate parking to meet the requirements of the City's Plaza District ordinances and is in close proximity to nonautomobile forms of transportation, no impacts to public access are anticipated with this proposal. As such, Commission finds the proposed development consistent with Section 30252 of the Coastal Act.

3. Visual Impacts. 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 proposed project is sited along the west side of Highway 101 in Solana Beach, which is designated as a scenic corridor in the previously-certified County of San Diego LCP. In addition, the City of Solana Beach also designates Highway 101 as lying within its Scenic Area Overlay Zone which requires visual protective measures be incorporated into new developments. The proposed development will occur along Highway 101 adjacent to other commercial developments of similar bulk and scale. The Commission has approved several of these commercial

developments and has determined in each case that the visual appearance of the structures need to be effectively mitigated through landscaping to protect the scenic nature of the Highway 101 corridor. In the case of Solana Beach, the Commission has typically required a minimum ten-foot wide landscaped area or other effective landscape design along the Highway 101 frontage (Ref. CDP Nos. 6-90-58/Irish, 6-96-106/Surfride, 6-02-101/Solana Beach Market, and 6-03-116/Perl). The project as proposed incorporates the 10-foot landscape strip in front of the proposed building but only incorporates a 5-ft. landscape strip fronting the proposed parking area. The applicant has identified that if the landscaping is greater than 5 ft. in width, a parking space will need to be eliminated. In addition, as proposed the project includes an approximately 4 ft. high wrought iron fence fronting the parking lot along the street in front of the proposed 5 ft. landscape strip. Therefore, as proposed the 5 ft. landscape strip would be effectively blocked from view by the proposed wrought iron fence. To address this concern, Special Condition #2 has been attached which requires the submission of a revised landscape plan that places the 5-ft. landscape strip along the street side of the approximately 4 ft.-high wrought iron fence and requires that landscaping be installed to effectively screen the 4 ft.-high wrought iron fence (the wrought iron fence will need to be moved toward the parking lot approximately 5 ft.). Although this 5 ft.-wide section of landscaping is not consistent with the 10 ft.-wide landscaping usually required, the requirement to effectively screen the entire 4 ft.-high section of the wrought iron fence will provide sufficient visual masking of the parking area and fence consistent with the intent of the larger 10 ft.-wide landscape area to adequately mitigate the visual appearance of the development. The plan must also incorporate the use of plants of sufficient height to breakup the façade of the proposed building, not simply the use of groundcover. The revised landscaping plan must also be limited to the use of native, drought-tolerant and non-invasive species.

The applicant is also proposing to consolidate three lots as part of the proposed development. The proposed lot consolidation and proposed building are consistent with character of the surrounding community. However, the applicant to date has not received local approval of the proposed lot consolidation. Therefore, Special Condition #5 has been attached, which requires evidence of the local approval of the subject lot consolidation before the Coastal Development Permit is released.

To address the visual impacts of any proposed signage, Special condition #2 has been attached which requires that only facade signs and a monument sign not exceeding 8 feet are proposed. No tall, free-standing pole or roof signs will be permitted. This is similar to the signage requirements of other developments along Highway 101 approved by the Commission in recent years. With the submission of the required landscape and signage plans the potential for impacts to the visual quality of this scenic corridor have been reduced to the maximum extent feasible. Therefore, the Commission finds the proposed project, as conditioned, consistent with Section 30251 of the Coastal Act.

4. 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 proposed development will be located within 1,000 ft. of the ocean. As such, any runoff from the development site will eventually flow into the ocean. The construction of impervious surfaces such as the proposed building and parking lot 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.

To assure that any polluted runoff from the proposed development site is effectively filtered before it leaves the site, Special Condition #4 has been attached to require the use of effective Best Management Practices to treat polluted runoff. As conditioned, the proposed development will serve to reduce any impacts to water quality from the project to insignificant levels, and the Commission finds that the project is consistent with Section 30231 of the Coastal Act regarding the protection of water quality.

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 subject site is currently zoned Commercial and is designated for general commercial uses in the City of Solana Beach General Plan as well as in the previously-certified County LCP. The proposed development, as conditioned, is consistent with these designations. While the proposed development has been found to be consistent with the City's Highway 101 Specific Plan as it relates to parking requirements, the future certified LCP will need to include measures that provide additional incentives to employees and customers of businesses within the City of Solana Beach, especially businesses in close proximity to the shoreline, to make use of alternative forms of transportation such as bicycles, buses and trains. With such provisions, the existing level of public parking for beachgoers can be better preserved. In addition, the proposed project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed project, as conditioned, should 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 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 Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing potential visual impacts through a landscaping and signage plan and potential water quality impacts through the submission of a Best Management Plan 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.