

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Filed: August 31, 2006
49th Day: October 11, 2006
180th Day: January 9, 2007
Staff: D. Lilly-SD
Staff Report: September 14, 2006
Hearing Date: October 11-13, 2006

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-80

Applicant: Cryogenic Resources, a.k.a. WestAir Gases & Equipment

Agent: Michael Matalon

Description: Demolition of two existing buildings and construction of a one-story, 3,704 sq.ft. retail/storage commercial building.

Lot Area	31,892 sq. ft.
Building Coverage	3,704 sq. ft. (12%)
Pavement Coverage	18,067 sq. ft. (56%)
Landscape Coverage	10,121 sq. ft. (32 %)
Parking Spaces	17
Zoning	(M-52)
Plan Designation	Limited Impact Industrial
Ht abv fin grade	28 feet

Site: 1590 Frontage Road, Chula Vista, San Diego County.
APN 622-062-07.

Substantive File Documents: City of Chula Vista Design Review Committee (DRC 06-44); Chula Vista General Plan and Zoning Ordinance, Certified Chula Vista LCP; Certified County Islands Local Coastal Program.

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. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval by the Executive Director, final site and building plans that are in substantial conformance with the preliminary plans by Matalon Architecture & Planning dated 4/10/06, and that have been stamped approved by the City of Chula Vista.

The permittee shall undertake 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 to the Executive Director for review and written approval, a comprehensive sign program, with evidence that the plan has been approved by the City of Chula Vista, documenting that only monument signs, not to exceed eight feet in height, or facade signs are proposed. 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.

3. Landscape Plans. The applicant shall comply with the following condition as proposed with the submitted project plans by E/Scape Landscape Architecture dated July 12, 2006:

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 within the property).

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 Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

4. Water Quality. The applicant shall comply with the provisions of the submitted Water Quality Technical Report by Nasland Engineering, dated September 8, 2006.

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 Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description/History. The proposed project is demolition of an existing one-story industrial building and a detached shed on a 31,892 sq.ft. lot, and construction of a new 3,689 sq.ft. 28-foot high retail/storage building. The site is in southern Chula Vista, just west of Interstate 5, in an industrial-zoned area overlooking the freeway. The site is approximately 300 feet east of the South Bay Salt Works ponds, separated by one street.

The subject site is within the boundaries of the City of Chula Vista as a result of the Montgomery Annexation. It is assumed that eventually the City's certified LCP will be amended to include this area; until that time, the certified County Islands LCP is used as guidance by the Commission in review of new development proposals in this area. However, Chapter 3 of the Coastal Act is the standard of review. The proposed commercial building is consistent with and meets the requirements of the previously certified County of San Diego M-52 Limited Impact Industrial zone, which is used for guidance in this area.

As required by the City, the applicant has prepared a Storm Water Pollution Prevention Plan (SWPPP) including both construction and post-construction pollution prevention and pollution control measures, and the project must comply with the NPDES permits. The applicant has submitted a Best Management Practices (BMPs) plan to prevent storm water pollution from impacting the bay. The Commission's water quality staff have

reviewed the proposed plans and determined that the project will not adversely impact sensitive protect coastal resources. Special Condition #4 requires that the applicant comply with the submitted plans.

Buildings on the site are and will be visible from Interstate 5 as proposed, but there are no bay views available across the site that would be impacted by the proposed 28-foot high building. In its approval of the project, the City of Chula Vista Design Review Committee determined that the project is consistent with the City of Chula Vista Design Manual and Landscape Manual. As approved by the City, landscaping includes a minimum 10-foot wide landscaped strip along Frontage Road, which parallels the freeway, and seven trees will be planted along the east and south sides of the building to soften views from I-5.

To additionally ensure no impacts to visual resources result from the project, Special Condition #2 requires submittal of a sign program prohibiting monument signs greater than eight feet in height. Special Condition #3 requires that the landscaping be drought-tolerant and native or non-invasive plant species as proposed in the submitted landscape plan. Because only preliminary site plans have been submitted, Special Condition #1 requires the submittal of final site plans.

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 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.

D. Public Access/Parking. As conditioned, 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 Planning. The subject site is located within the City of Chula Vista, which has a certified Local Coastal Program. The site was previously within the County of San Diego's County Islands Segment Local Coastal Program jurisdiction, but is now within the boundaries of the City of Chula Vista as a result of the Montgomery Annexation. It is assumed that eventually the City's certified LCP will be amended to include this area. Until that time, the certified County Islands LCP is used as guidance by

the Commission in review of new development proposals in this area. However, Chapter 3 of the Coastal Act is the 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 Chula Vista to continue to implement its certified LCP.

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.



