

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



TH5b

Filed: 7/28/20
180th Day: 1/24/20
Staff: T. Ross-SD
Staff Report: 10/15/20
Hearing Date: 11/5/20

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-17-0713

Applicant: Unitarian Universal Fellowship of San Dieguito

Agent: Jessica Schwartz

Location: 1036 Solana Drive, Solana Beach, San Diego County.
APN 298-361-08.

Project Description: Various improvements to an existing church facility including construction of ADA compliant pathways, parking, bathrooms and amphitheater seating; installation of a fabric shade structure over the existing amphitheater; replacement and expansion of an existing audio-visual room and construction of a fire access turnaround on a 6-acre site.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The primary issues raised by the project relate to protections of sensitive habitat, nesting birds and raptors and water quality.

The proposed development is located on a 6-acre site currently developed with a variety of buildings and features comprising the Unitarian Universal Church Fellowship. The undeveloped portions of the site contain a number of sensitive resources including native habitat, naturally vegetated steep slopes and protected bird species. The development proposed consists of improvements to the site to provide ADA compliant

pathways, parking, bathrooms and amphitheater seating as well as installation of shade sails above the amphitheater; replacing and expanding an existing audio-visual room and construction of a fire access turnaround within the existing parking lot. The Commission's ecologist has determined that the native vegetation present onsite constitutes ESHA. As proposed, all development will be located within the currently developed portion of the site, and; therefore, the project will not result in direct impacts to ESHA or any naturally vegetated steep slopes. Because the proposed development will not be located any closer to existing habitat than what currently exists, the Fire Marshal determined no addition brush management will be required as a result of the new development. Although the proposed development will not provide a minimum 50-foot buffer from the ESHA on site, the proposed development, which consists largely of replacement structures, will not be located any closer to sensitive habitat than the existing development. The proposal also includes the removal of 27 non-native existing trees, to be replaced by 41 native trees. All of the proposed landscaping consists solely of native vegetation. Thus, no impacts to sensitive habitat are anticipated.

To prevent impacts to surrounding water quality **Special Condition No. 2** requires the applicant to submit a Construction Pollution Prevention Plan identifying appropriate BMPs to minimize potential impacts from construction-related pollutants. **Special Condition Nos 3 and 4** place restrictions on construction activities during nesting bird and raptor seasons. As conditioned, the project will be consistent with the Chapter 3 policies of the Coastal Act, and no impacts to coastal resources are anticipated.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-17-0713 as conditioned.

TABLE OF CONTENTS

I. MOTION AND RESOLUTION	4
II. STANDARD CONDITIONS	4
III. SPECIAL CONDITIONS.....	4
FINDINGS AND DECLARATIONS.....	10
A. Project Description and Background	10
Biological Resources	11
B. Community Character/Visual Quality.....	12
C. Public Access/Parking.....	12
D. Local Coastal Planning	12
E. California Environmental Quality Act.....	13
APPENDIX A – SUBSTANTIVE FILE DOCUMENTS	14

EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Site Plans](#)

[Exhibit 3 – Landscaping Plans](#)

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 Commissioners present.

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 applicant 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Submittal of Final Plans.

- a. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for review and written approval of the Executive Director, a full-size set of the following final plans:
 - i. Final construction plans that conform with the plans titled "Unitarian Universal Fellowship of San Dieguito" and dated April 9, 2019.

- ii. Final landscape plans that conform with the plans submitted to the Commission on July 13, 2020, titled "Unitarian Universal Fellowship – Landscape Concept Plan" and dated July 13, 2020.
 - iii. Final construction staging and storage plans listing all phases of demolition and construction and identifying the location of all construction staging, storage, and parking on the subject property. No public parking shall be utilized for staging, storage, or employee parking related to the development approved in this permit.
- b. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Construction and Pollution Prevention Plan.

- a. PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a final Construction and Pollution Prevention Plan. The final Plan shall demonstrate that all construction, including, but not limited to, clearing, grading, staging, storage of equipment and materials, or other activities that involve ground disturbance; building, reconstructing, or demolishing a structure; and creation or replacement of impervious surfaces, complies with the following requirements:
- i. Minimize Erosion and Sediment Discharge. During construction, erosion and the discharge of sediment off-site or to coastal waters shall be minimized through the use of appropriate Best Management Practices (BMPs), including:
 - 1. Land disturbance during construction (e.g., clearing, grading, and cut-and-fill) shall be minimized, and grading activities shall be phased, to avoid increased erosion and sedimentation.
 - 2. Erosion control BMPs (such as mulch, soil binders, geotextile blankets or mats, or temporary seeding) shall be installed as needed to prevent soil from being transported by water or wind. Temporary BMPs shall be implemented to stabilize soil on graded or disturbed areas as soon as feasible during construction, where there is a potential for soil erosion to lead to discharge of sediment off-site or to coastal waters.
 - 3. Sediment control BMPs (such as silt fences, fiber rolls, sediment basins, inlet protection, sand-bag barriers, or straw

Unitarian Universal Fellowship of San Dieguito

bale barriers) shall be installed as needed to trap and remove eroded sediment from runoff, to prevent sedimentation of coastal waters.

4. Tracking control BMPs (such as a stabilized construction entrance/exit, and street sweeping) shall be installed or implemented as needed to prevent tracking sediment off-site by vehicles leaving the construction area.
 5. Runoff control BMPs (such as a concrete washout facility, dewatering tank, or dedicated vehicle wash area) that will be implemented during construction to retain, infiltrate, or treat stormwater and non-stormwater runoff.
- ii. Minimize Discharge of Construction Pollutants. The discharge of other pollutants resulting from construction activities (such as chemicals, paints, vehicle fluids, petroleum products, asphalt and cement compounds, debris, and trash) into runoff or coastal waters shall be minimized through the use of appropriate BMPs, including:
1. Materials management and waste management BMPs (such as stockpile management, spill prevention, and good housekeeping practices) shall be installed or implemented as needed to minimize pollutant discharge and polluted runoff resulting from staging, storage, and disposal of construction chemicals and materials. BMPs shall include, at a minimum:
 - a. Covering stockpiled construction materials, soil, and other excavated materials to prevent contact with rain, and protecting all stockpiles from stormwater runoff using temporary perimeter barriers.
 - b. Cleaning up all leaks, drips, and spills immediately; having a written plan for the clean-up of spills and leaks; and maintaining an inventory of products and chemicals used on site.
 - c. Proper disposal of all wastes; providing trash receptacles on site; and covering open trash receptacles during wet weather.
 - d. Prompt removal of all construction debris from the construction site.
 - e. Detaining, infiltrating, or treating runoff, if needed, prior to conveyance off-site during construction.

2. Fueling and maintenance of construction equipment and vehicles shall be conducted off site if feasible. Any fueling and maintenance of mobile equipment 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 those 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. Equipment that cannot be feasibly relocated to a designated fueling and maintenance area (such as cranes) may be fueled and maintained in other areas of the site, provided that procedures are implemented to fully contain any potential spills.
- iii. Minimize Other Impacts of Construction Activities. Other impacts of construction activities shall be minimized through the use of appropriate BMPs, including:
 1. The damage or removal of non-invasive vegetation (including trees, native vegetation, and root structures) during construction shall be minimized, to achieve water quality benefits such as transpiration, vegetative interception, pollutant uptake, shading of waterways, and erosion control.
 2. Soil compaction due to construction activities shall be minimized, to retain the natural stormwater infiltration capacity of the soil.
 3. The use of temporary erosion and sediment control products (such as fiber rolls, erosion control blankets, mulch control netting, and silt fences) that incorporate plastic netting (such as polypropylene, nylon, polyethylene, polyester, or other synthetic fibers) shall be avoided, to minimize wildlife entanglement and plastic debris pollution.
- iv. Manage Construction-Phase BMPs. Appropriate protocols shall be implemented to manage all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training), to protect coastal water quality.
- v. Construction Site Map and Narrative Description. The Construction and Pollution Prevention Plan shall include a construction site map and a narrative description addressing, at a minimum, the following required components:

Unitarian Universal Fellowship of San Dieguito

1. A map delineating the construction site, construction phasing boundaries, and the location of all temporary construction-phase BMPs (such as silt fences, inlet protection, and sediment basins).
 2. A description of the BMPs that will be implemented to minimize land disturbance activities, minimize the project footprint, minimize soil compaction, and minimize damage or removal of non-invasive vegetation. Include a construction phasing schedule, if applicable to the project, with a description and timeline of significant land disturbance activities.
 3. A description of the BMPs that will be implemented to minimize erosion and sedimentation, control runoff and minimize the discharge of other pollutants resulting from construction activities. Include calculations that demonstrate proper sizing of BMPs.
 4. A description and schedule for the management of all construction-phase BMPs (including installation and removal, ongoing operation, inspection, maintenance, and training). Identify any temporary BMPs that will be converted to permanent post-development BMPs.
- vi. Construction Site Documents. The Construction and Pollution Prevention Plan shall specify that copies of the signed CDP and the approved Construction and Pollution Prevention Plan be maintained in a conspicuous location at the construction job site at all times, and be available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the CDP and the approved Construction and Pollution Prevention Plan, and the public review requirements applicable to them, prior to commencement of construction.
- vii. Construction Coordinator. The Construction and Pollution Prevention Plan shall specify that a construction coordinator be designated who may be contacted during construction should questions or emergencies arise regarding the construction. The coordinator's contact information (including, at a minimum, a telephone number available 24 hours a day for the duration of construction) shall be conspicuously posted at the job site and readily visible from public viewing areas, indicating that the coordinator should be contacted in the case of questions or emergencies. The coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial

action, if necessary, within 24 hours of receipt of the complaint or inquiry.

- b. The permittee shall undertake development in accordance with the approved Construction-Phase Pollution Prevention Plan, unless the Commission amends this permit or the Executive Director provides written determination that no amendment is legally required for any proposed minor deviations.
- 3. Timing of Construction and Bird Nesting Surveys.** By acceptance of this permit, the applicant agrees to avoid, to the maximum extent feasible, construction activities that generate noise greater than 60 dB(A) during bird nesting season at the project edge, from February 15th through September 15th. If project construction is necessary during the bird nesting season, a qualified biologist with experience in conducting bird nesting surveys shall conduct a minimum of one survey within 72 hours of initiating construction activities. Monthly surveys for nesting birds shall also be conducted during excavation of the site as well as exterior construction of the structures and facilities that occur within the nesting season. If during preconstruction or monthly surveys, active California gnatcatcher nests are identified within 500 feet of the project site, or active nests of any passerine species are identified within 300 feet, noise monitoring shall be conducted and construction activities shall not occur until a qualified biologist determines that the young have fledged, the nest has been abandoned, or noise monitoring indicates that noise levels remain below a 60 dB(A) equivalent continuous noise level at the location of the nest. Monthly surveys shall not be required when remaining work includes interior work to the switch station only; however, noise monitoring will continue to ensure that activities do not go above 60 dB(A).

If this level is exceeded, feasible noise attenuation measures shall be implemented to reduce noise levels at active nests to at or below 60 dB(A) (except as necessary for emergencies with written approval by the Executive Director of the Commission after consultation with the California Department of Fish and Wildlife and U.S. Fish and Wildlife). The monitoring biologist shall halt construction activities if he or she determines that the construction activities may be disturbing or disrupting the nesting activities. The monitoring biologist shall make practicable recommendations to reduce the noise or disturbance in the vicinity of the active nests or birds. This may include recommendations such as (1) turning off vehicle engines and other equipment whenever possible to reduce noise, (2) installation of temporary sound barriers or sound blankets, and (3) utilizing alternative construction methods and technologies to reduce the noise of construction machinery. The monitoring biologist shall review and verify compliance with these avoidance boundaries and shall verify that the nesting effort has finished in a written report. Unrestricted construction activities may resume when the biologist confirms no active nests are found. Bird nesting surveys shall be provided to the Executive Director of the Commission and to the

California Department of Fish and Wildlife and U.S. Fish and Wildlife offices within 72 hours of locating any nests.

4. **Raptor Nesting Survey.** In order to avoid impacts to raptors, a preconstruction survey for nesting raptors shall be conducted if major construction is to occur within 500 feet of suitable nesting trees (such as tall Eucalyptus trees) during the raptor breeding season (generally February through July). Construction activities within 500 feet of active nests shall not be allowed to resume until a qualified biologist determines that the nest is no longer active and any young birds in the area have adequately fledged and are no longer reliant on the nest.

FINDINGS AND DECLARATIONS

A. Project Description and Background

The project is located one block east of Interstate 5 and one block south of Lomas Santa Fe Drive in Solana Beach. Residential development occurs to the south and east of the site and a large shopping center is located one lot north site. The existing church facility was constructed in 1973 and includes an outdoor amphitheater that is used for church services, four classroom “cabins”, a kitchen/nursery building, office, library and multi-purpose Fellowship Hall. In 1994, the Commission approved the construction of the 1,800 sq. ft. Fellowship Hall, a 1,008 sq. ft. administration building, 576 sq. ft. library/restroom facility and paving of existing dirt parking lots.

The church facility is located on a 6-acre site that was designed to maximize the natural terrain and native vegetation. As a result, the church facilities are spread out over the property in a campground-like design with small improved trails leading to the various structures. The undeveloped areas include steep slopes with extensive amounts of native vegetation including southern maritime chaparral. Southern maritime chaparral is designated as a rare and endangered plant species by the U.S. Fish and Wildlife Service. The habitat present onsite is connected to a number of adjacent sites also containing native vegetation ([Exhibit #1](#)). The Commission’s ecologist has reviewed the overall extent of southern maritime chaparral in the area and has characterized it as “relatively large, approximately 18 to 25 acres in extent and generally not fragmented within its boundaries”. Given the extent and quality of the habitat in the area, the Commission’s ecologist has determined that the southern maritime chaparral that lies on the subject 6-acre site is ESHA.

The subject Coastal Development Permit (CDP) application originally included a wide range of improvements including new preschool, youth, administrative and storage buildings, additional parking and patio areas, and construction of a new playground adjacent to the new pre-school building. However, these improvements would have encroached into the existing habitat (ESHA) on the site and have since been removed from the proposal. Additionally, in 2017 the Commission issued an exemption for a number of improvements originally included in the subject CDP application that were determined to be exempt from coastal permit requirements. These included demolition and reconstruction of a patio cover, replacing two existing entry doors and a 200 sq. ft.

6-17-0713

Unitarian Universal Fellowship of San Dieguito

addition to the existing administrative building (ref. Exemption No. 6-17-0308-X). Therefore, development proposed at this time consists of the following:

- Installation of a new fire-resistive tensile fabric shade structure above the existing amphitheater to provide shade for 2,930 square feet of the seating area;
- Shorten several existing amphitheater benches to introduce space for three Americans with Disabilities Act (ADA) wheelchair compliant seats;
- Construction of ADA compliant ramp on the west side of the existing amphitheater;
- Replace the existing 80-square-foot Audio/Visual (A/V) shack with a 739-square-foot building composed of an A/V booth, ADA restrooms and a new dressing room;
- Replace sloped path located west of the proposed A/V building with a stairway;
- Replace the boardwalks leading to the Amphitheater with boards to reach consistency with applicable ADA slope requirements;
- Construct a new 2,925-square-foot parking lot hammerhead turn-around that is required by the Fire Marshal to service the existing site in its current condition;
- Introduce two new pervious paved parking lots (total 3,855 square feet) that would provide an additional 17 standard parking spaces and 4 accessible spaces;
- Removal of 27 non-native trees and subsequent replacement with 41 native trees

The City of Solana Beach does not have a Local Coastal Plan and, therefore, the standard of review is Chapter 3 policies of the Coastal Act.

Biological Resources

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protects sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected, and runoff minimized.

The development proposed will not result in any direct impacts to ESHA because all new development will occur on existing developed areas on the site. The Fire Marshal has reviewed the proposed plans and has confirmed that the proposed development will not result in the need for additional brush management, because the location of new development would not be located any closer to existing native vegetation than the existing structures on the site. Because the existing site was developed in and around vegetation, many of the existing structures on the site are in close proximity to native vegetation. Much of the proposed development, which consists largely of replacement structures in already developed areas of the site, will similarly not provide the 50-100 foot setback from ESHA required by the certified LUP. However, the new development will not be located any closer to the existing habitat than the existing structures. Over the last two decades, the property owners have worked cooperatively with the City and the Fire Department to provide fire modification zones while preserving as much of the

sensitive habitat on site as feasible. In many cases, this has resulted in selective thinning of existing habitat areas. The development proposed at this time will not change existing buffers or brush management zones and therefore, will not result in any adverse impacts to ESHA.

As proposed, no development will occur on natural slopes containing native habitat. Development will occur on portions of the site containing slopes in excess of a 25% gradient (steep slopes); however, these slopes were artificially created and do not contain native habitat. Because the site contains steep slopes and grading is proposed, Special Condition No. 2 requires the implementation of temporary erosion controls (construction BMPs) to prevent erosion and impacts to water quality.

The proposed site improvements would not occur in an area known to have breeding or nesting sensitive bird species. However, given the woody nature and native vegetation present on the site, there is a potential for the project to have direct impacts on nesting bird or raptor species from the removal of trees and other vegetation within the project boundary. To address this concern, Special Condition Nos. 3 & 4 restrict certain construction activities during nesting bird and raptor season. Therefore, 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 and the project can be determined to be consistent with the resource protection policies of Chapter 3 of the Coastal Act.

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

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.

D. Local Coastal Planning

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 local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

E. California Environmental Quality Act

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. A Mitigated Negative Declaration (MND) was prepared for the subject project and requires implementation of a Mitigation, Monitoring and Reporting Program that prevent, reduce, and mitigate any potential impacts that might occur as a result of the proposed development.

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 landscaping, water quality and restrictions during nesting bird and raptor season 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 can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Solana Beach certified Land Use Plan
- CDP Exemption No. 6-17-0308-X
- CDP Nos. 6-07-99, 6-94-31