

CALIFORNIA COASTAL COMMISSION

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W8a

Filed: 2/15/17
180th Day: 8/14/17
Staff: S. Richmond-SD
Staff Report: 2/16/17
Hearing Date: 3/8-10/17

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-17-0041

Applicant: Sean MacLeod and Cedros 330 Management, LLC

Location: 330 South Cedros Avenue, Solana Beach, San Diego County (APN 298-076-13)

Project Description: Demolition of an existing single-family residence and retail nursery and construction of a 26,408 sq. ft., 2-story, 25-ft. tall mixed-use building with four commercial retail spaces and a restaurant on the ground floor, five office spaces and eight residential rental units on the second floor, and 78 parking spaces.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The proposed project would construct a new mixed-use building on South Cedros Avenue in Solana Beach. The site is surrounded by similar one- and two-story office and retail buildings, and is located approximately 0.3 miles from the Solana Beach train station and 0.4 miles from two coastal access points, Fletcher Cove and Seascape Beach. The transit-oriented, infill development project will provide adequate parking and construction and post-construction water quality measures will be implemented. Thus, the project does not raise any coastal issues and is consistent with Coastal Act.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION.....	3
II. STANDARD CONDITIONS	3
III. SPECIAL CONDITIONS	3
IV. FINDINGS AND DECLARATIONS.....	6
A. PROJECT DESCRIPTION	6
B. BIOLOGICAL RESOURCES	8
C. VISUAL RESOURCES/COMMUNITY CHARACTER	8
D. PUBLIC ACCESS/PARKING	8
E. LOCAL COASTAL PLANNING.....	9
F. CALIFORNIA ENVIRONMENTAL QUALITY ACT	9

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

[Exhibit 3 – Site Perspectives](#)

I. MOTION AND 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 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

This permit is granted subject to the following 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 of 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

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit, for the review and written approval of the Executive Director, final site and development plans. Said plans shall be stamped-approved by the City of Solana Beach and be in substantial conformance with

the plans dated December 9, 2016 submitted with this application by Sean MacLeod and Cedros 330 Management, LLC.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

2. **SCOUP Suitability and Participation.** The applicant shall comply with and implement their proposal to test all excavated material for suitability with the criteria of the City of Solana Beach's Sand Compatibility and Opportunistic Use Program (SCOUP) for beach quality material. If found to be consistent with SCOUP criteria, the excavated material shall be deposited on City beaches in conformance with SCOUP. If the excavated material is not consistent with SCOUP criteria, the applicant shall dispose of the excavated material at a licensed and designated disposal site located outside of the Coastal Zone.

3. **Construction Pollution Prevention Plan (CPPP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, a Construction Pollution Prevention Plan (CPPP) prepared under the guidance of a certified erosion control specialist or similarly qualified professional. At a minimum, the CPPP shall demonstrate that the development complies with the following requirements:

- A. During construction, development shall minimize site runoff and erosion through the use of temporary BMPs, and shall minimize the discharge of sediment and other potential pollutants resulting from construction activities (e.g., chemicals, vehicle fluids, petroleum products, cement, debris, and trash).
- B. Development shall minimize land disturbance during construction (e.g., clearing, grading, and cut-and-fill). Development shall minimize soil compaction due to construction activities, to retain the natural stormwater infiltration capacity of the soil.
- C. Development shall minimize the damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction.
- D. Development shall implement soil stabilization BMPs (such as mulching, soil binders, erosion control blankets, or temporary re-seeding) on graded or disturbed areas as soon as feasible during construction, where rainfall is predicted an/or there is a potential for soil erosion.
- E. During construction, the applicant shall use temporary erosion and sediment control products such as fiber rolls, erosion control blankets, mulch control netting, and silt fences that avoid plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers), in order to minimize wildlife entanglement and plastic debris pollution.
- F. Tracking controls and/or street sweeping shall be used to prevent off-site movement of sediment.

- G. Fueling and maintenance of construction equipment and vehicles shall take place off-site if feasible. Any fueling and maintenance conducted on site shall take place at a designated area located at least 50 feet from coastal waters, drainage courses, and storm drain inlets, if feasible (unless these inlets are blocked to protect against fuel spills). The fueling and maintenance area shall be designed to fully contain any spills of fuel, oil, or other contaminants.
- H. Trash and construction debris shall be removed from the site weekly, at a minimum, and the site shall be maintained in an organized manner with a neat appearance.

The permittee shall undertake development in conformance with the approved CPPP unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

4. **Post-Development Runoff Plan (PDRP).** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit for the review and written approval of the Executive Director a Post-Development Runoff Plan which includes a map, drawn to scale, showing the property boundaries, building footprint, runoff flow directions, relevant drainage and water quality features, impervious surfaces, permeable pavements, and landscaped areas. The PDRP shall demonstrate that the project:

- A. Minimizes disturbance of coastal waters and natural drainage features; minimizes removal of native vegetation; and avoids, to the extent feasible, covering or compaction of highly permeable soils.
- B. Preferentially uses Low Impact Development (LID) techniques to retain and disperse runoff on site.
- C. Uses infiltration to the greatest extent feasible to retain runoff; minimize the addition of impervious surfaces; and disconnect impervious surfaces from the storm drain system by interposing strategically-located pervious areas. Where infiltration is not appropriate or feasible, uses alternative BMPs to minimize changes in the runoff flow regime (e.g., direct roof runoff into rain barrels or cisterns for later use, evaporate roof runoff, employ a green roof, construct a rain garden, and/or plant trees).
- D. Unless specifically prohibited by conditions as documented in a detailed site analysis certified by a licensed engineer, runoff from the development, up to and including the 85th percentile, 24-hour runoff event, shall be infiltrated on-site.
- E. Minimizes pollutants associated with landscaping and building materials.
- F. Directs drainage from all parking areas and driveways, roofs, walkways, patios, and other impervious surfaces to, in order of priority, a) landscaped areas or open

spaces capable of infiltration, b) earthen-based infiltration BMPs, c) flow-through biofiltration BMPs designed to treat, at a minimum, twice the 85th percentile one-hour storm event volume, accompanied by supporting calculations, d) proprietary filtration systems designed to treat, at a minimum, twice the 85th percentile one-hour storm event volume, accompanied by supporting calculations and product documentation.

- G. Conveys excess runoff off-site in a non-erosive manner.
- H. Where flow-through BMPs are used, includes supporting calculations and product documentation.
- I. Includes all maintenance and operating procedures that will be conducted to keep the water quality provisions effective for the life of the development.

The permittee shall undertake development in conformance with the approved PDRP unless the Commission amends this permit or the Executive Director determines that no amendment is legally required for any proposed minor deviations.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed development is a 26,408 sq. ft., two-story, 25-ft. tall mixed-use building located on the east side of South Cedros Avenue in the City of Solana Beach (Exhibit #1). The project would include four commercial retail spaces (6,471 sq. ft.) and a restaurant (2,809 sq. ft.) on the ground floor, five office spaces (6,836 sq.ft.) and eight residential rental units (10,291 sq. ft.) on the second floor, and 78 parking spaces (Exhibit #2). The project would also include Green Building Code features such as rooftop solar photovoltaic panels and landscaping, and on-site use of graywater and detained stormwater (Exhibit #3). **Special Condition #1** requires the applicant to submit final plans in substantial conformance with the preliminary plans.

To create a flat building pad for the project, approximately 10,600 cubic yards of material would be excavated. The applicant has proposed to test the excavated material for beach quality sand. The Commission approved the City's Sand Compatibility and Opportunistic Use Program (SCOUP) in 2008 and again in 2013, each for a five-year period, with specific criteria for determining beach quality material as well as restrictions on the amount and the timing of beach deposition (Ref. CDP No. 6-08-038/City of Solana Beach, CDP No. 6-08-038-A1/City of Solana Beach). If any material is compatible with beach quality sediment, the applicant proposes to incorporate it into the SCOUP for beach replenishment. Any non-beach quality material is proposed to be exported to a site outside of the Coastal Zone. **Special Condition #2** requires the applicant to comply with and implement this proposal.

The 0.94-acre lot is currently fully developed with a single family residence, and an abandoned retail nursery and its associated parking lot, all of which would be demolished as part of the project. The site is surrounded by one- and two-story office and retail buildings, and is located approximately 0.3 miles from the Solana Beach train station and 0.4 miles from two coastal access points, Fletcher Cove and Seascape Beach.

The site is zoned as Special Commercial in the certified Land Use Plan (LUP) and in the Highway 101 Corridor Specific Plan, which allows commercial, retail, and residential uses. Under the certified LUP, the proposed project would require a total of approximately 83 parking spaces. The project would meet the parking requirement through the provision of 78 on-site spaces, 18 of which are uncovered and 60 of which are covered by the second floor of the building, and five off-site spaces located approximately 350 feet from the proposed project at 415 South Cedros Avenue. The project includes a 2,809 sq. ft. restaurant with a 726 sq. ft. outdoor seating area within the private lot. LUP Policy 2.39 requires 1 off-street parking space for each 143 sq. ft. of gross floor area for restaurants that are part of a mixed-use project within the Special Commercial zone. LUP Policy 2.38 allows outdoor seating to be excluded from the parking requirement and allows up to four tables and 16 chairs to be exempted from parking requirements if approved by the City Council. For the subject project, the City did not approve the outdoor seating exclusion nor did it exempt any tables and chairs from the parking requirement. Thus, the City determined that in addition to the 20 spaces required for the indoor portion of the restaurant, 5 additional spaces should be required for the outdoor seating area (using the restaurant parking ratio), but allowed the spaces to be shared spaces provided off-site. The City approval requires that the off-site parking arrangement be secured through a lease agreement between the applicant and the owner of the off-site parking lot.

Six of the on-site spaces would also be subject to a shared parking agreement. City LUP Policy 2.36 allows for shared parking agreements so that multiple uses can share a parking facility when their hours of operation vary. Between the hours of 6:00 a.m. and 10:00 a.m., the first six uncovered parking spaces along the northern property line in the drive aisle entry would serve as a commercial loading zone, and after 10:00 a.m., the spaces would be available for on-site tenant and patron parking. This dual purpose would be explained by accompanying signage. As a condition of approval of the shared parking agreements, the City required the applicant to actively monitor the on- and off-site parking and provide a parking monitoring report every six months to assess parking adequacy and propose changes, if necessary.

The Commission's water quality staff have reviewed the project and determined that, as conditioned, implementation of the project would not result in adverse water quality impacts. **Special Condition #3** requires the applicant to submit a Construction Pollution Prevention Plan and **Special Condition #4** requires the applicant to submit a Post-Development Runoff Plan. Implementation of these plans will adequately protect the surrounding resources.

The Special Commercial zone allows for 20 dwelling units per net acre. The Highway 101 Corridor Specific Plan further specifies that total residential development in mixed-

use projects not exceed 40 percent of total square footage in order to preserve and enhance street level pedestrian-oriented commercial frontages. Since the project includes 8 dwelling units in 0.94 acres and this residential development is 39% of the total square footage, the project is consistent with the City's land use designation and zoning requirements for the subject site.

While the City of Solana Beach has a certified LUP, the City's Local Coastal Plan (LCP) is not certified because the City has not yet completed, nor has the Commission reviewed, any implementing ordinances. Thus, the standard of review for the proposed development is the Chapter 3 policies of the Coastal Act.

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. VISUAL RESOURCES/COMMUNITY CHARACTER

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. PUBLIC ACCESS/PARKING

The Cedros District has been designed to be pedestrian and bicycle oriented, and is within close proximity to a transit center. The site is within walking distance of the shoreline and is an important visitor-serving destination, but is unlikely to be used for beach parking, as there are several public parking lots and street parking available directly adjacent to much of Solana Beach's shoreline. Although the Commission typically requires off-site parking spaces be secured through a deed restriction for the exclusive (or shared) use of the facilities that generate the parking demand, in this case, the five off-site shared spaces are being required in addition to the minimum amount of parking required by the LUP. Thus, requiring these five spaces be further secured through a deed restriction against the properties is not necessary to ensure no significant adverse impacts to public access and circulation will result. The two shared parking agreements are not expected to have any significant impacts on public access or recreation.

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 City of Solana Beach does not have a certified LCP at this time. The Commission approved and certified the City's LUP in March 2012. The City of Solana Beach was awarded an LCP Assistance Grant of \$120,000 in January 2014 by the Coastal Commission to be used for LCP preparation and certification. However, 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 local government to prepare a LCP that is in conformity with the provisions of Chapter 3.

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City of Solana Beach found this infill development project to be exempt from CEQA (Section 15332). 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 is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



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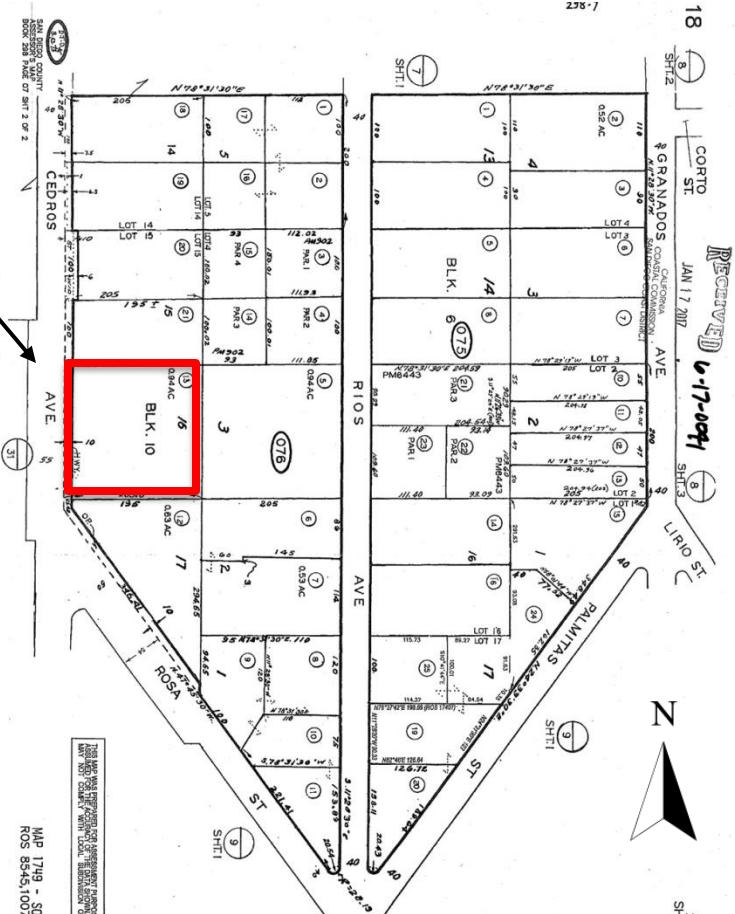
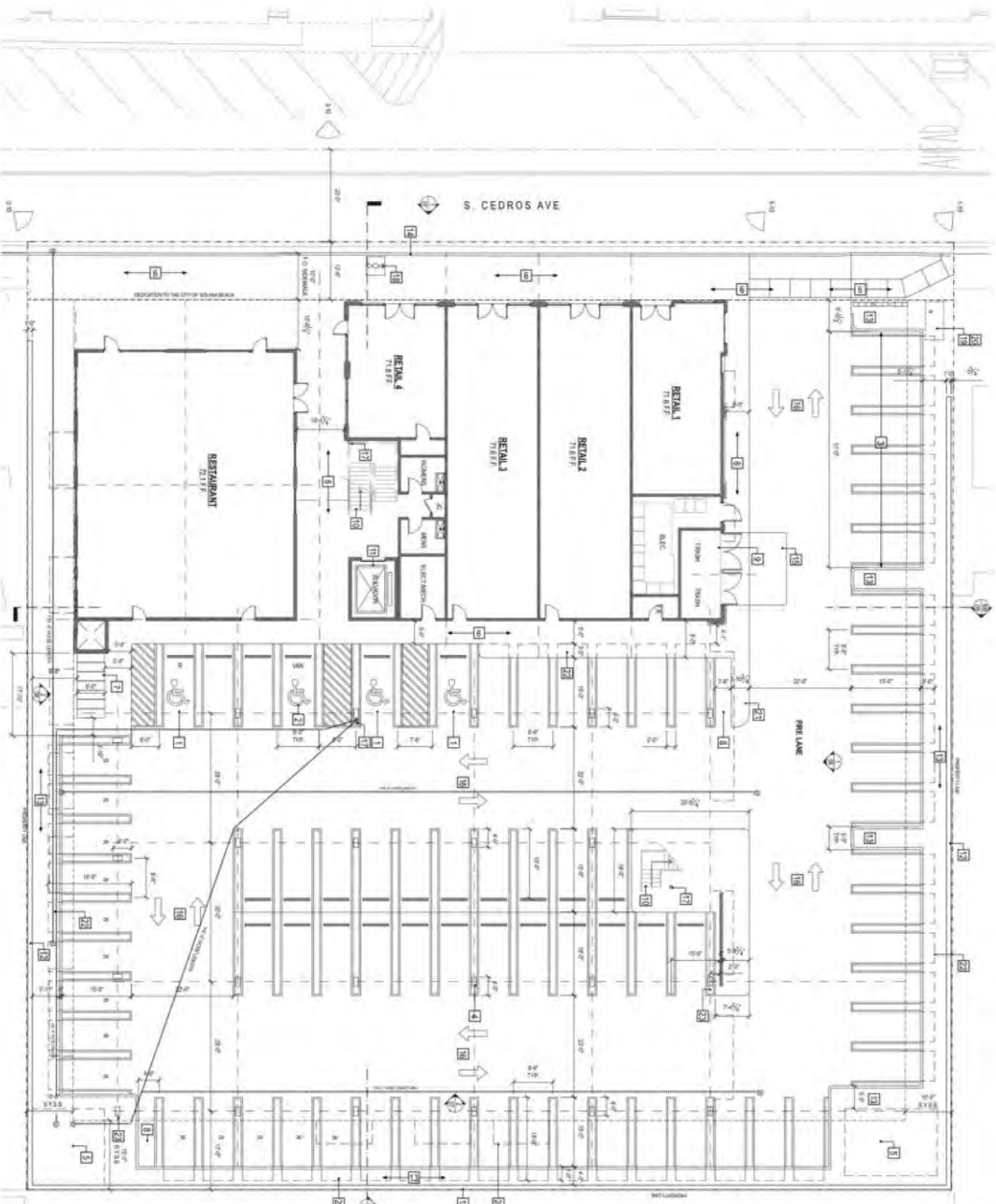


EXHIBIT NO. 1
APPLICATION NO.
6-17-0041
Vicinity Map
 California Coastal Commission



GENERAL NOTES

FOR LANDSCAPE INFORMATION, SEE LANDSCAPE SHEETS

LEGEND

- PROPERTY LINE
- SETBACK
- FENCED REAR/RIGHT ENDS

NOTES

- 1 ACCESSIBLE PARKING STALL
- 2 VAN ACCESSIBLE PARKING STALL
- 3 LOT/NO USE
- 4 STRUCTURAL COLUMN TYP
- 5 REINFORCED CONCRETE COLUMN PER CAL.
- 6 REINFORCED CONCRETE PER CAL.
- 7 REINFORCED CONCRETE PER CAL.
- 8 REINFORCED CONCRETE PER CAL.
- 9 VENTED TRUSS ENCLOSURE
- 10 EXIT STAIR
- 11 EX. EXPOSED GLASS STAIR
- 12 REARWALL HALL, WITH GLASSWALL
- 13 LANDSCAPE BUFFER BOARD
- 14 EXISTING EDGE OF CURB
- 15 CONCRETE PAVEN
- 16 VEHICULAR CIRCULATION
- 17 STAIR PER PER 904 A.C.F.C. REQUIREMENTS
- 18 REINFORCED CONCRETE PER CAL.
- 19 REINFORCED CONCRETE PER CAL.
- 20 F.C. PER 904 A.C.F.C. REQUIREMENTS
- 21 SEE CIVIL FOR SERVICE CONNECTIONS
- 22 SEE LANDSCAPE FOR DETAILS
- 23 VERTICAL CURB/RAIL TYP
- 24 REARWALL HALL, WITH GLASSWALL
- 25 BALCONY OVERHANG/RAIL, TYP

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EXHIBIT NO. 3	
APPLICATION NO.	
6-17-0041	
Site Perspectives	
	California Coastal Commission



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330 Cedros Solana Beach, California

PROJECT NO: 21566-P02

10. 28. 2016

Perspectives