

CALIFORNIA COASTAL COMMISSION

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Filed: 9/13/21
180th Day: 3/12/22
Staff: TR-SD
Staff Report: 1/27/22
Hearing Date: 2/10/22

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-21-0518

Applicant: Discount Tire Co. Inc.

Agent: Colten Ellsworth

Location: 2671 Via de la Valle, North City, San Diego, San Diego County. (APN 298-490-33)

Project Description: Conversion of an existing 9,420 sq. ft. retail building to a tire store including construction of service bay openings on the eastern side of the structure and removal of nine parking spaces to construct a concrete entry for the bay openings.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed development primarily consists of interior changes to an existing structure to convert it from a retail space to a retail tire and installation store. Development proposed includes conversion of 5 parking spaces to concrete apron, tenant improvements and installation of new service-bay openings on the east side of the existing 9,420 sq. ft. building. The only use proposed at the facility is the installation of tires, not oil changes or engine repairs. No new free-standing signage or any changes to existing outdoor lighting are proposed. The site is located within an existing shopping center and is directly north of the San Dieguito Lagoon Ecological Reserve.

To ensure no impacts to water quality associated with this use will occur, **Special Condition No. 2** requires the applicant to install Treatment Control BMPs such as a vegetated swale, detention basin, and storm drain inlet filter to remove pollutants of concern from runoff. As proposed, all materials used will be contained within the building structure and disposed of appropriately. **Special Condition No. 1** requires the applicant submit final plans that will memorialize both treatment BMPs and the proposed internal containment of used materials.

Regarding potential impacts to nesting birds associated with construction and operation of the store, the applicant has submitted an acoustic study that determined operational noise levels will be similar to the existing ambient noise. **Special Condition No. 3** requires the applicant to conduct acoustic monitoring on a continuous basis during construction. If construction levels exceed 65 dB(A), feasible noise attenuation measures will be implemented to reduce sound pressure levels to at or below 65 dB(A).

While the project includes removal of five public parking spaces, the applicant submitted a parking study that identifies that there is a surplus of 111 parking spaces for the combined uses in the shopping center; thus, the removal of five space will not impact public access.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-21-0518 as conditioned. The motion is on Page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Project Location](#)

[Exhibit 2 – Subject Site](#)

[Exhibit 3 – Project 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 recommendation.

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.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project 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. 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 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. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans for the permitted development. Said plans shall be in substantial conformance with the plans drafted by LG Land Surveying, Inc. and dated November 20, 2020.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to the coastal development permit unless the Executive Director determines that no amendment is legally necessary.

2. **Implementation of Treatment Control BMPs.** Treatment Control BMP (e.g., vegetated swale, detention basin, and storm drain inlet filter) shall be implemented if necessary, to remove pollutants of concern from runoff. The project shall comply with the following applicability and performance standards for Treatment Control BMPs:
 - a. Where infiltration BMPs are not adequate to remove a specific pollutant of concern attributed to the development, an effective Treatment Control BMP (or suite of BMPs) shall be implemented prior to infiltration of runoff, or else an alternative BMP that does not involve infiltration shall be substituted for the infiltration BMP.
 - b. Where a Treatment Control BMP is required, a BMP (or suite of BMPs) shall be selected that has been shown to be effective in reducing the pollutants of concern generated by the proposed land use.
3. **Acoustic Monitoring.** If construction is undertaken during the nesting season (February 15 through August 31), the applicant shall implement, at a minimum, all of the following measures:
 - a. Acoustic monitoring shall be conducted on a continuous basis. Construction activities shall not occur unless noise monitoring indicates that peak sound pressure levels remain below a 65 dB(A) equivalent at the southern edge of the project site. If this level is exceeded, feasible noise attenuation measures shall be implemented to reduce sound pressure levels to at or below 65 dB(A). Such measures may include installation of temporary sound barriers or sound blankets; and utilizing alternative construction methods and technologies to reduce the noise of construction machinery. If ambient noise in the absence of construction activities is found to exceed 65 dB(A), then acceptable construction peak sound pressure levels shall be capped at ambient levels plus 3 dB(A) and require sound attenuation measures to comply with this threshold.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The proposed development primarily includes interior changes to an existing vacant structure to convert it from a retail space to a retail tire installation store. Exterior development includes conversion of five parking spaces to concrete apron and installation of new bay openings on the east side of the existing building. The project does not include any other changes to the exterior of the structure, and does not propose any new free-standing signage or any changes to existing outdoor lighting. The site is located within a shopping center located south of Vie de la Valle and immediately north of San Dieguito Lagoon Ecological Reserve ([ref. Exhibit Nos. 1, 2](#)).

The California Department of Fish and Wildlife describes San Dieguito Lagoon Ecological Reserve as a 110-acre property which provides critical migrating waterfowl habitat and nesting sites for sensitive bird species, contributes to coastal fisheries replenishment by providing nursery habitat for young fish, and generally protects a tremendous diversity of plant and animal species. Habitats include southern California coastal sage scrub, riparian and coastal wetland communities. The lagoon is also designated as a State Marine Conservation Area.

The shopping center was originally constructed on filled tidelands during the early 1970s, and there have been several past coastal development actions on record for the shopping complex. On February 11, 1998, the Commission approved demolition and reconstruction of a retail shop on the subject site (ref. CDP No. 6-97-161). On March 10, 1998, major remodeling and expansion of the existing neighborhood shopping center was approved, including demolition of an 8,820 sq. ft. retail building, an increase in parking from 478 to 670 spaces, and construction of 54,191 sq. ft. of new retail space in three single story buildings, resulting in a total retail space of 126,517 sq. ft. (CDP No. 6-98-006). On October 14, 1999 an amendment was approved for various modifications to the approved remodeling, including reducing the size of several buildings, retaining a building that was originally slated to be removed, re-designating several building names, and constructing a new building, resulting in a total of 148,767 sq. ft. of retail space (CDP No. 6-98-006-A1). Most recently, a portion of the shopping center that has remained undeveloped was approved to be developed into a movie theater (CDP No. 6-18-0713/The Lot Del Mar). However, that development was never constructed, and the permit has since expired.

While the North City segment of the City of San Diego Local Coastal Program (LCP) was effectively certified in 1988, the site falls within the original permitting jurisdiction of the Coastal Commission. Therefore, the Coastal Commission retains permitting authority for coastal development and the Coastal Act is the standard of review.

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 subject site is located directly adjacent to San Dieguito Lagoon; however, no impacts are expected as the applicant has submitted an acoustic study that confirms operational noise will be similar to existing ambient noise levels. Additionally, the project has been conditioned to provide mitigation measures should construction noise reach levels that could impact adjacent bird nesting activities. No changes to existing lighting are proposed. Finally, as conditioned, the project will not result in erosion or adverse impacts to water quality, as adequate temporary erosion controls (construction BMPs) and spill prevention measures will be provided. The Commission's ecologist and water quality staff have reviewed the proposed development and are in support of the recommendation as conditioned herein. 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, 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

The applicant submitted a parking analysis which determined that peak demand parking requirements total 556 parking spaces and the parking lot currently provides 667 public spaces. Thus, the shopping center has a surplus parking of 111 spaces. Given this, the removal of five spaces is not expected to have any parking impacts. Therefore, as proposed, the development will not have an adverse impact on public access to the coast or to nearby recreational facilities and 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 in an area of original jurisdiction, where the Commission retains permanent permit authority 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 City of San Diego to continue to implement its certified LCP for the North City community.

F. California Environmental Quality Act

The City of San Diego determined that no CEQA review was required for the proposed project since it does not require a discretionary permit, but only a ministerial construction permit. 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.

6-21-0518
Discount Tire Co. Inc.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- CDP No. 6-97-161
- Acoustic Study draft by Robert A. Larabell, Acoustical Consultant
- Parking Study drafted by Kimley-Horn and Associates, Inc. and dated June 28, 2021