

CALIFORNIA COASTAL COMMISSION
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

T4a

Filed: April 27, 2006
49th Day: June 15, 2006
180th Day: October 24, 2006
Staff: Fernie Sy-LB
Staff Report: July 20, 2006
Hearing Date: August 8-11, 2006
Commission Action:



STAFF REPORT: CONSENT CALENDAR

APPLICATION NO.: 5-06-010

APPLICANT: Columbia Regency Retail Partners, LLC

AGENT: Nadel Architects, Attn: Greg Palaski

PROJECT LOCATION: 1001 Pacific Coast Highway, City of Seal Beach,
County of Orange

PROJECT DESCRIPTION: Remodel of an existing commercial retail center, which includes demolition of existing structures, reconfiguring of surface parking, hardscape and landscape work and construction of new buildings. The existing center contains 87,181 square feet of retail and commercial uses and the renovation will result in a total of 103,765 square feet of retail and commercial uses. There will be a total of 419 parking spaces to serve the site post project. Grading will consist of 2,180 cubic yards of cut, 1,274 cubic yards of fill and 779 cubic yards of export

SUMMARY OF STAFF RECOMMENDATION:

The proposed development involves a remodel of an existing commercial retail center. The major issues before the Commission relate to adequate parking and water quality. Staff is recommending **APPROVAL** of the proposed project subject to **Four (4) Special Conditions** requiring: **1)** additional approvals for any future development; **2)** adherence to construction best management practices (BMP's); **3)** conformance with the submitted Water Quality Management plan (WQMP); and **4)** submittal of a Revised Landscaping Plan.

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program. The City of Seal Beach does not have a certified Local Coastal Program. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act

LOCAL APPROVALS RECEIVED: Approval-In-Concept from the City of Seal Beach dated January 6, 2006; Mitigated Negative Declaration No. 05-5; Conditional Use Permit No. 05-3; Height Variation No. 05-5; Conditional Use Permit No. 05-4; Conditional Use Permit No. 05-13; and Conditional Use Permit No. 05-16.

SUBSTANTIVE FILE DOCUMENTS: Letter to Nadel Architects from Commission Staff dated February 9, 2006; Letter to Commission Staff from Nadel Architects dated March 23, 2006; *Water Quality Management Plan (WQMP)* prepared by Development Resources Consultants, Inc. dated February 27, 2006; *Storm Water Pollution Prevention Plan (SWPPP)* prepared by

Development Resources Consultants, Inc. dated February 15, 2006; *Parking Demand Analysis for the Proposed Seal Beach Center Expansion Project (No. 2.06.2761.1)* prepared by Linscott Law & Greenspan Engineers dated March 16, 2006; Letter to Nadel Architects from Commission Staff dated April 21, 2006; and Letter to Commission Staff from Nadel Architects dated April 2, 2006.

EXHIBITS

1. Vicinity Map
2. Assessor's Parcel Map
3. Site Plan
4. Elevations

I. APPROVAL WITH CONDITIONS

STAFF RECOMMENDATION:

Staff recommends that the Commission **APPROVE** the permit application with special conditions.

MOTION:

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

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.

RESOLUTION:

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

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 this permit is reported to the Commission. 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.

III. SPECIAL CONDITIONS

1. FUTURE DEVELOPMENT

This permit is only for the development described in Coastal Development Permit No. 5-06-010. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by Coastal Development Permit No. 5-06-010. Accordingly, any future improvements to the retail/commercial center authorized by this permit, including repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), shall require an amendment to Permit No. 5-06-010 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

2. STOARAGE OF CONSTRUCTION MATERIALS, MECHANIZED EQUIPMENT AND REMOVAL OF CONSTRUCTION DEBRIS

- A. The permittee shall comply with the following construction-related requirements:
- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
 - (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;

- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50 feet away from a storm drain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

3. CONFORMANCE WITH THE WATER QUALITY MANAGEMENT PLAN (WQMP)

The applicant shall conform with the *Water Quality Management Plan (WQMP)* prepared by Development Resources Consultants, Inc. dated February 27, 2006. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. LANDSCAPE PLAN

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, a Revised Landscaping Plan that demonstrates the following:
- (1) The plan shall demonstrate that:
 - (a) Landscaped areas shall be planted and maintained for erosion control and native habitat protection purposes. To minimize encroachment of non-native plant species into adjacent existing native plant areas, all landscaping shall consist of native and/or non-invasive plants. 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 a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Any existing landscaping that doesn't meet the above requirements shall be removed;
 - (b) All planting shall provide 90 percent coverage within 90 days and shall be repeated if necessary to provide such coverage;
 - (c) All plantings shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
 - (2) The plan shall include, at a minimum, the following components:
 - (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the temporary irrigation system, topography of the developed site, and all other landscape features, and
 - (b) a schedule for installation of plants.
- B.** The permittee shall undertake development in accordance with the approved plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares as follows:

A. LOCATION, PROJECT DESCRIPTION AND PREVIOUS COMMISSION ACTION AT THE PROJECT SITE

1. Project Location

The proposed project is located at 1001 Pacific Coast Highway in the City of Seal Beach, County of Orange (Exhibits #1-2). The project site is an existing approximately 40-year old retail/commercial center located on a 7.9-acre site and is bound by Pacific Coast Highway (PCH) to the south; Balboa Drive to the east; and Bolsa Avenue to the north and west. Immediately to the west of the center, across Bolsa Avenue, is a Washington Mutual Bank. Commercial uses are located south of the project site directly across PCH. Residential uses are located adjacent to the center on the north side of Bolsa Avenue and the east side of Balboa Drive. The center includes a Pavilions market, a Sav-On Drug Store, the Shorehouse 24-hour restaurant, a car wash (vacant), a Unocal service station (vacant) a drive-thru Daily Grind coffee shop, and 28 shops (11 vacant suites) totaling 87,181 square feet of which 16,367 square feet is currently vacant (14,672 square feet of vacant retail/commercial use and 1,695 square feet of vacant restaurant use) and also a total of 416 parking spaces are available on site. The site is currently zoned as Service Commercial (C-1) in the City of Seal Beach Zoning Code (not certified by the Commission).

2. Project Description

The proposed project consists of renovation and reconstruction of the Seal Beach Shopping Center. A portion of the center will be demolished and reconstructed, and the remainder of the center will be renovated. The existing center contains 87,181 square feet of retail/commercial uses. The renovation will result in a total of (103,765) square feet for a net increase of 16,584 square feet (15,884 square feet of retail/commercial space and 700 square feet of restaurant use) (Exhibits #3-4). Grading will consist of 2,180 cubic yards of cut, 1,274 cubic yards of fill and 779 cubic yards of export (127 cubic yards will be lost to shrinkage).

The existing 44,200 square foot grocery store/drug store building will be demolished and a new, larger grocery store will be constructed. The grocery store will be reconstructed in place with additional square footage totaling approximately 48,000 square feet. In addition, approximately 2,700 square feet of new retail/commercial shops will be added to the southern edge of the new grocery store building. The existing loading dock for the grocery store will be relocated away from the residential area on Balboa Drive, to the southern side of the building along PCH. The loading dock will be screened with a 14-foot high stucco wall.

An existing 4,800 square foot car wash building located on the west end of the northern retail building along Bolsa Avenue will be demolished to make room for the new 15,000 square foot drug store building. A loading dock for the drug store will be added to the

rear of the building and will be screened with a 12-foot high stucco screen wall. A drive through pharmacy window will also be added to the western side of the drug store.

The existing 1,250 square foot service station will be demolished and relocated toward the middle of the shopping center and will operate as a gas station only (i.e. without an associated automobile repair shop). The new gas station will include gas pumps, a 450 square foot mini mart and a canopy, but the automotive repair and service component of the existing station will not be carried over to the new location.

The existing 250 square foot drive-through coffee shop will be demolished and a new 950 square foot coffee shop will be reconstructed to the adjacent north of the new gas station. The drive-through lane will be incorporated into the gas station for access with a separate drive lane for coffee shop customer use. In addition, an approximately 150 square foot patio area with outdoor dining for 4 seats will be constructed.

The existing 5,000 square foot Shorehouse Restaurant will remain on site and is not part of the proposed project.

The northernmost retail building has been updated with archways, paintings, moldings, and more modern architectural features, and the roof and windows have been replaced. All proposed renovations will remain within the existing shopping center footprint.

Project demolition and construction will occur in four phases. The phasing will allow the center to remain in operation, with the least amount of disruption as possible to the existing businesses and their patrons. The 1st phase of the project involves the façade renovations to the existing northerly retail building, which are exempt from coastal development permit requirements and has already been completed. The 2nd phase involves demolition of the carwash, grading for the drug store pad and site work in the northern section of the parking lot and is anticipated to take approximately 2 months. The 3rd phase involves construction of the drug store, demolition of the gas station and coffee stand and the completion of the site work and is anticipated to take approximately 7 months. The 4th phase involves demolition and construction of the grocery store building and is anticipated to take 6 months.

Related improvements include redesign, repaving, and provision of landscaping of the existing parking lot. The existing parking lot and pedestrian access points will be improved with decorative concrete and additional landscaping. Parking on site will be increased by 3 parking spaces for a total of 419 parking spaces to serve the site post project.

Currently onsite there is a total of 416 parking spaces available. Post project, there will be 419 parking spaces available for use. Based upon the City of Seal Beach's parking requirements, a total of 416 parking spaces are required. However, there would be a parking deficiency if parking requirements are calculated using the ratios typically applied by the Commission. Thus, the applicant has submitted a parking study to support the amount of proposed parking for the site post project. This study looks at the peak demand for the various uses proposed as well as shared use and concluded that, with a proposed parking supply of 419 parking spaces, the shopping center would have a surplus of 80 parking spaces. Thus, a site-specific survey and City parking requirements suggest that parking will be adequate. In addition, the project site is

approximately 1/3-mile inland of the beach in an area where the general public typically would not park for access to the beach. Thus, with the proposed project, there is no significant potential for adverse impacts to public beach access as a result of any parking deficiency. However, to assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission imposes **Special Condition No. 1**, a future improvements special condition.

Storage or placement of construction materials, debris, or waste in a location subject to erosion and dispersion or which may be discharged into coastal water via rain, surf, or wind would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, machinery may release lubricants or oils to coastal waters that are toxic to marine life. Sediment discharged into coastal waters may cause turbidity, which can shade and reduce the productivity of foraging avian and marine species' ability to see food in the water column. In order to deal with possible adverse impacts to water quality during construction, the applicant has submitted a *Storm Water Pollution Prevention Plan (SWPPP)* prepared by Development Resources Consultants, Inc. dated February 15, 2006. The plan shows that sandbags will be used around inlets to detain sediment-laden water. In addition, all self-propelled vehicles will be fueled offsite. While these actions will assist in preventing any construction based impacts, the Commission is imposing **Special Condition No. 2**, which outlines additional construction-related requirements to prevent adverse impacts to marine resources from construction.

The proposed commercial project is new development, which affords an opportunity to improve water quality. Much of the pollutants entering the ocean come from land-based development. The Commission finds that it is necessary to minimize to the extent feasible within its jurisdiction the cumulative adverse impacts on water quality resulting from incremental increases in impervious surface associated with additional development. Reductions in the amount of pollutants in the existing runoff would be one step to begin to reduce cumulative adverse impacts to coastal water quality.

In order to deal with these post construction water quality impacts, the applicant has submitted a *Water Quality Management Plan (WQMP)* prepared by Development Resources Consultants, Inc. dated February 27, 2006 that describes site design and treatment BMP's to reduce potential water quality impacts. The *WQMP* states that some runoff will drain in a westerly direction to grassy swales along the westerly borders of the project site. From the grassy swales, drainage will enter onsite catch basins equipped with a Flo-Gard+Plus Catch Basin Insert and then enter a City maintained storm drain in PCH. The northerly portion of the project site will drain northerly to catch basins equipped with a Flo-Gard+Plus Catch Basin Inserts. The Commission Water Quality Division has reviewed the proposed *WQMP* and has found it acceptable. To ensure that the *WQMP* is adhered to, the Commission is imposing **Special Condition No. 3**, which requires the applicant to conform to the submitted *WQMP* prepared by Development Resources Consultants, Inc. dated February 27, 2006.

The submitted Landscaping Plan contains plants that are invasive. Invasive plants are generally those identified by the California Invasive Plant Council (<http://www.cal-ipc.org/>) and California Native Plant Society (www.CNPS.org). The following plants found on the applicant's landscape plan are invasive: *Limonium Perezii* (Sea Lavender),

Nandina D. 'Compacta' 'Sinensis' (Heavenly Bamboo), Pittosporum T. 'Undulatum' (Victorian Box), and Lonicera J. Halliana (Japanese Honeysuckle). No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive 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 a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. Therefore, the Commission imposes **Special Condition No. 4**, which requires the applicant to submit a Revised Landscaping Plan, which consists of native or non-native non-invasive plants.

3. Previous Commission Action At The Project Site

On May 12, 1975, the Commission approved Coastal Development Permit No. P-5172- (Safeway Stores, Inc.) for the relocation of doors of a market building.

On July 21, 1975, the Commission approved Coastal Development Permit No. P-5544- (Safeway Stores, Inc.) for the remodel of a market building.

On June 7, 1976, the Commission approved Coastal Development Permit No. P-7963- (Safeway Stores, Inc.) for the installation of 11-foot high Plexiglas windscreens in front of the market's entrance and exit doors.

C. DEVELOPMENT

The development is located within an existing developed area and is compatible with the character and scale of the surrounding area. However, the proposed project raises concerns that future development of the project site potentially may result in a development, which is not consistent with the Chapter 3 policies of the Coastal Act. To assure that future development is consistent with the Chapter 3 policies of the Coastal Act, the Commission finds that a future improvements special condition must be imposed. As conditioned the development conforms with the Chapter 3 policies of the Coastal Act

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post-construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, reducing runoff through the use of permeable surfaces, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post-construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed

development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act

F. LOCAL COASTAL PROGRAM (LCP)

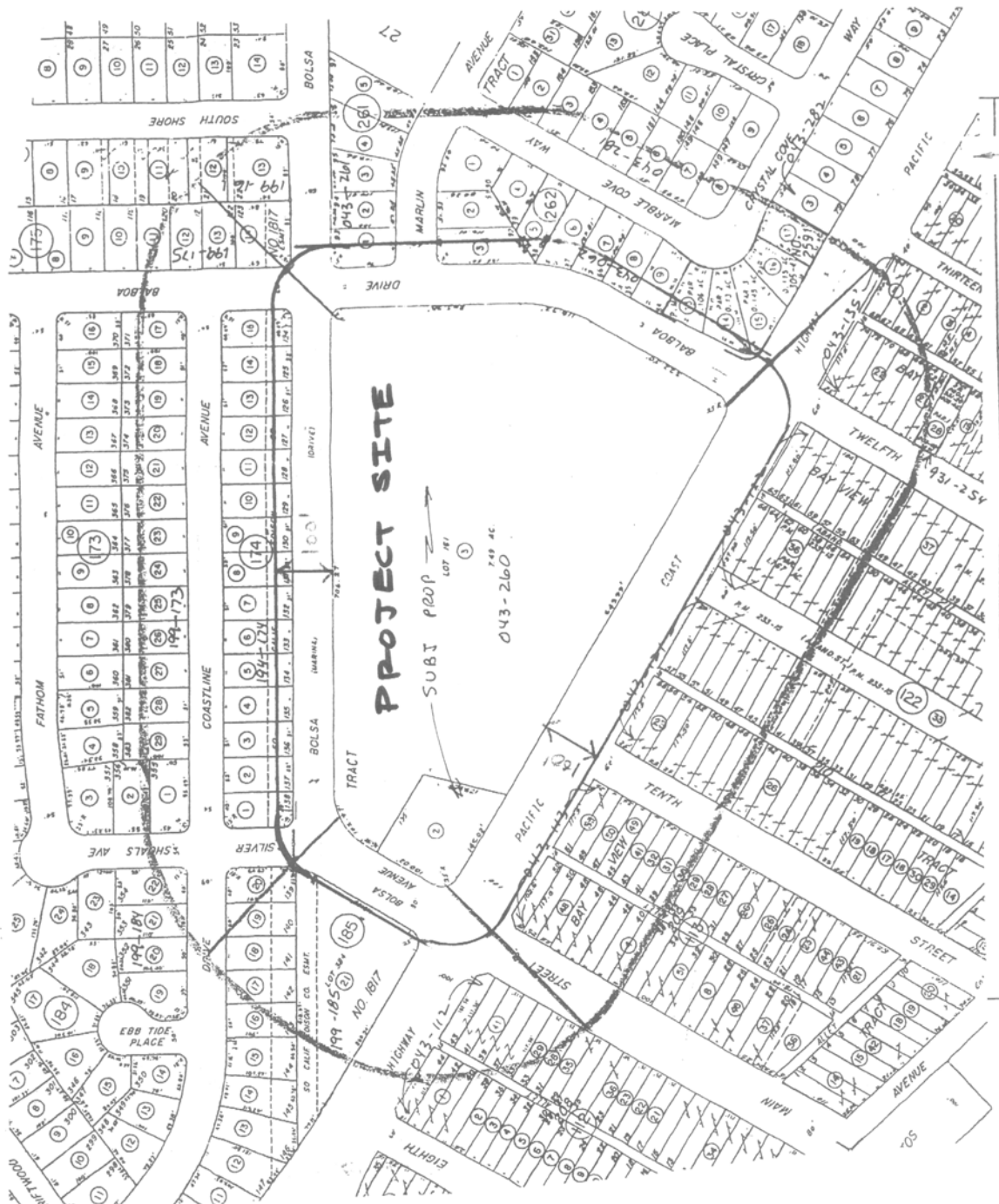
Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a Local Coastal Program, which conforms with Section 30604 of the Coastal Act.

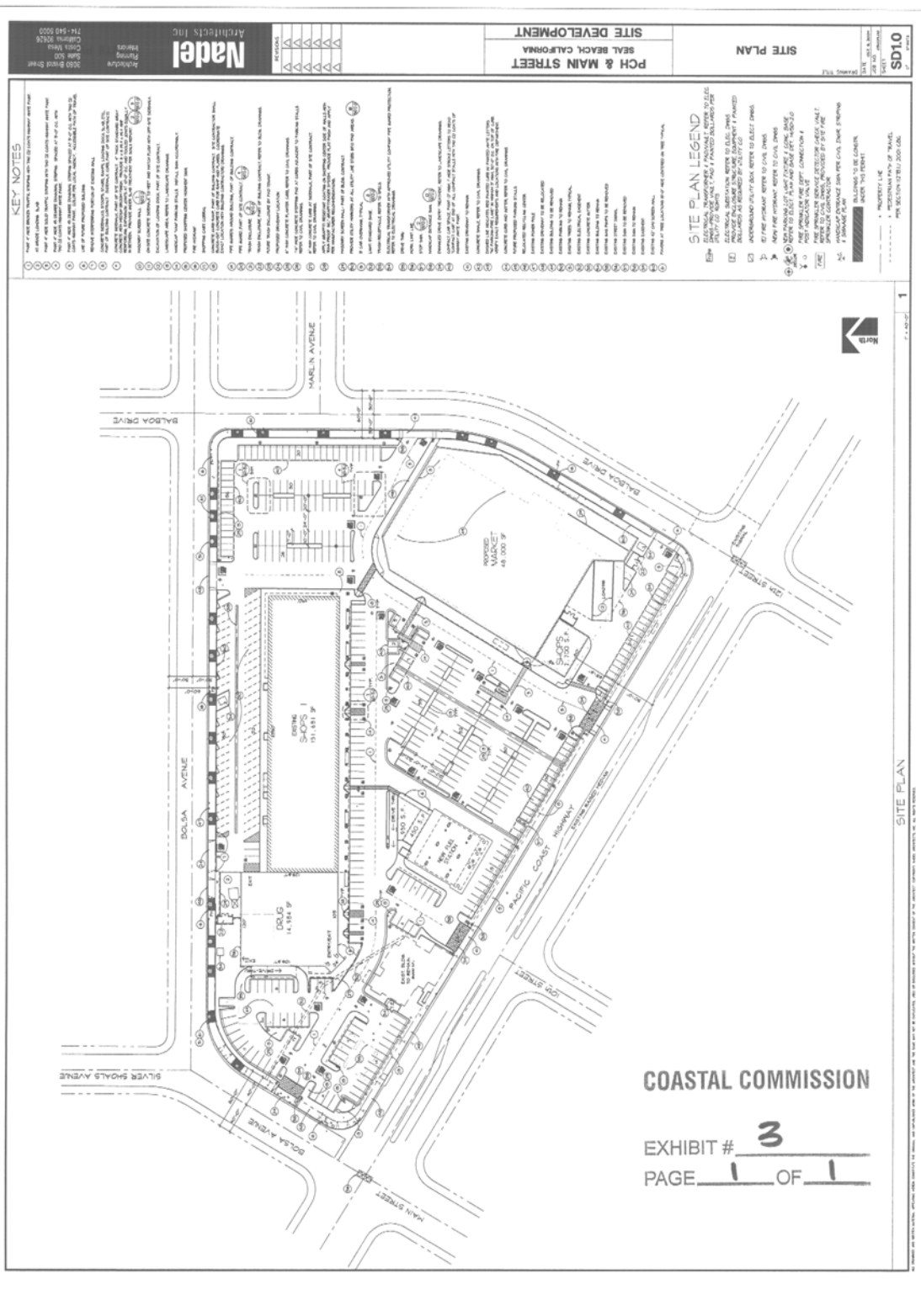
On July 28, 1983, the Commission denied the City of Seal Beach Land Use Plan (LUP) as submitted and certified it with suggested modifications. The City did not act on the suggested modifications within six months from the date of Commission action. Therefore, pursuant to Section 13537(b) of the California Code of Regulations, the Commission's certification of the land use plan with suggested modifications expired. The LUP has not been resubmitted for certification since that time.

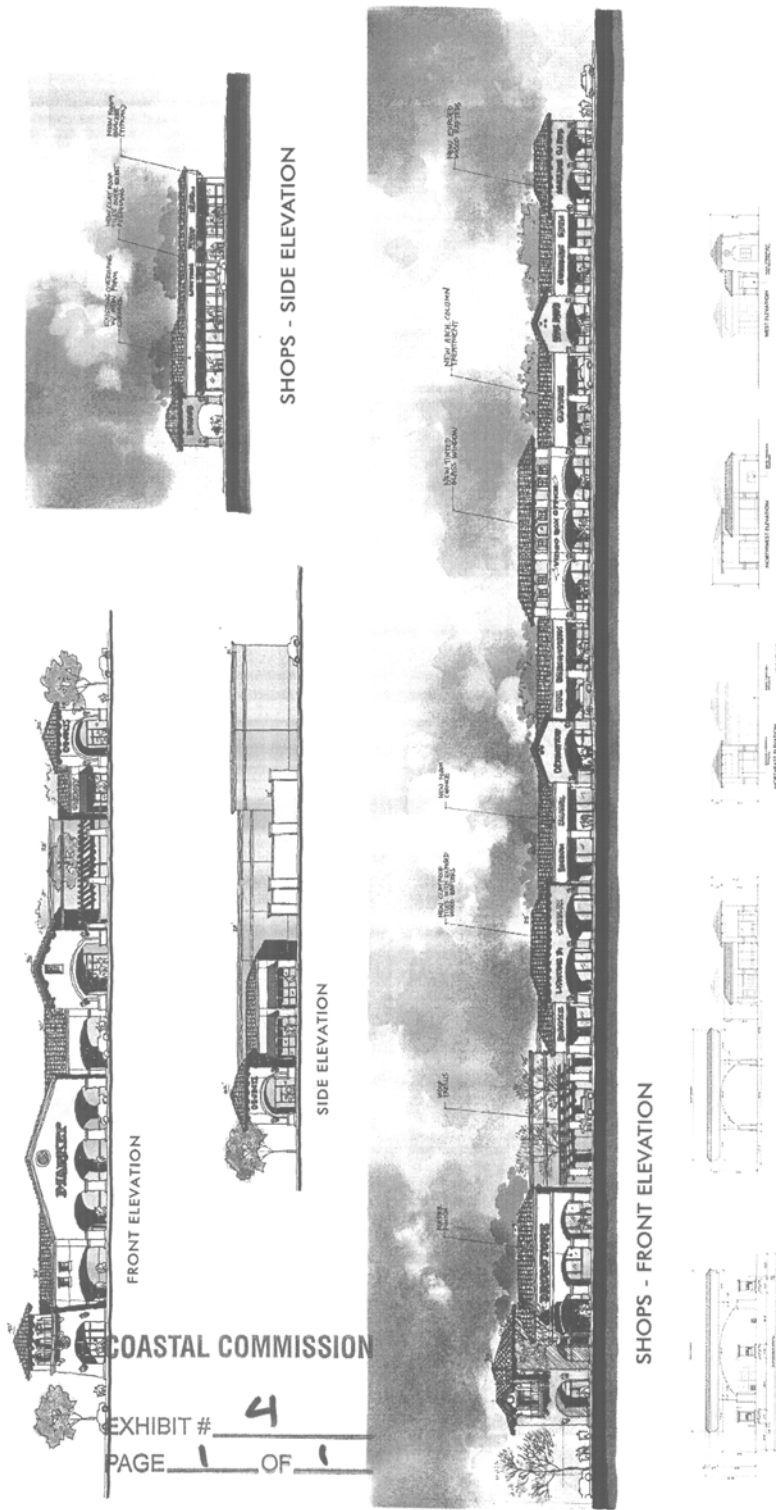
The proposed development, as conditioned, is consistent with the Chapter Three policies of the Coastal Act. Therefore, the Executive Director finds that approval of the proposed development, as conditioned, would not prejudice the ability of the City to prepare a certified coastal program consistent with the Chapter 3 policies of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.







ELEVATIONS

PACIFIC COAST AND MAIN STREET
SEAL BEACH, CALIFORNIA

Nadel Architects Inc

DATE: OCTOBER 17, 2005
DRAWN BY: NAD
PROJECT NO: 0509400
1999 S. BLUFF RD., FOURTH FLOOR
SEAL BEACH, CA 90740
TEL: 949.222.7100 FAX: 949.222.7101
WWW.NADELARCH.COM