

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



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 Date of Extension Request: 7/21/99
 Length of Extension 90 Days
 Final Date for
 Commission Action 10/19/99
 Staff: GDC-SD
 Staff Report: 8/26/99
 Hearing Date: 9/14-17/99

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-24

Applicant: McMahon Development Group

Agent: Ron McMahon
Cynthia Davis

Description: Construction of a two-story, approximately 25,600 sq. ft. office building over subterranean parking and installation of a boxed concrete culvert within an existing drainage channel with surface parking on top, on a vacant approximately 38,768 sq. ft. lot.

Lot Area	38,768 sq. ft.
Building Coverage	13,137 sq. ft. (34%)
Pavement Coverage	17,721 sq. ft. (46%)
Landscape Coverage	7,910 sq. ft. (20%)
Parking Spaces	105
Zoning/Plan Designation	Office Professional (OP)
Ht abv fin grade	42 feet

Site: 500 Stevens Avenue, Solana Beach, San Diego County
APN#298-112-16

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development with special conditions requiring the submission of revised final plans for the proposed development which document the avoidance of all impacts to Stevens Creek through the elimination of the boxed concrete culvert to avoid impacts to wetlands. The existing creek, although channelized up and downstream, and altered on the subject site, currently contains wetlands. The proposed development proposes to fill the creek with a concrete culvert to

accommodate and access a parking area. This will result in impacts to delineated wetlands. Because Section 30233 of the Coastal Act does not allow fill of wetlands for this type of development, staff is recommending the project be redesigned to avoid all impacts to the creek and its associated wetlands. This can be accomplished by reconfiguring the development or reducing the size of the proposed structure. With these conditions, impacts of the proposed development will be minimized or mitigated, consistent with Chapter 3 policies of the Coastal Act.

Substantive File Documents: Certified County of San Diego Local Coastal Program; City of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach Development Review Permit #99-14; Mitigated Negative Declaration and Initial Study for McMahon Development dated 1/7/99; Biological Analysis by REC Engineering-Environmental dated September 14, 1998; Biological Update by REC Engineering-Environmental dated December 1, 1998; CDP #6-90-213, 6-90-293 and 6-93-197

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, 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 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Revised Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final revised grading, site, and building plans for the proposed development that have been approved by the City of Solana Beach which shall demonstrate that the project has been revised to comply with the following requirements:

a. No fill or other development, including grading, concrete, or structures shall occur in Stevens Creek (as depicted in the open space deed restricted area shown on attached Exhibit #5) except for that required to replace the existing culverts under and within the right-of-way north of Academy Drive as detailed on sheet #2 on blueprints by Stuart Engineering dated 2/8/99.

b. Parking shall be provided at a minimum of 1 parking space per 250 sq. ft. of gross floor area.

c. Fencing shall be installed between the proposed development site and the adjacent Stevens Creek drainage channel.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Runoff Control Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a runoff control plan for the subject development to prevent polluted runoff from entering Stevens Creek which shall incorporate Best Management Practices including, but not limited to the following:

- a. All storms drain inlets shall have stenciling that prohibits the disposal of trash in the drains.
- b. The use of oil and grease catch basins or filters sufficient to prevent oils and suspended solids from entering the Stevens Creek.
- c. Solid waste shall be removed regularly.
- d. Sweeping of all paved surfaces shall occur at least once a week.

The submitted program shall include, at a minimum, a site plan that shows the location of all storm drains, trash receptacles and schedules for removal of trash and sweeping of paved surfaces.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the plan shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Open Space Deed Restriction. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as Stevens Creek as shown on the attached Exhibit #5 except for any necessary flood control maintenance performed by

the City of Solana Beach pursuant to a coastal development permit and the replacement of the existing culverts under and within the right-of-way of Academy Drive as detailed on sheet #2 on blueprints by Stuart Engineering dated 2/8/99.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

4. Staging Areas. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, detailed plans identifying the location of construction staging areas for the proposed development. Said plans shall include the following criteria specified via written notes on the plan:

- a. No construction equipment shall be placed within Stevens Creek.
- b. Use of the area depicted within the open space deed restricted area as identified by the attached Exhibit #5 for the interim storage of materials and equipment is prohibited.

Prior to the commencement of construction, the applicant shall submit evidence that the plans have been incorporated into construction bid documents

The permittee shall undertake development in accordance with the plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Final Landscape Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed landscape plan, approved by the City of Solana Beach, indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant plant materials shall be utilized to the maximum extent feasible.

The permittee shall undertake development in accordance with the approved landscape plan. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved

amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Sign Program. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall or free-standing pole or roof signs shall be allowed.

The permittee shall undertake development in accordance with the approved sign program. Any proposed changes to the approved sign program shall be reported to the Executive Director. No changes to the sign program shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Other Permits. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, copies of all other required state or federal discretionary permits for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. The proposed development involves the construction of a two-story, approximately 25,600 sq. ft. office building with subterranean and surface parking on a vacant approximately 38,764 sq. ft. lot. The project also includes the construction of a boxed concrete culvert within an altered creek bed resulting in the fill of approximately .2 acre of wetlands (riparian freshwater marsh) to provide additional parking areas to accommodate the proposed development and to provide additional access onto the site. The site is located on the southeast corner of Stevens Avenue and Academy Drive in the City of Solana Beach. Stevens Creek runs north/south through the eastern side of property, eventually flowing into San Dieguito Lagoon.

The Commission has previously approved the subdivision creating the subject parcel (ref. CDP #6-90-293 and 6-93-197/Goudy) and the construction of a 16,800 sq. ft. office building on the property (ref. CDP #6-90-213/Goudy). The previously approved office building included the installation of a storm drain system within Stevens Creek and fill of the creek to enable parking for the development. At the time of approval, however, wetlands had not been identified within the creek. The office building was not constructed and the permit has subsequently expired.

The project site is located within an area that was previously covered by the County of San Diego's Certified Local Coastal Program (LCP). However, the County LCP was never effectively certified and therefore is used as guidance with Chapter 3 Policies of the Coastal Act used as the standard of review.

2. Wetlands/Sensitive Biological Resources. Section 30233 of the Coastal Act states, in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities....

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities. . . .

In addition, Section 30231 of the Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface

water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30236 of the Act states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

The subject development site is an approximately 38,768 sq. ft. lot with an approximately 40 to 50 foot-wide creek (Stevens Creek) running through the eastern portion of the site from north to south. To accommodate access and parking for the proposed 25, 600 sq. ft. office building, the proposed development includes the fill of approximately .2 acre of wetlands within Stevens Creek with the installation of a boxed concrete culvert which will connect to the culvert under the adjacent Academy Drive. In 1976, prior to the effective date of the Coastal Act of 1976, pursuant to approval by the County of San Diego, the prior landowner placed rip-rap along the sides and bottom of the portion of Stevens Creek that is within the subject property. In October of 1990 the Commission approved the construction of an approximately 16,800 sq. ft., two-story office building at the subject site which included the fill and placement of drainage pipes within the creek to accommodate parking for the office building (ref. CDP #6-90-213).

The portion of Stevens Creek within the applicant's property is a wetland under the Coastal Act. The Coastal Act defines the term "wetland" as ". . . lands within the coastal zone that may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens." The creek on the subject site meets this Coastal Act definition because there is a source of water and wetland vegetation. This has been confirmed by the applicant's biological analysis as well as by the Commission's staff biologist. Further, staff with the Army Corps of Engineers stated in a phone conversation with Commission staff on August 4, 1999 that the creek is a "wetland" under the federal definition of wetlands.

The applicants have submitted a "Biological Analysis" performed for the subject site by REC Civil Engineering-Environmental dated September 14, 1998, which identified .2 acre of riparian vegetation as occurring within the creek on the subject site. The analysis identifies the dominant plant within the channel as willow weed but that it also includes small numbers of other plant species including "fennel, castor bean, cattail, umbrella sedge, mustard, cottonwood saplings, goldenbush, palm trees, iceplant, white clover, and a single willow tree". The applicant asserts that the creek is not a wetland for several reasons. First, a "Biological Update" letter prepared by REC Civil Engineering-Environmental and dated December 1, 1998, states that all vegetation had been removed

from the site by City of Solana Beach work crews and that therefore, "riparian habitat is no longer onsite." Commission staff have confirmed with City staff that City of Solana Beach work crews periodically remove vegetation from the open channel areas of Stevens Creek for flood control purposes. However, the City has never obtained a coastal development permit for such vegetation removal (Commission staff have informed the City of the need to apply for a coastal development permit to remove vegetation from Stevens Creek). However, recent site inspections by the Commission's staff biologist reveal that the riparian vegetation has re-grown and that without the periodic removal of the vegetation by the City of Solana Beach, the subject site would continue to support riparian freshwater habitat. Further, the removal of wetland vegetation alone does not change the nature of the creek bed to nonwetland.

Second, the applicant points out that the portion of Stevens Creek on its property was lined with rip-rap in 1976. However, at this time rip-rap is only visible along the banks of the creek. The bottom of the creek contains sediment and some vegetation. Therefore, regardless of the prior placement of rip-rap in the creek, the area remains a creek and a wetland.

Section 30233 of the Act limits the fill of wetlands and coastal waters (including streams) to eight enumerated uses (specified in the quote above). Fill of wetlands to accommodate an office development is not one of the eight allowable uses permitted under Section 30233 of the Act. Further, although the Army Corps of Engineers has indicated that it will permit the proposed fill if mitigated because the wetlands are degraded, Section 30233 the Coastal Act does not distinguish between degraded and pristine wetlands; it applies to all wetlands. In addition, as cited previously, Section 30236 of the Coastal Act prohibits the channelization and other substantial alteration of rivers and streams except under three limited circumstances: 1) water supply projects; 2) flood control projects to protect existing structures and; 3) developments whose function is to improve fish and wildlife habitats. None of these circumstances are present in this case.

Therefore, the proposed development can be found consistent with the Coastal Act only if the project is revised to eliminate all proposed development in the creek. Special Condition #1 requires the applicant to revise the project to avoid all development in Stevens Creek. Alternatives include reducing the size of the structure so that it requires less parking, or retaining the size but increasing the size of the subterranean parking garage. The Commission finds that the proposed development can be approved if revised, rather than denied altogether, because although there is more than one way to redesign the project to eliminate the fill, none of these options have the potential for adverse impacts on coastal resources. The site is not located near the shoreline and any proposed redesign will not affect public access to the shoreline and, as discussed later in this report, will not effect visual resources in the surrounding area. In addition, any future redesign would still require review and approval by the City of Solana Beach to ensure full compliance with local zoning requirements. With the proposed redesign to avoid encroachment into the Stevens Creek all impacts to wetlands will be avoided, consistent with Section 30233 of the Coastal Act.

Although Special Condition #1 requires that the project be redesigned to avoid all encroachment into Stevens Creek, Section 30231 of the Act also requires that biological productivity and quality of coastal waters, streams and wetlands be protected from the adverse effects of new development through the control of runoff and the maintenance of buffer areas surrounding riparian habitats.

The proposed development site is one of the last vacant parcels along Stevens Avenue that borders Stevens Creek. The majority of Stevens Creek from Interstate 5 southwest to San Dieguito Lagoon is filled and channelized with only a small portion immediately north and south of the subject site remaining as an open channel. An approximately 50,000 sq. ft. office building is located immediately adjacent to the project site on the north side of Academy Drive and a mixture of retail and office uses lie immediately south of the development site. In each of those cases, the creek consists of an open and earthen channel with only the banks of the creek and an approximately 6 foot-high chain-link fence serving as a buffer separating the development from Stevens Creek. In the case of the subject site, the downward sloping bank within Stevens Creek is approximately 20 feet wide and consists of rip-rap covered with limited non-native vegetation. An approximately 6 foot-high chain-link fence also encloses the creek. The upland subject property consists of a generally flat lot void of vegetation such that a natural buffer does not exist.

The Commission typically requires a 50 foot-wide natural buffer to separate new development from wetlands habitat. However, in this particular case, given that the wetlands are located within an existing creek that has been channelized both up and downstream of the project area, and is surrounded by development, the need for a full 50 foot buffer at the subject site is not necessary. However, the lack of buffer may result in an impression that the creek itself is not required to be protected. Further, in the future, the applicant or future landowners might seek to make improvements to the structure that affect the creek or seek to channelize the creek to protect the approved structure. Therefore, the Commission finds that the applicant must record a deed restriction indicating that no development may occur in Stevens Creek. Only if the applicant and future landowners are placed on notice that the creek cannot be filled will the proposed development be consistent with the wetland protection policies of the Coastal Act. Accordingly, Special Condition #3 requires the applicant to record a deed restriction that specifies that development within Stevens Creek on the subject property is restricted to that necessary to replace the existing culvert under and within the northern right-of-way under Academy Drive and, after receipt of a coastal development permit, any necessary maintenance of the channel by the City of Solana Beach for flood control purposes.

The proposed development involves the construction of an office building and the replacement of drainage culverts under Academy Drive. The existing drainage culverts were installed during the construction of Academy Drive and lie within Stevens Creek. The culverts are in need of repair and the City of Solana Beach has required the applicant to perform those repairs as a condition of approval for the proposed development. Because of the proximity of Stevens Creek to the proposed culvert replacement and the proposed office building, construction activity could indirectly adversely impact the onsite wetlands. Section 30231 requires that new development be performed in ways that

will maintain and protect existing wetlands. Therefore, Special Condition #4 has been attached which requires the applicant to submit a construction staging area plan that documents that no construction materials will be stored and no construction equipment will be permitted within the existing drainage channel.

Although the Stevens Creek drainage channel is not a pristine natural creek, polluted runoff entering the channel can harm vegetation growing within the channel and coastal waters downstream. In addition, Stevens Creek carries water to San Dieguito Lagoon. Therefore, run-off from the proposed development, which will drain into Stevens Creek, could adversely impact both Stevens Creek and San Dieguito Lagoon. In order to protect the water quality and resources of the creek and lagoon, the Commission finds that the proposed project must take steps to reduce the potential for pollutants to contaminate the site run-off. Accordingly, Special Condition #2 requires that the subject development incorporate the use of Best Management Practices, including oil and grease catch basins and other filtering devices to prevent polluted runoff from entering Stevens Creek.

Since the proposed project is required to be redesigned to avoid any encroachments into Stevens Creek, other responsible government entities having review authority over the proposed site may require revisions to their earlier approvals or conditions or some approvals may still be pending. As such, Special Condition #7 has been attached which requires the submission of any additional approvals from state or federal entities to ensure that their requirements do not conflict with or require additional amendment to the subject coastal development.

In summary, the proposed development, as conditioned herein, will avoid all fill of wetlands, appropriately mitigates for the indirect affects of construction acivitiy and runoff, provides an adequate buffer to separate the development from wetland resources and includes an open space restriction over all wetland resources and buffer areas. Therefore, the Commission finds the proposed development is consistent with Sections 30231 and 30233 of the Coastal Act.

3. Public Access/Parking. Section 30252 of the Coastal Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities

The Coastal Act requires that new development provide for adequate parking facilities so as not to compete with or preclude the public's access to the coastal area by usurping on-street public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking is critical for all commercial, recreational and residential development in near shore areas.

As proposed, the approximately 25,600 sq. ft. office building will include 105 parking spaces to be located in a subterranean parking area and on a surface lot. The City of Solana Beach parking ordinance requires that office buildings between 7,501 sq. ft. and 40,000 sq. ft. provide 1 parking space per 250 sq. ft. of gross floor area. The subject development, therefore, would require 102 parking spaces. The applicant is proposing 105 parking spaces, 3 more than the City requires. While the previously certified County of San Diego LCP, which the Commission utilizes for guidance within Solana Beach, would require 114 parking spaces for an office building in excess of 25,000 sq. ft. (1 space per 225 sq. ft.), the proposed development site is not located along a major beach access corridor and any parking insufficiency would not directly affect the beach going public. Therefore, in this case, the City's minimum parking standards are sufficient and will not adversely affect public access. In addition, as previously indicated, Special Condition #1 requires the applicant to submit revised project plans that eliminate any encroachment into the Stevens Creek. Since Stevens Creek had been proposed to be filled to accommodate parking spaces, the applicant is required to revise the project design but ensure that any new design maintain the City's parking standard of 1 space per 250 sq. ft. of gross floor. Therefore, the proposed development will not affect public access and the Commission finds the proposed development, as conditioned, consistent with Section 30252 of the Coastal Act.

4. Visual Impacts. Section 30251 of the Coastal Act states, in part that:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. . .

The proposed project is not located within or visible from any significant public view corridors. There are no visual impacts anticipated to the surrounding community since the proposed structure is compatible in design and scale to other structures along Stevens Avenue that include office and commercial buildings with surface parking. Nonetheless, the applicant is proposing landscaping, but has only submitted conceptual plans. Therefore, Special Condition #5 requires the submission of final landscape plans which will serve to make the proposed development more compatible with surrounding development. In addition, the applicant did not propose and the City did not require any sign program for the proposed office building. Typically the Commission and the City restrict the size, number and extent of signage to protect adverse visual impacts. As such Special Condition #6 is attached which requires the submission of a comprehensive sign program that details that only monument or facade signs are proposed and which prohibit any tall freestanding signs.

In summary, the proposed development is not located within an area that will affect public views and, as conditioned, has been designed to be compatible with surrounding development. With the submission of a detailed landscape plan and sign program the potential for impacts to the visual quality of the surrounding area have been reduced to

the maximum extent possible. Therefore, the Commission finds that the proposed development, as conditioned, consistent with Section 30251 of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The subject site is designated and zoned Office Professional by the City of Solana Beach General Plan and Zoning Ordinance. The proposed development is consistent with this designation. The site is not located within any sensitive coastal resource overlay area as identified in the previously certified County LCP. In addition, the proposed project, as conditioned, is consistent with all applicable Chapter 3 policies of the Coastal Act and, as conditioned, no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed project, as conditioned, should not prejudice the ability of the City of Solana Beach to prepare a certifiable local coastal program.

6. California Environmental Quality Act (CEQA). 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.

The proposed project has been conditioned in order to be found consistent with the wetlands and visual resource policies of the Coastal Act. Mitigation measures, including revised project design, open space deed restriction, construction staging areas, runoff control plan, landscaping plan, signage program and submission of other government approvals, will minimize all adverse environmental impacts. As conditioned, there are no less 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 the proposed project is the least environmentally-damaging alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

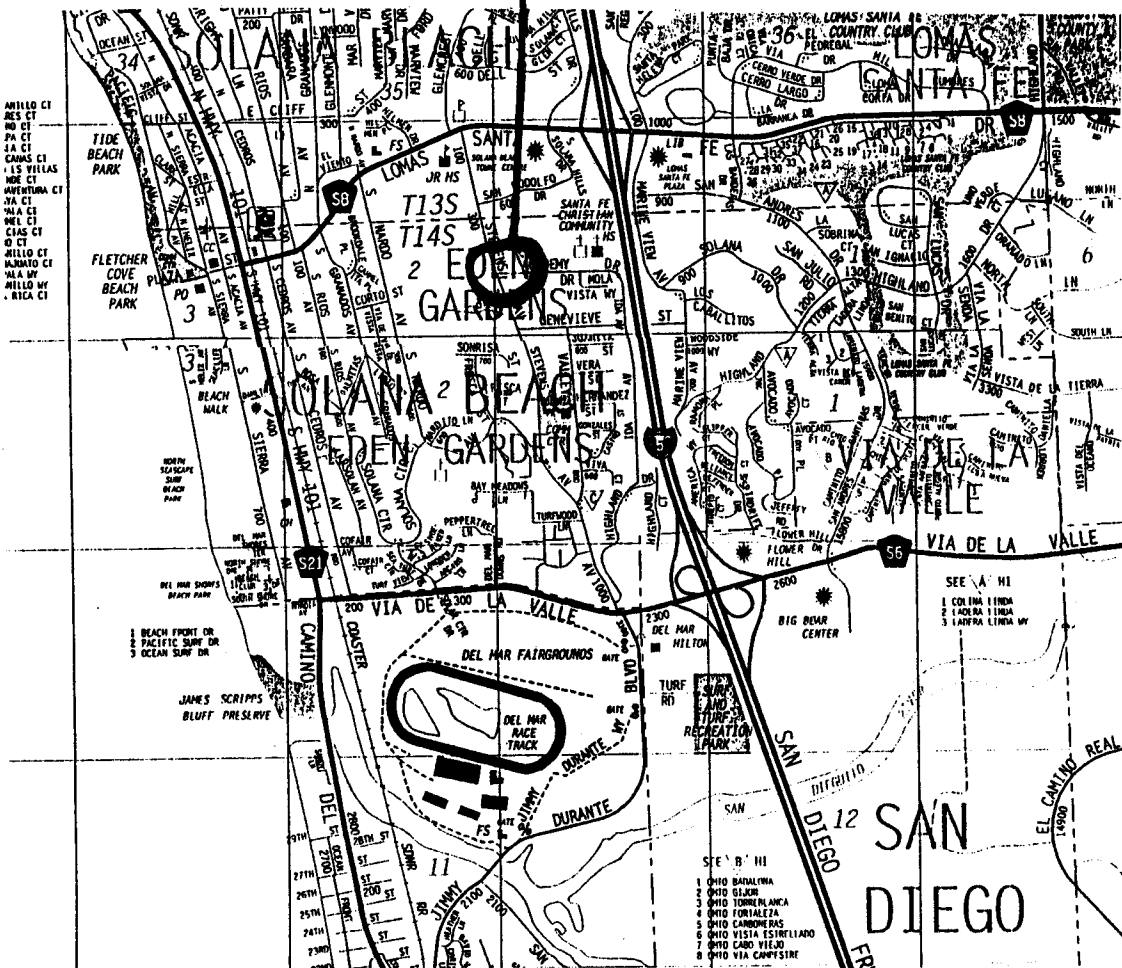
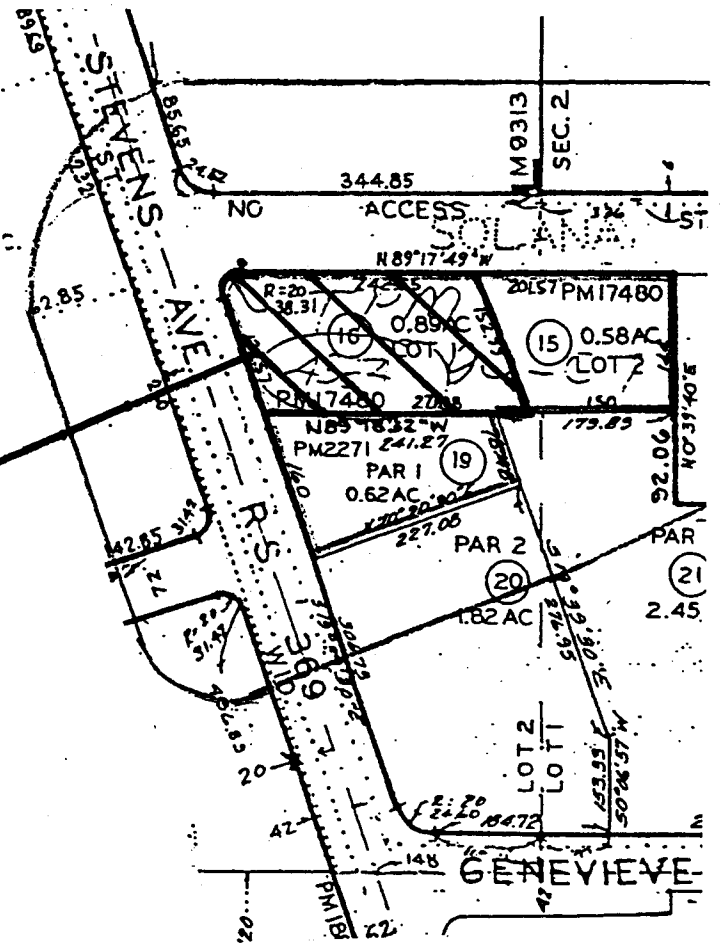
STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

Th 18a

Site



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EXHIBIT NO. 1
 APPLICATION NO.
 6-99-24
 Location Map

California Coastal Commission

ACADEMY DRIVE



new entry /
exit drive

E

landscape area

landscape

line of
parking level

off site
approval

grass cover

PROPOSED BUILDING
FIN. FLOOR ELEV.

grass cover

PARKING 44
visitor parking

landscape
area

landscape
screening wall

STEVENS AVENUE

SITE PLAN

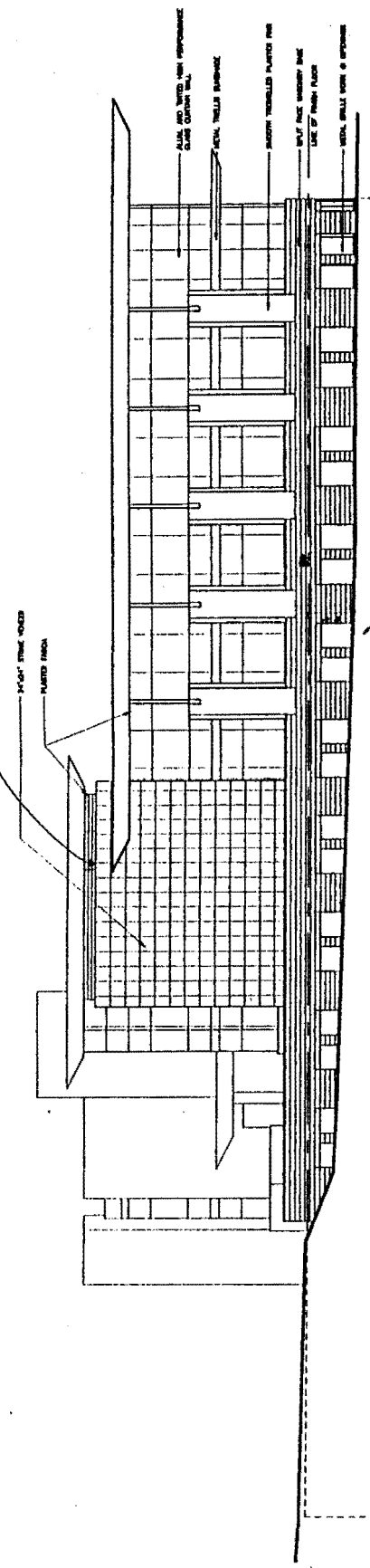
APPROXIMATE LOCATION OF EXISTING
STEVENS CREEK DRAINAGE EASEMENT

req'd parking @ 4/1,000 = 104
actual parking 102

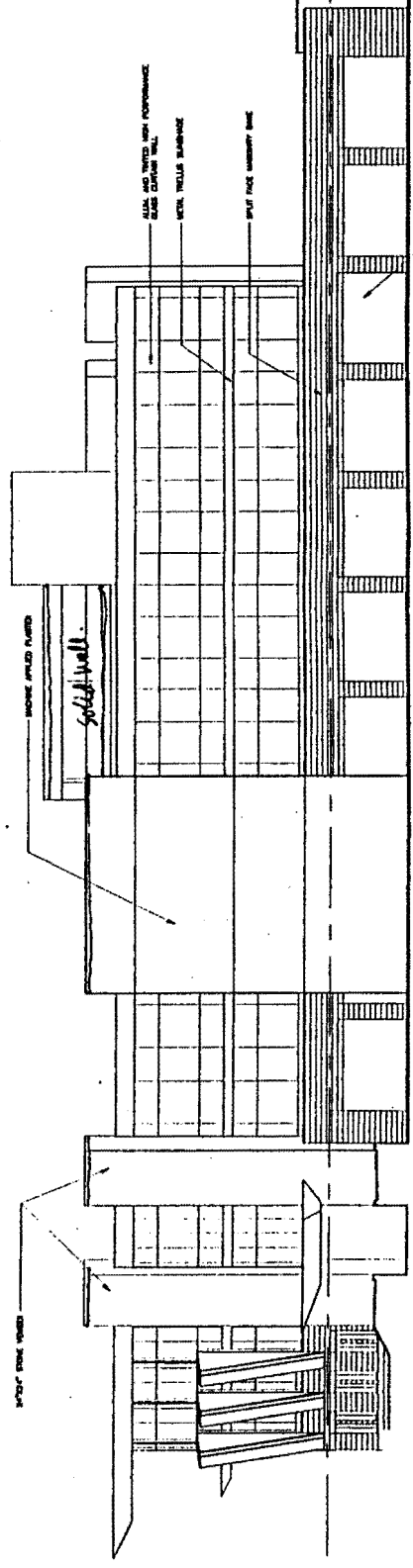
California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-99-24
Site Plan	

- 10 LOADS
- 11 WALLS/ROOFING PER STRUCTURAL
- 12 FLOORING
- 13 PLASTER
- 14 CEILING
- 15 PAINTS
- 16 PAINTS
- 17 PAINTS
- 18 PAINTS
- 19 PAINTS
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woodwork



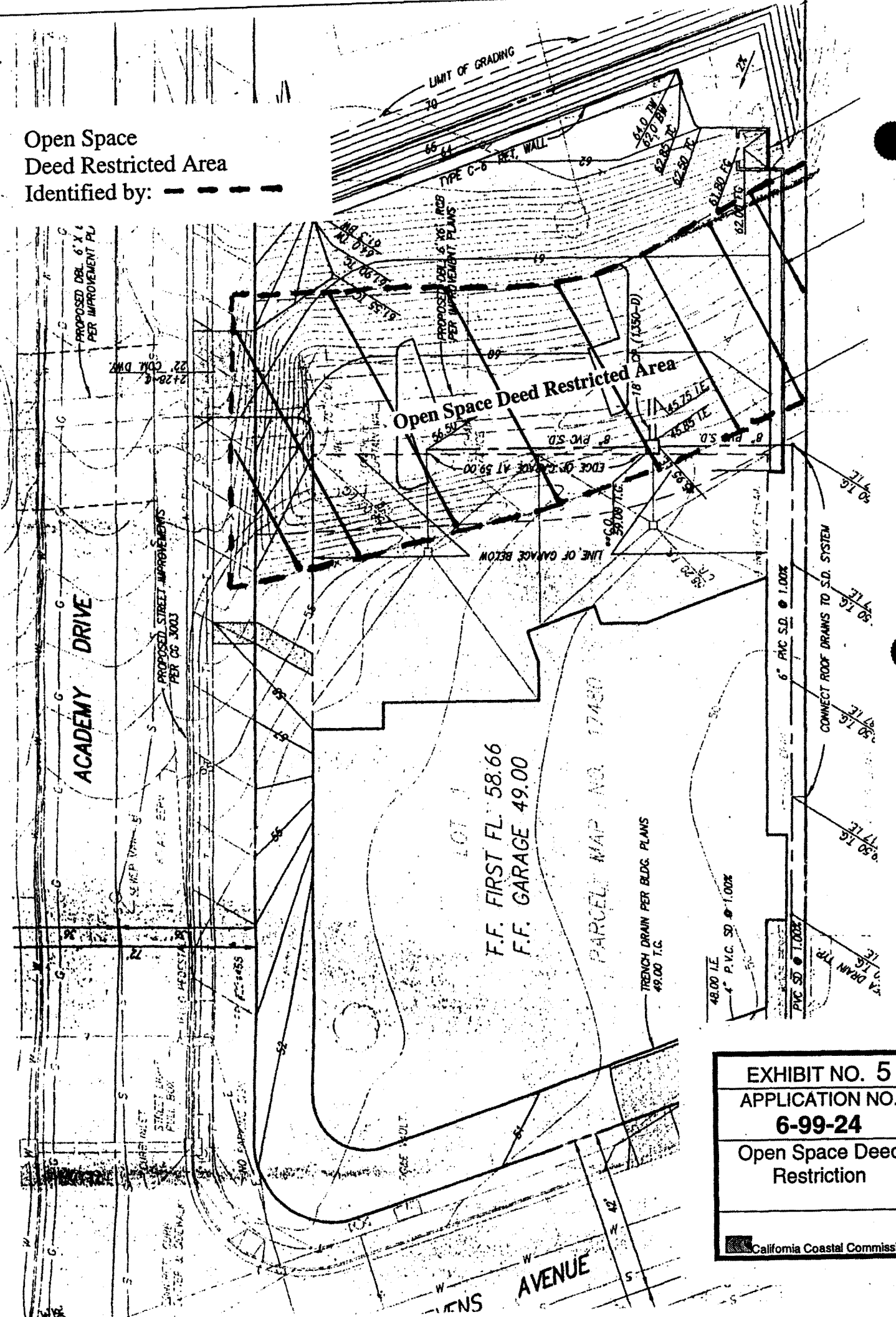
3 NORTH ELEVATION
1/8" = 1'-0"



1 SOUTH ELEVATION
1/8" = 1'-0"

EXHIBIT NO. 4	
APPLICATION NO.	
6-99-24	
Elevations	
California Coastal Commission	

Open Space
 Deed Restricted Area
 Identified by: - - - - -



Open Space Deed Restricted Area

LOT 1
 F.F. FIRST FL. 58.66
 F.F. GARAGE 49.00

PARCEL MAP NO. 17480

ACADEMY DRIVE

WENS AVENUE

EXHIBIT NO. 5
APPLICATION NO.
6-99-24
Open Space Deed Restriction
California Coastal Commission