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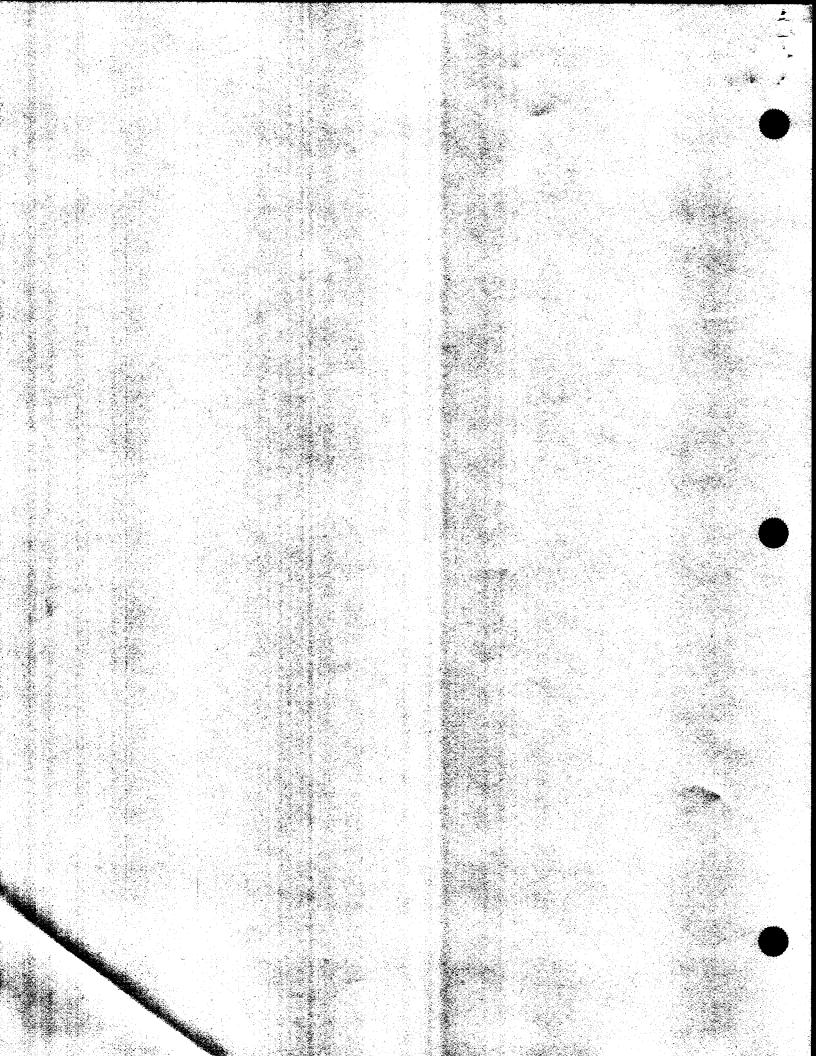
San Diego Coast District

CONSENT CALENDAR

Monday, April 8, 2002

6-02-024

6-02-026



CALIFORNIA COASTAL COMMISSION

Mon 4a

SAN DIEGO AREA

5 METROPOLITAN DRIVE, SUITE 103 DIEGO, CA 92108-4402

9) 767-2370



RECORD PACKET COPY

Filed: 49th Day: 2/4/02

180th Day:

3/25/02 8/3/02

Staff:

DS-SD

Staff Report:

3/7/02

Hearing Date:

4/8-12/02

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-024

Applicant:

University of California, San Diego

Agent: Milton J. Phegley

Description:

Construction of a four-story, with basement, 71 ft. high, approximately

145,000 sq. ft. computer science and engineering building on an existing

approximately 1.9 acre recreational playing field.

Lot Area

83,200 sq. ft.(1.9 acres)

Building Coverage

39,300 sq. ft. (47%)

Pavement Coverage

28,800 sq. ft. (35%) 15,100 sq. ft. (18%)

Landscape Coverage Plan Designation

Academic

Ht abv fin grade

71 feet

Site:

Voigt Drive near Justice Lane, Warren College, UCSD campus, La Jolla,

San Diego, San Diego County. APN 342-110-45.

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La

Jolla - La Jolla Shore LCP Segment; Final Initial Study and Mitigated Negative Declaration, Computer Science and Engineering Building by

UCSD Physical Planning, 12/22/02.

I. **STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following 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 RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Landscaping Plan</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or non-invasive plant materials shall be utilized to the maximum extent feasible.

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

2. <u>Final Drainage Plans</u>. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans. The plans shall document that the runoff from the roof, hardscape, and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation to the maximum extent practicable, prior to being conveyed off-site in a non-erosive manner.

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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description/Site History</u>. Proposed is the construction of a 71 ft. tall, four-story, approximately 145,000 sq. ft. computer science and engineering building on an existing recreational turf area located on the Warren Campus of UCSD. The

building is part of the planned build-out of Warren Campus that will eventually consist of three additional information technology and engineering buildings located adjacent to the project proposal. The project also includes approximately 18,500 cubic yards of grading, and the applicant has identified a legal site outside of the Coastal Zone for the disposal of the cut material.

The area including Warren College has been the subject of four Coastal Development Permits since 1990. On December 11, 1990 the Commission approved CDP #6-90-260 for an approximately 1,700 sq. ft. addition to the Warren Commons community building. On June 11, 1997 the Commission approved CDP #6-97-048 for a 5,700 sq. ft. addition to an existing 214,000 sq. ft. engineering building to the west of the proposal site. The Commission approved with conditions CDP #6-00-129 on November 13, 2000 for the construction of a 5-story 105,000 sq. ft. engineering building that lies north of the project. Finally, the Commission approved CDP #6-01-030 on April 11, 2001 for the placement of a temporary 4,400 sq. ft. modular building south of the project proposal.

The project site currently consists of a recreational turf area. The project site is located in the main part of the campus, west of Voigt Drive, across from Justice Lane, which is west of Interstate 5. The project site is within the Commission's area of permit jurisdiction, and the e standard of review is Chapter 3 policies of the Coastal Act.

2. Visual Resources. Section 30251 of the Act states, in part, the following:

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,...

The proposed structure will be located on the east side of the campus at Warren College, located itself on the west side of Voigt Drive, near Justice Lane. UCSD is a very large campus that is located within the geographic area of the community of La Jolla. While some portions of the campus are located nearshore (i.e., the Scripps Institution of Oceanography), other portions are located much further inland. For those areas of the campus that are nearshore, potential impacts on scenic views of the ocean are a concern. In addition, several of the streets that the campus adjoins are major coastal access routes and/or scenic roadways (as designated in the La Jolla-La Jolla Shores LCP Land Use Plan). In this particular case, the area where the proposed building structure will be located is situated in the main part of the UCSD campus that is well inland of North Torrey Pines Road. Although small glimpses of the building may be visible to the north and east from either Genessee Avenue or Interstate-5, the proposed structure is similar in height and scale compared with other existing campus structures in the area. As such, the proposal will not be visually prominent from off-campus public locations. In addition, given the location of the project site, which is well inland from the coast, no public views to the ocean will be affected. Also, as stated earlier, there are other structures located in

close proximity to the proposed building and the structure will be compatible with the character of the surrounding area. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Act.

- 3. Public Access/Parking. Section 30252 of the Coastal Act provides, in part, that new development shall maintain and enhance public access to the coast by provision of adequate parking. The project site is located within UCSD's Main Campus, which is not between the sea and the first coastal roadway, nor within walking distance of shoreline recreational areas. As such, the primary concern is maintaining free-flowing traffic on the major coastal access routes surrounding the campus. These include I-5, Genessee Avenue, North Torrey Pines Road and La Jolla Shores Drive. The Commission has taken the position that on-campus parking problems are not a Coastal Act issue unless they result in spillover effects within the surrounding off-campus area. In the case of the subject proposal, the structure will be located in an open area of the campus and no existing campus parking will be displaced or removed as a result of the proposed structure. In addition, Staff parking associated with the new development will be accommodated in nearby campus parking lots where adequate parking exists. As such, the subject proposal can be found consistent applicable policies of the Coastal Act addressing parking and coastal access.
- 4. <u>Water Quality</u>. Sections 30230 and 30231 of the Coastal Act address water quality through policies which, in part, call for protection of the marine environment in a manner that will sustain the biological productivity of coastal waters as well as protection of the quality of coastal waters, streams and wetlands, through implementation of measures to control runoff, etc.

The proposed project involves construction of new impervious improvements consisting of an approximately 145,000 sq. ft building. However, the site is located well inland of the ocean and all runoff from impervious surfaces will be directed toward the proposed landscaped areas that will surround the proposed building. Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well-established Best Management Practice for treating runoff from development such as the subject proposal. The project did not include a detailed landscape plan for the building site and Special Condition #1 is attached and requires that the applicant submit to the Executive Director a landscape plan that shall document that only native, non-invasive, drought tolerant plant species be utilized in the landscape plan design.

Because the project did not include a detailed drainage plan for the building site, Special Condition #2 is attached and requires the applicant to submit to the Executive Director a final drainage plan which documents that the runoff from the roof, driveway and other impervious surfaces shall be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation to the maximum extent practicable, prior to being conveyed off-site in a non-erosive manner. The Commission finds that this will ensure the proposed development will be designed to minimize adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the

Coastal Act. In these ways, potential problems are treated at the source such that most pollutants never enter the storm water system.

With the installation of landscaping and directing runoff towards these areas, potential water quality impacts resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, the Commission finds the proposed development consistent with the water and marine resource policies 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. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institution of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LDRP, its EIR, and topographic maps to the Commission staff informally as an aid in analyzing development proposals, the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future. The proposed structure is consistent with the University's LRDP to accommodate campus growth.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

6. Consistency with the 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.

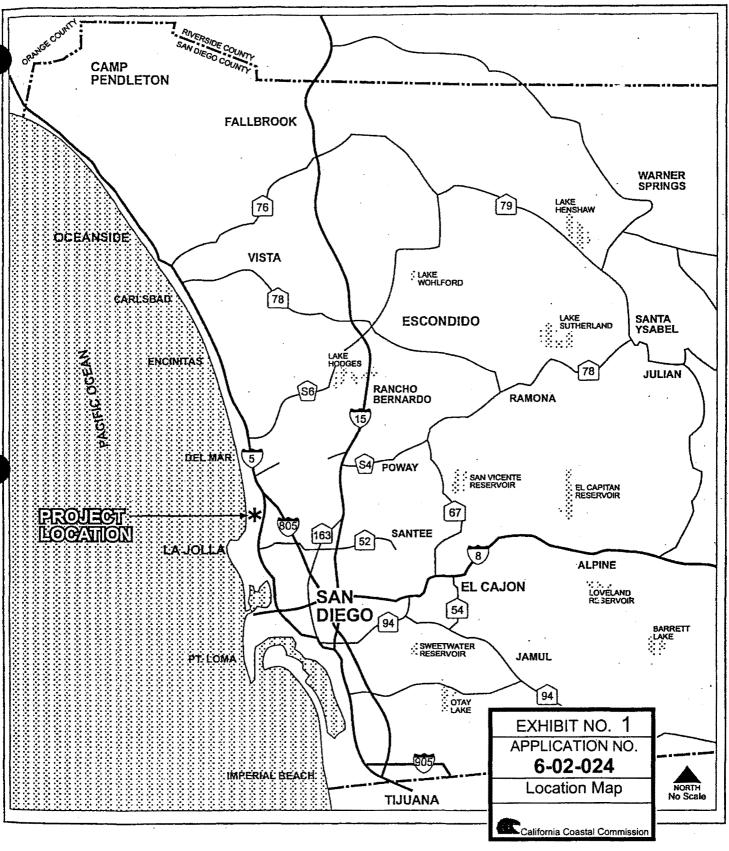
The proposed project has been conditioned in order to be found consistent with the water quality policies of the Coastal Act. Mitigation measures, including conditions addressing water quality, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that 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.

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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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.

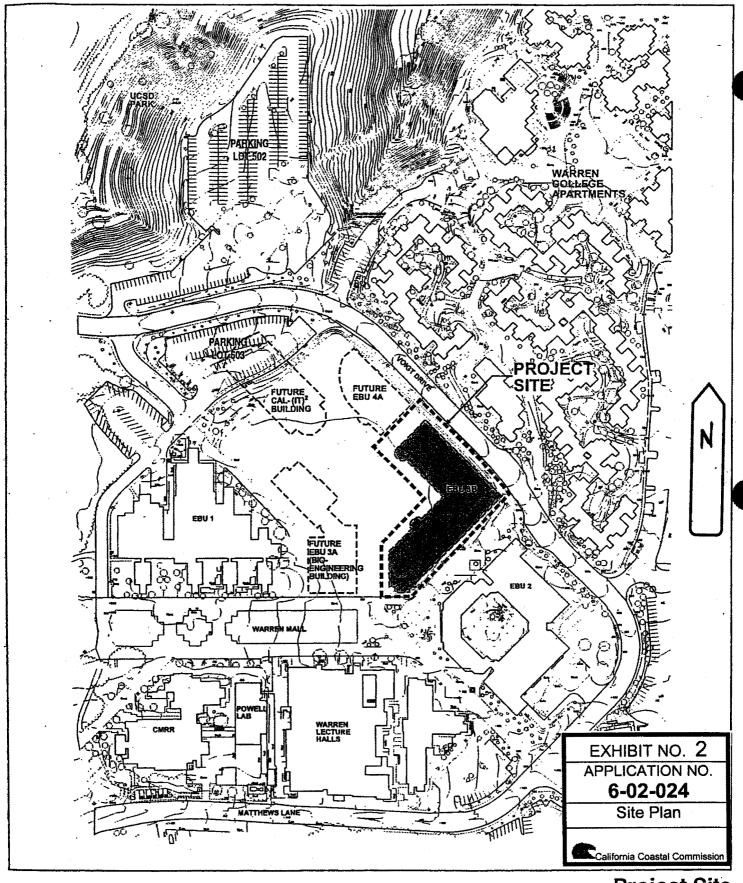
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Project Vicinity Map

UNIVERSITY OF CALIFORNIA, SAN DIEGO COMPUTER SCIENCE AND ENGINEERING BUILDING UNIT 3B (EBU 3B) Figure 1

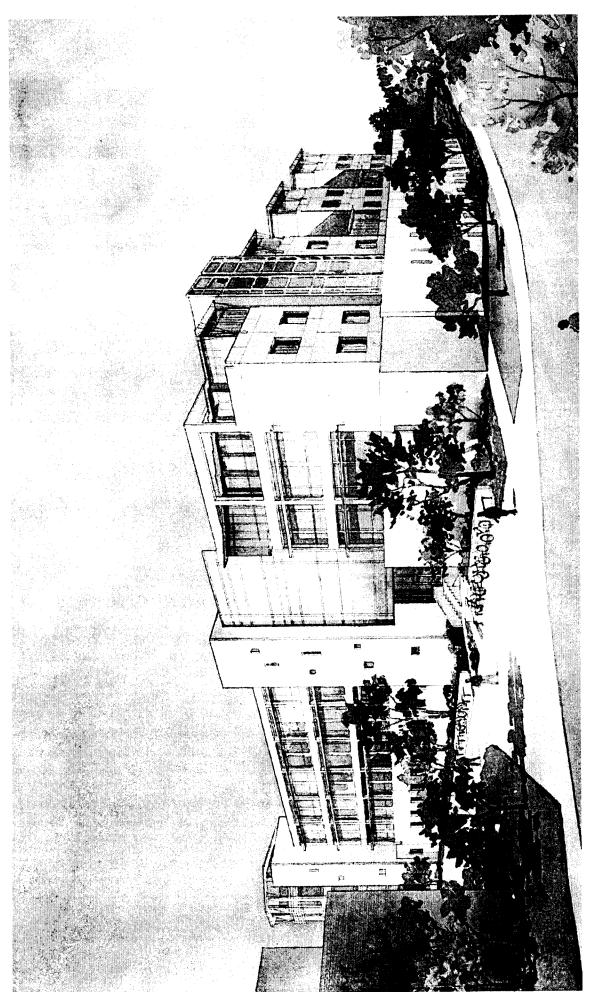




Project Site

UNIVERSITY OF CALIFORNIA, SAN DIEGO COMPUTER SCIENCE AND ENGINEERING BUILDING UNIT 3B (EBU 3B) Figure 3





UCSD EBU 3B - Computer Sciences & Engineering Building Southeast Corner

Bohlin Cywinksi Jackson

watercolor by Elizabeth A. Day

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CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

6 METROPOLITAN DRIVE, SUITE 103 DIEGO, CA 92108-4402

519) 767-2370



Mon 4b

Filed: 2/7/02 49th Day: 3/28/02 180th Day: 8/6/02 Staff: DS-SD Staff Report: 3/6/02 Hearing Date: 4/8-12/02

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-026

Applicant: City of Solana Beach

Description: Removal of approximately 1,985 linear feet of existing 8"-12" sewer pipe

and replacement with 12"-18" PVC sewer pipe in existing location, as well

as rehabilitation of 11 manholes, street resurfacing, and traffic loop

replacements.

Site: Public right-of-way and easement along Valley Ave, between Via de la

Valle and Castro Street, Solana Beach, San Diego County.

APN: 298-164-30 (easement).

Substantive File Documents: Certified County of San Diego Local Coastal Program (LCP); City of Solana Beach General Plan and Zoning Ordinance; City of

Solana Beach Sanitary Sewer Master Plan 1999.

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: I move tha

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final construction plans for the permitted development. Said plans shall be in substantial conformance with the plans submitted by the City of Solana Beach, dated 1/15/02, and shall also include staging areas and access routes for construction equipment and project supplies.

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

- 2. <u>Construction Timing/Erosion Control</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final grading and erosion control plans that have been approved by the City of Solana Beach. The approved plans shall incorporate the following requirements:
 - a. No construction activities shall be allowed during the rainy season (the period from October 1st to March 31st of each year). All disturbed areas shall be restored immediately following construction and prior to the beginning of the rainy season.
 - b. The permittees shall submit a construction schedule to the Executive Director demonstrating compliance with the above restriction.
 - c. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site construction activities. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss during construction.

The permittee shall undertake development in accordance with the approved construction and erosion control plans. Any proposed changes to the approved construction and erosion control plans or grading schedule 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.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description</u>. Proposed is the replacement of approximately 1,985 linear feet of sewer pipe with new PVC pipe, as well as the rehabilitation of 11 manholes, associated street resurfacing, and traffic loop replacement along Valley Avenue in the City of Solana Beach. The existing 8-12 inch diameter sewer pipeline is proposed to be replaced with 12-18 inch diameter pipelines. The proposal will take place within the existing road right-of-way along Valley Avenue, between Via de la Valle and Castro Street.

The proposal site is located approximately 1/8 mile west of Interstate 5, approximately 1.5 miles east of Highway 101, north of Via de la Valle, along Valley Avenue in the City of Solana Beach. The existing sewer pipe alignment is located in developed urban areas and almost entirely within existing public right-of-way (streets) and contains no sensitive resources (plants or animals). A small section of the project lies within the City's easement that runs between existing apartment buildings located at 805 Valley Avenue.

In order to ensure that the project proposal is consistent with submitted plans, Special Condition #1 is attached and requires the applicant to submit final site plans identifying constructions equipment and supply staging areas, as well as construction access plans for the project area.

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

2. <u>Public Access</u>. Sections 30210, 30212, and 30220 of the Coastal Act provide for the protection, provision and enhancement of public access and recreational opportunities in coastal areas. These policies address the public's right of access to the sea and public recreational sites, and require that access considerations be given high priority in reviewing development proposals.

The project proposal is identified in the Sanitary Sewer Master Plan for the City of Solana Beach. The plan evaluates the City's existing sanitary sewer system and makes recommendations for areas where capitol improvement is needed. The recommended capital improvements are to ensure that the wastewater system will adequately meet the City's needs and function in a safe and cost effective manner.

The project is proposed within existing road right-of-ways in an existing urban area that lies two miles inland of the Coast. As such, public access to the immediate shorefront will not be adversely affected by the proposed development. Potential impacts to existing land use would include temporary detours and limitations to access of structures and properties. Access along Valley Avenue from Via de la Valle to Stevens Avenue is proposed to be limited from its current four lanes (2 in each direction), to one lane open to vehicular access each way during construction. Access along Valley Avenue north of Stevens Ave will be limited to a single lane, with construction personal serving as traffic mediators using flagging procedures. The proposal is anticipated to take approximately one month to complete construction during which access to Valley Avenue would be affected. No adverse impacts to public access are anticipated from the closure of the additional lanes, as traffic will be still be permitted through the construction site. As well, vehicular traffic can be easily rerouted along several nearby streets subject to a traffic control plan. As noted, no significant public destinations are located in the area; thus, public access concerns are not raised. As proposed, access for pedestrian and bicycle access (a section of Valley Avenue and Stevens Avenue have a bike lane) would be allowed during construction. All staging areas will be located within the construction site, in areas along Valley Avenue that are not anticipated to cause any impacts to public access. Therefore, the Commission finds the project is consistent with the cited sections of the Coastal Act, and with all other public access and recreation policies of the Act.

- 3. <u>Growth Inducement</u>. Section 30250 (a) of the Coastal Act is applicable and states, in part:
 - (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Given that the proposed development involves the upgrade of existing sewer pipes to larger pipes, the question arises to whether the project is growth inducing. However, the project is part of a planned sewer upgrade that is proposed to replace existing degraded sewer lines for the protection of water quality and existing sewer service, and the project does not include any new additional lines.

The project is proposed to convey flows from planned mixed-use development in the City of Solana Beach. To be found consistent with Section 30250(a) of the Coastal Act, the Commission must find that the project is being proposed to serve existing development, or that if it would accommodate new development, such development must be at planned and approved densities. In this case, the sewer pipe upgrade and replacement is designed to accommodate planned development that will allow the designated build-out of the area. Therefore, the proposed improvements to the sewer system should not have a significant

overall inducement to growth within the coastal zone, and the development is consistent with section 30250 (a) of the Coastal Act.

4. <u>Water Quality</u>. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population 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 wastewater discharges and entrainment

The proposed development, when completed, will not have any adverse impacts on existing water quality and will help reduce the potential for degraded lines to cause a sewer line leak. The underground sewer pipeline will not increase the amount of impervious surface in the area. The City has applied for a 401 certification from the Regional Water Quality Control Board, which will ensure the project provides adequate BMPs to assure minimal runoff from the construction site.

The project location, however, is within an area that drains directly into Stevens Creek, a watershed that leads into the San Elijo Lagoon, which itself empties into the ocean. Thus, in order to reduce potential water quality impacts from the proposed project, Special Condition #2 is attached. The condition requires that no construction activities shall take place during the rainy season (October 1st to March 31st) and that all permanent erosion control devices shall be developed and installed prior to, or concurrent with, any on-site construction activities. Limiting construction to the drier summer months will ensure that any run-off or erosion caused by the proposed project is minimized to the maximum extent feasible, and that existing water quality is not impacted.

According to the applicant, the project will provide capacity to accommodate future stormwater intercept improvements should they be planned in the future. It has been demonstrated that intercepting low flows in the existing stormwater system and diverting them into the sewer system for treatment has a significant and positive effect on water quality. Therefore, the proposed facility will not result in any additional water quality concerns. The Commission finds that approval of the development, as proposed, is consistent with the cited Coastal Act policies.

5. <u>Local Coastal Planning</u>. 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 area proposed for improvements is within the City's right-of-way. The area where the improvements will take place is largely built out, and the project is not considered to be growth inducing in nature. The subject site was previously in the County of San Diego Local Coastal Program (LCP) jurisdiction, but is now within the boundaries of the City of Solana Beach. While the Commission certified the County LCP, the County never accepted the Commission's modifications and therefore, the LCP was never effectively certified and Chapter 3 policies of the Coastal Act remain the standard of review. However, the Commission will continue to utilize the San Diego County LCP documents for guidance in its review of development proposals in the City of Solana Beach until such time as the Commission certifies an LCP for the City. The proposed development does not lie within any of the City's special overlay zones. The project is in conformance with all applicable Chapter 3 policies, and therefore the Commission finds the proposed development will not prejudice the ability of the City of Solana Beach to prepare a certifiable Local Coastal Program.

6. Consistency with the 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.

As conditioned, the proposed project has been found consistent with the policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment, and attached special conditions will minimize impacts to public access and water quality. 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

STANDARD CONDITIONS:

1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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. <u>Terms and Conditions Run with the Land</u>. 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.

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