

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

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Staff: GDC-SD
Staff Report: July 18, 2002
Hearing Date: August 6-9, 2002

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-02-59

Applicant: Solana Corporate Center

Agent: Ron McMahon
Matt McMahon

Description: Construction of an approximately 18,577 sq.ft. two-story office building over a semi-subterranean parking garage on a vacant approximately 38,768 sq.ft. lot.

Lot Area	38,768 sq. ft.
Building Coverage	9,600 sq. ft. (25%)
Pavement Coverage	21,258 sq. ft. (55%)
Landscape Coverage	7,910 sq. ft. (20%)
Parking Spaces	71
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 conditions. The primary coastal issue involved with this development is its proximity to Stevens Creek, a stream containing wetlands. To protect the habitat and waters of the stream, conditions have been attached requiring an open space restriction be placed over the bed and banks of the stream, the incorporation of Best Management Practices, and a landscape plan that incorporates the use of only drought-tolerant native or non-invasive vegetation. Due to Permit Streamlining Act requirements, the Commission must act on this permit at its August 2002 hearing.

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; Memorandum from John Dixon dated September 22, 1999; Dept. Fish and Game "Agreement Regarding Proposed Stream or Lake Alteration" No. 5-039-99 (unsigned); Updated Biological Analysis of the Solana Beach Corporate Center" by REC Consultants dated May 21, 2002; "Traffic Study for Solana Beach Corporate Center" by Darnell & Associates dated September 21, 2001; CDP Nos. 6-90-213, 6-90-293, 6-93-197 and 6-99-24.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-02-59 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development 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 and 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. 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.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

The permit is subject to the following 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 grading, site, landscaping and building plans for the proposed development that have been approved by the City of Solana Beach. Said plans shall be in substantial conformance with the plans submitted with this application by Dominy & Associates Architects and Wimmer Yamada and Caughey dated received by the Commission on April 3, 2002, and include the follow:

- a. Drought tolerant native or non-invasive plant materials shall be utilized.

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 legally required.

2. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans approved by the City of Solana Beach, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85th percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of all outflow drains.
- (c) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building pad shall be directed through vegetative or other media

filter devices effective at removing and/or treating contaminants such as petroleum hydrocarbons, heavy metals, and other particulates.

- (d) Opportunities for directing runoff into pervious areas located on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment to this coastal development permit or a new coastal development permit is legally required to authorize such work.
- (f) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities. 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.
- (g) Parking lots susceptible to stormwater should be swept with a vacuum regenerative sweeper on a regular basis.

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

3. Open Space Restriction.

- A. No development, as defined in section 30106 of the Coastal Act shall occur in the area generally described as Stevens Creek as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

- I. the following development, if approved by the Coastal Commission as an amendment to this coastal development permit or through a separate coastal development permit: any necessary flood control maintenance performed by the City of Solana Beach or habitat improvement project.

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI FOR THIS PERMIT, the applicant shall submit for the review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, as generally described above and shown on Exhibit #4 attached to this staff report.

4. 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 legally required.

5. Assumption of Risk. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this

permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

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 18,577 sq. ft. office building with subterranean and surface parking areas to accommodate 71 cars on a vacant approximately 38,764 sq. ft. lot. 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 office building was not constructed and the permit expired. In October 1999, the Commission also approved the construction of an office building with subterranean parking similar to what is proposed by the subject development (CDP #6-99-24/McMahon). However, the applicant at that time was also proposing to fill Stevens Creek, which contains wetlands, in order to provide parking for an approximately 25,600 sq. ft. office building. The Commission approved an office building at the site but required the applicant to redesign the project to avoid all impacts to Stevens Creek. Because all conditions of approval had not been satisfied prior to the permit's expiration date and because the applicant did not apply for an extension, the permit has expired necessitating the subject application. The subject application is consistent with the Commission earlier direction to redesign the office building to avoid all impacts to Stevens Creek.

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/Hazards. Section 30231 of the Coastal 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 30253 of the Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

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 involves the construction of an approximately 18,577 sq. ft. office building on an approximately 38,768 sq. ft. lot with an approximately 40 to 50 foot-wide section of Stevens Creek running through the eastern portion of the site from north to south. No portion of the proposed development will occur within either the bed or banks of Stevens Creek. The proposed development site is one of the last vacant parcels along Stevens Avenue that borders Stevens Creek. Stevens Creek from Interstate 5 southwest to Via De La Valle is mostly channelized with only a small portion immediately north and south of the subject site remaining as an open channel. From Via De La Valle west to San Dieguito Lagoon, the channel is open and natural. 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. On each of those sites, 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 on either side and consists of rip-rap covered with soil and mostly 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.

The applicant has provided an updated biological assessment for the subject site. Based on this assessment, the portion of Stevens Creek within the applicant's property is considered 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. Therefore, the Stevens Creek drainage on this site is a wetland as defined by the Coastal Act and, thus, subject to the protection afforded by Section 30231 and 30233 of the Act.

As noted previously, the proposed development will not involve any fill within the stream, its banks or wetlands. However, Section 30231 of the Act 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 Commission typically requires a 50 foot-wide natural buffer to separate new development from riparian habitat. However, in this particular case, given that the riparian habitat is located within an existing creek that has been channelized both up and downstream of the project area, and is surrounded by development, a full 50 foot buffer at the subject site is not necessary. Also, as previously described, the banks surrounding Stevens Creek at the subject site are approximately 20 feet wide on either side and consists of rip-rap covered with soil and mostly non-native vegetation and Stevens Creek is completely enclosed by an approximately 6 foot-high chain-link fence for its entire extent. Therefore, in this case, the existing fence and 20 foot-wide rip-rap lined banks of Stevens Creek can serve as an adequate buffer between the new development and the stream's riparian habitat.

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 from flooding. Section 30236, however, allows stream channelization for flood control purposes only where no other method of flood protection is feasible and when adequate mitigation is provided. In addition, Section 30253 requires new development to minimize risks to life and property in areas of flood hazard. Therefore, the Commission finds that it is necessary to require an open space restriction within Stevens Creek such that no development may occur therein. 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 stream protection policies of the Coastal Act. Accordingly, Special Condition #3 establishes an open space restriction that prohibits development within Stevens Creek on the subject property except for necessary flood control maintenance performed by the City of Solana Beach in compliance with an approved coastal development permit. To provide future owners with notice of this open space restriction, Special Condition #6 requires the applicant to record a deed restriction imposing all of the conditions of this permit.

Although the Stevens Creek drainage channel is not a pristine natural creek, polluted runoff entering the channel from the proposed development site can harm vegetation growing within the open channel area onsite as well as downstream. In addition, Stevens Creek carries water to San Dieguito Lagoon and eventually into the Pacific Ocean.

Polluted runoff entering the channel can have harmful effects on marine life downstream, and may pose a risk to human health which can result in beach closures, limiting public access and recreational opportunities if not controlled or managed properly. Therefore, in order to find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. Critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP), is the application of appropriate design standards for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, storm water runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85th percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e. the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition No. 2, and finds 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.

Special Condition No. 2 specifically requires the applicant to implement a drainage and runoff control plan which includes BMPs designed to treat, infiltrate, or filter stormwater runoff from each runoff event up to and including the 85th percentile, 24-hour runoff event and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs. At a minimum, these BMPs include directing drainage from all parking lot areas susceptible to runoff, used for motor vehicle parking, through structural BMPs such as vegetative or other media filter devices effective at removing and/or mitigating pollutants, sweeping the parking lots susceptible to stormwater with a vacuum regenerative sweeper on a regular basis, on-going maintenance of the drainage and filtration system and replacement and repair of such structures in event of failure.

Directing runoff through landscaping for filtration of on-site runoff in this fashion is a well established BMP for treating runoff from development such as the subject proposal. In these ways, potential problems are treated at the source such that most pollutants never enter the storm water system. With implementation of BMPs, the potential water quality impacts resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, as conditioned, the Commission finds the proposed development consistent with the cited policies of the Coastal Act.

The subject development will be located immediately adjacent to Stevens Creek an historic stream. Because of concerns of flooding in areas adjacent and downstream of

Stevens Creek, the City, has in the past, periodically maintained Steven Creek by removing vegetation. Although the risk of flooding in this area is low, the risk of flooding cannot be eliminated entirely. Therefore, in order to find the development consistent with section 30253 of the Coastal Act, the Commission finds that the applicant and future property owners must be made aware of the flooding potential and must assume the risk of property damage from flooding. Accordingly, Special Condition #5 requires the applicant to assume all risks involved with development adjacent to Stevens Creek and agree to indemnify the Commission in the event that third parties bring an action against the Commission based upon damage resulting from the approved development. Future owners of the property will also be subject to this assumption of risk condition. Special Condition #6, which requires recordation of the requirements of this permit, assures that future owners will receive notice of the assumption of risk condition.

In addition, the applicant has submitted preliminary plans that document no impacts to Stevens Creek are proposed. Special Condition #1 has been attached requiring the submission of final plans approved by the City of Solana Beach to assure that the final plans are consistent with those approved herein.

In summary, the proposed development, avoids all fill of wetlands or alteration of the stream, appropriately mitigates for the indirect affects of construction activity and runoff, provides an adequate buffer to separate the development from wetland resources and includes an open space restriction over all wetland resources and upper bank buffer areas to protect it from future development. Therefore, the Commission finds the proposed development is consistent with Sections 30231 and 30253 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 or providing substitute means of serving the development with public transportation

The Coastal Act requires that new development provide for adequate parking facilities or substitute means of serving the development with public transportation so as not to compete with or preclude the public's access to the coastal area by usurping public parking spaces. In addition, traffic congestion along public access routes generated by new development can interfere with public access opportunities. The subject development site is located approximately two blocks south of Lomas Santa Fe Drive at Stevens Avenue and Academy Drive. This intersection is approximately ½ mile from the intersection of Interstate 5 and Lomas Santa Fe Drive and approximately 1 inland mile from the shoreline. Lomas Santa Fe is the only major east/west coastal access route that leads directly from Interstate 5 to the shoreline within Solana Beach. The main beach

access and beach parking in the City is Fletcher Cove which is located at the west end of Lomas Santa Fe Drive. As such, traffic congestion on this roadway and the I-5/Lomas Santa Fe Drive intersection has the potential to affect public access to the coast.

The applicant has prepared a traffic analysis for the subject development which demonstrates that while traffic along Lomas Santa Fe Drive is currently congested during morning and evening commuting peaks, the traffic generated by the proposed development will not adversely affect public access to the beach because most beach access occurs outside of peak traffic periods for Lomas Santa Fe Drive and the proposed development ("Traffic Study for Solana Beach Corporate Center" by Darnell & Associates dated September 21, 2001). According to information supplied by the applicant, along with studies done for the County of San Diego, the highest periods of beach use typically occurs between 11:00 a.m. and 3:00 p.m. Therefore, the concern with the proposed development is whether traffic generated by the project will adversely impact beach bound traffic around these times.

In addition to existing conditions, the applicant's traffic study also provides an analysis of the potential change in Level of Service (LOS) along Lomas Santa Fe Drive resulting from the proposed development and any pending developments that could affect traffic on Lomas Santa Fe Drive. In addition to the applicant's study, Commission staff has reviewed two traffic studies prepared for adjacent or nearby development proposals that will affect traffic along Lomas Santa Fe Drive (Ref. "Traffic Impact Analysis for Solana Beach Towne Centre Office/Theatre Project" by Linscott, Law & Greenspan Engineers, dated January 20, 1999 and "Traffic Impact Analysis - Santa Fe Christian Schools Expansion", by Linscott, Law & Greenspan dated March 1, 2001).

According to all three of the reviewed traffic studies, peak traffic in the morning (7:00 to 9:00 a.m.) and evening (4:00 p.m. to 6:00 p.m.) at Lomas Santa Fe Drive and Interstate 5 is currently in excess of Level of Service (LOS) "D" which is the minimum standard provided for in the City of Solana Beach's Circulation Plan. Following completion of the subject development and all pending nearby developments (ref. CDP Nos. 6-02-48/Solana Beach Towne Centre and 6-99-146/Santa Fe Christian School), the traffic studies document that the LOS will change to LOS "E" and potentially "F" at the on and off-ramps to I-5 in both the morning and evenings. Therefore, traffic congestion at peak periods will worsen over what currently exists.

However, the question for the Commission is whether the increased traffic congestion at morning and evening peak periods will affect the public's ability to access the beach and whether the proposed development makes it worse. Based on a review of the applicant's traffic analysis and that of others, the proposed development will not adversely affect the public's ability to get to the beach. First, although these traffic studies document that the cumulative effect of all pending development in proximity to Lomas Santa Fe west of I-5 will be at an unacceptable LOS (at least according to City standards) at the I-5 and Lomas Santa Fe intersections at peak morning and evening times, the effect will only be temporary. The City is currently planning and is close to completing funding for improvements to the I-5/Lomas Santa Fe Drive interchange in order to alleviate this

congestion. Construction is anticipated to occur as soon as 2005 and its construction, according to all the previously-cited traffic reports, is predicted to result in acceptable LOS along Lomas Santa Fe Drive at all times. In addition, the City has required the applicant to contribute toward funding to the I-5/Lomas Santa Fe Drive improvements and has required their participation in other roadway improvements leading to Lomas Santa Fe Drive to mitigate traffic impacts associated with the project.

Secondly, although this intersection will be highly congested in the weekday mornings and evenings until the Lomas Santa Fe Drive and I-5 interchange upgrade occurs, public access to the beach occurs after the morning commute hours and/or on weekends. As the applicant's traffic study indicates, peak beach use is from 11:00 a.m. to 3:00 p.m. daily. Therefore, most traffic to the beach along Lomas Santa Fe Drive will occur between approximately 10:00 a.m. to noon daily. Since Lomas Santa Fe Drive will continue to operate with an acceptable LOS during these hours following completion of the proposed development, it is not anticipated that the subject project will result in adverse impacts to beach access along Lomas Santa Fe Drive. It can be argued, however, that beachgoers could be affected by the increase in traffic during the peak evening commute of 4:00 p.m. to 6:00 p.m. if beachgoers leave the beach after 4:00 p.m. However, as has been demonstrated by the various cited traffic studies, Interstate 5 at both south and northbound ramps currently operate at an unacceptable LOS during the evening peak. It is assumed that most current beach users are aware of this problem and either leave the beach early or take alternative routes to avoid the I-5/Lomas Santa Fe intersection. Therefore, as the evening peak LOS worsens, it is anticipated that beachgoers will avoid the I-5/Lomas Santa Fe Drive intersection at those times. Based on these assumptions, the proposed development will not adversely affect the ability of the public to access the shoreline.

In addition to traffic, new development has the potential to usurp public parking spaces if new development does not have adequate onsite parking to serve the development. As proposed, the approximately 18,577 sq. ft. office building will include 71 parking spaces which the City has determined is adequate to support the proposed development. However, in this case, even if parking were insufficient for the proposed development, any overflow parking onto the public street would not affect the ability of the public to access the beach since the surrounding streets in this area are not used for beach parking, which is located approximately 1 mile to the west.

In summary, while the proposed development may cumulatively result in adverse impacts to traffic along Lomas Santa Fe Drive, a major coastal access route, during the morning and evening peak commute periods, the effect will probably be only temporary until the Lomas Santa Fe Drive and I-5 interchange improvements are completed. In addition, most public access to the Solana Beach shoreline occurs outside of these peak traffic times such that public access to the shoreline will not be adversely affected. Therefore, the Commission finds the proposed development 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. In addition, the applicant has submitted conceptual landscaping for the proposed development. Since they are only conceptual, Special Condition #1 requires the submission of final landscape plans that will serve to make the proposed development more compatible with surrounding development. The landscape condition also limits landscaping to drought-tolerant native and non-invasive species so that downstream resources will not be adversely affected. In addition, the applicant did not include and the City has not yet approved any sign program for the proposed office building. Typically the Commission and the City restrict the size, number and extent of signage of commercial developments to protect against visual blight that could result from excessive or large signage. As such, Special Condition #4 is attached which requires the submission of a comprehensive sign program that details that only monument or facade signs are proposed and that prohibits tall freestanding signs. With this condition, the Commission can be assured that any proposed signage will not adversely affect the visual character of the surrounding community and will be consistent with other commercial signage restrictions in the area.

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.

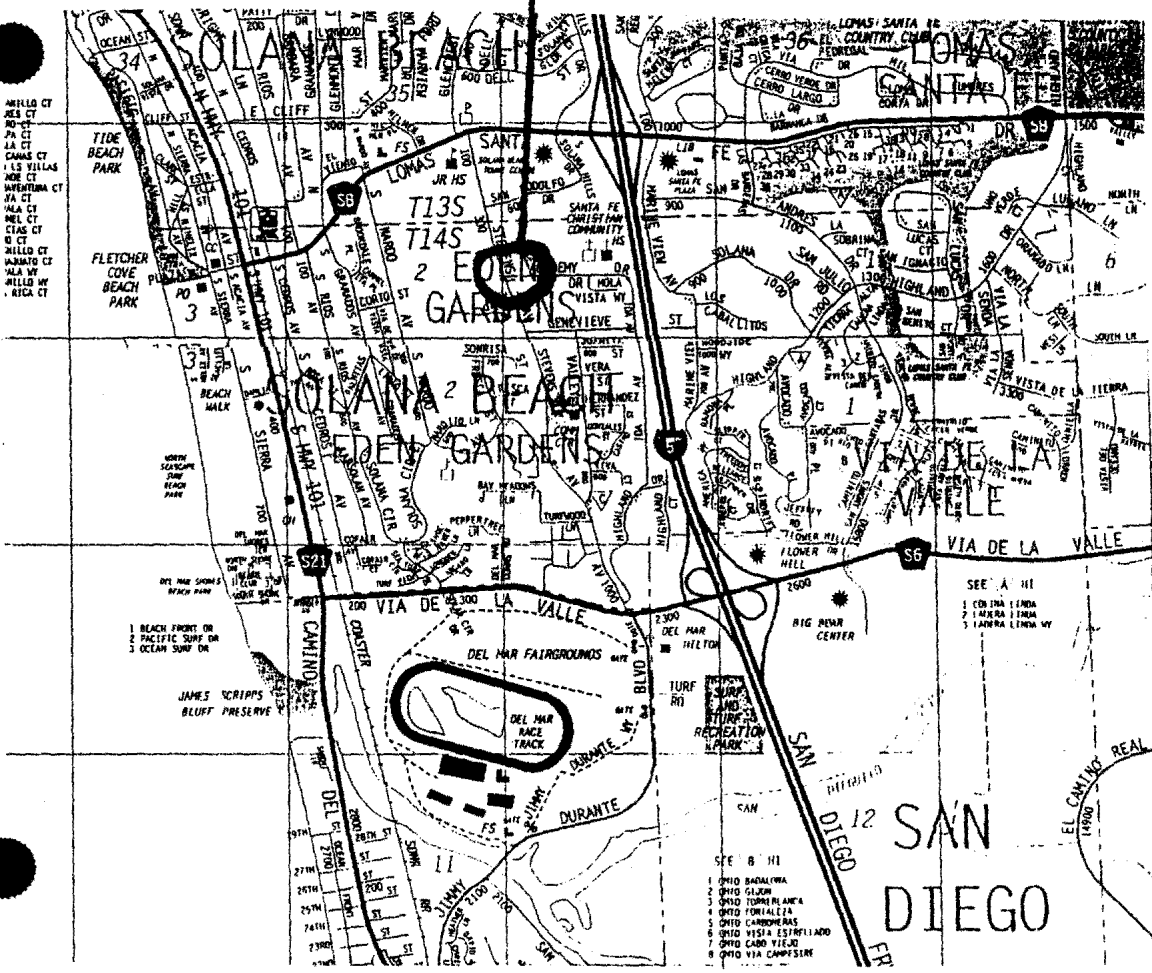
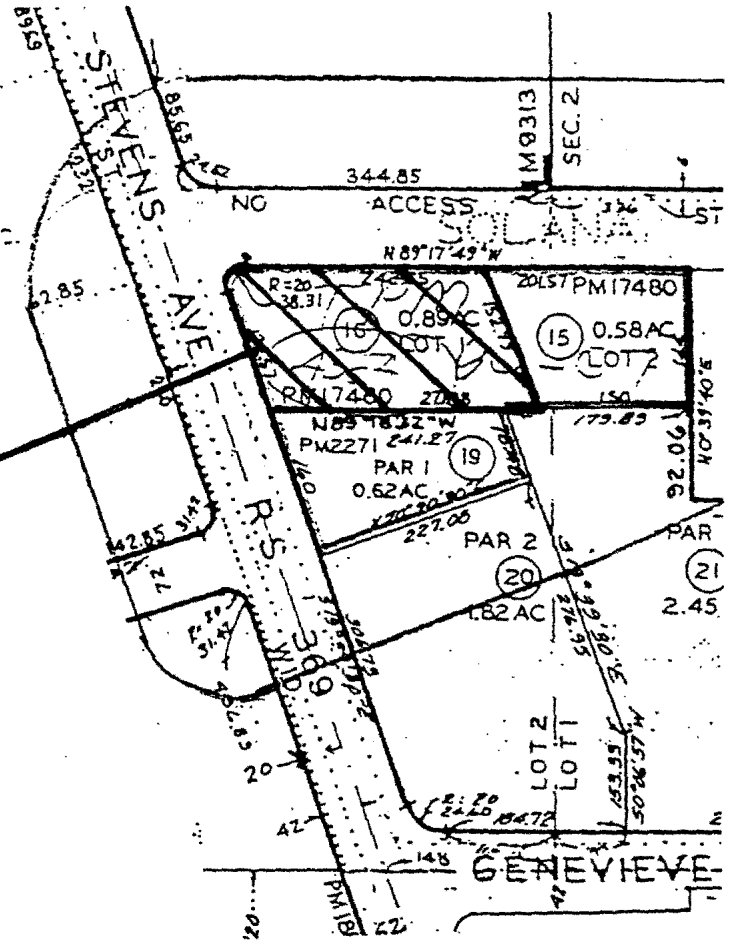
6. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental 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 open space deed restriction, drainage and runoff control plans, landscaping plans, and signage program 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 is 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

Site



N↑

EXHIBIT NO. 1
APPLICATION NO.
6-02-59
Location Map
California Coastal Commission

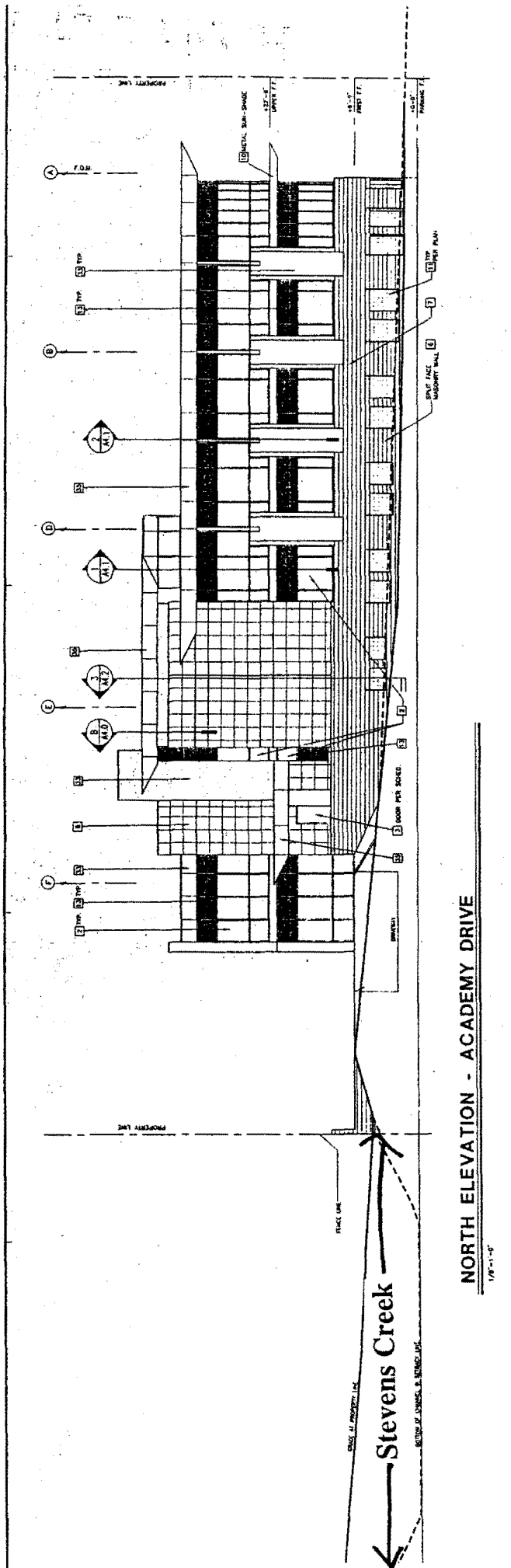


EXHIBIT NO. 3
APPLICATION NO.
6-02-59
North Elevation
California Coastal Commission

Identified by: — — — —

