

Th19g

~~XXXXXXXXXX~~

December 4, 2007

David J. Kramer, President
Oakhurst Builders
444 S. Cedros Ave. #250
Solana Beach, CA 92075

RECEIVED
MAR 03 2008
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Solana Beach City Council
City of Solana Beach
635 So. Highway 101
Solana Beach, Ca 92075

RECEIVED
DEC - 7 2007
CITY CLERK'S OFFICE
CITY OF SOLANA BEACH

RE: New Office Building at 700 Stevens Avenue

Dear City Council:

I am the owner and builder of the new office building at 663 Valley Avenue, located just north and east of the proposed building at 700 Stevens Avenue. I have reviewed the drawings and offer my support of the project. This will be an extremely high quality development within the area.

Good luck with the project!

Regards,

Signature on File

David J. Kramer

David J. Kramer

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MAR 03 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

12/11/07

~~RECEIVED~~ Th 19g

From: John Halper
Managing partner at 646 and 648 Stevens Ave.
Solana Beach CA. 92075
760-310-2643

RECEIVED

DEC 12 2007

CITY CLERK'S OFFICE
CITY OF SOLANA BEACH

To: The Solana Beach City Council
635 S. Highway 101
Solana Beach CA. 92075

Re; Support for the proposed office building at 700 Stevens Ave.

Council Members, as the owner of residential units along Stevens Avenue I have observed with interest the commercial redevelopment of the surrounding neighborhood. From Dr. Sheppards offices to the north of us to the new projects to the south along Valley Ave. I appreciate the quality of materials and architectural design. After reviewing the drawings of the proposed office building at 700 Stevens it appears to be no exception and I therefore offer my support of the project.

I have spoken to my tenant, David Gilroy, and I would suggest to the developers that they look into the replacement of trees that must be removed as part of this project. A large tree at the northeast corner of the property would be desirable as the view from our units (including Mr. Gilroys) are to the south, towards La Colonia Park and this would help to provide a reasonable buffer over time. The bamboo and giant bird of paradise along the northern property line should also help.

Sincerely,

Signature on File

John Halper

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MAR 03 2008

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

~~TH 19g~~ Th 19g



WARD ELL
B U I L D E R S I N C.
CUSTOM HOMES | REMODELING | HOME MAINTENANCE

December 6, 2006

Solana Beach City Council
City of Solana Beach
635 So. Highway 101
Solana Beach, Ca 92075

RECEIVED

DEC - 7 2007

CITY CLERK'S OFFICE
CITY OF SOLANA BEACH

RE: Brio Office Building (700 Stevens Avenue)

Dear City Council:

I am writing in support of the new building at 700 Stevens Avenue proposed by Jonathan Neeley and the Brio Investment Group. I have worked with Jonathan and his family for over 10 years and welcome them and the Brio Investment Group to our community. This building is well designed and would be a welcome addition to the architecture in our city. The Stevens Avenue corridor will be greatly enhanced by this project and the community will benefit by having a company like Jonathan's relocate to Solana Beach. This is the type of company and the type of site sensitivity that adds to our town.

Thank you,

Signature on File

Terrence Wardell
President Wardell Builders Inc.

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February 20, 2008

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FEB 21 2008

California Coastal Commission
7575 Metropolitan Drive
Suite 103
San Diego, CA 92108

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Members of the California Coastal Commission:

I am writing to you about the proposed construction of an office building at 700 Stevens Avenue in Solana Beach (**Application # 6-08-017**). The building plans for this project call for the removal of all existing vegetation from the building site including three very large and mature eucalyptus trees located along the site's eastern border with Stevens Creek.

I want to voice my strong opposition to the destruction of these trees for a number of reasons.

1) These three eucalyptus trees serve as a habitat for a variety of birds including at least one nesting site for a family of red-tailed hawks. In addition, these three trees also serve as a way station for birds traveling along the flyway that exists between the San Elijo and San Dieguito Lagoons that border Solana Beach on the north and the south. In my opinion, destruction of these valuable and purposeful trees would cause significant harm to the wildlife of Solana Beach and the surrounding areas.

2) Destruction of these trees, which are among the oldest and tallest in Solana Beach, would also do irreparable harm to the character and charm of the Eden Gardens neighborhood of Solana Beach. At a time when communities across the country – and particularly in Southern California – are struggling to retain their personality and historic appeal, the destruction of full grown and landmark trees makes absolutely no sense at all. Shade trees and other mature native vegetation are among the most valuable assets that any community can have. It would be ironic, indeed, for three of Solana Beach's oldest residents to fall victim to development as they stand just yards away from the Solana Beach Heritage Museum whose mission is to celebrate the traditions and legacies of our local community.

Thank you for taking my concerns into consideration and please keep me informed about any public hearings scheduled for Application # 6-08-017 as well as your final decision on the fate of this project.

Sincerely,

Signature on File

David S. Gilroy
648-B Stevens Avenue
Solana Beach, CA 92075
dsgilroy@aol.com
858-775-8507

Received

FEB 21 2008

California Coastal Commission
San Diego Coast District

Letter of Opposition

39

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4421
 (619) 767-2370



Th19g

Filed: February 1, 2008
 49th Day: March 21, 2008
 180th Day: July 30, 2008
 Staff: DL-SD
 Staff Report: March 18, 2008
 Hearing Date: April 9-11, 2009

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-08-17

Applicant: Stevens Street LLC

Agent: Robert Scott

Description: Construction of a 16,740 sq.ft. two-story office building with one level of subterranean parking on a vacant lot; consolidation of three lots into one 29,000 sq.ft. lot.

Lot Area	29,000 sq. ft.
Building Coverage	8,750 sq. ft. (30%)
Pavement Coverage	13,350 sq. ft. (46%)
Landscape Coverage	6,900 sq. ft. (24%)
Parking Spaces	34
Zoning	Commercial
Plan Designation	Commercial
Ht abv fin grade	35 feet

Site: 700 Stevens Avenue, Solana Beach, San Diego County.
 APN 298-131-22, -27, -28.

Substantive File Documents: of Solana Beach General Plan and Zoning Ordinance; City of Solana Beach SRP/SDP #17-06-22; Initial Study and Mitigated Negative Declaration 700 Stevens Avenue Commercial Office Building Project, Prepared by the City of Solana Beach, dated 11/20/07.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending approval of the proposed project, with special conditions. The proposed commercial structure will not have any adverse impacts on views, public access, or water quality. The project would result in the removal of several mature eucalyptus trees. However, as conditioned, the site must be monitored for the presence of any nesting birds prior to any construction activities occurring during January 31st through September 1st, to ensure impacts to raptors or other sensitive birds are avoided. As conditioned, a minimum of 17 new trees

would be planted on the site. The Commission's resource ecologist has reviewed the project and determined that, as conditioned, no adverse impacts to sensitive species would occur.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-08-17 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:

1. Revised Landscape Plans: PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan approved by the City of Solana Beach in substantial conformance with the preliminary landscape plan by MW Peltz & Assoc. dated 10/23/06, but revised as follows:

- a. Trees located within the City-required sewer easement on the eastern border of the property shall be removed. A minimum of 17 trees (min. 24-inch box size) shall be located around the building outside of the sewer easement to soften views of the building from surrounding streets and La Colonia Park.
- b. Landscaping on the site shall emphasize the use of drought-tolerant native species. Use of drought-tolerant, non-invasive ornamental species and lawn area is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.
- c. The planting plan shall be implemented within 60 days of completion of construction.
- d. All required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

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. Sign Program. By acceptance of this permit, the applicant agrees to the following:

Only monument signs, not to exceed eight feet in height, or facade signs are permitted. No tall, free-standing pole or roof signs are allowed.

3. Disposal of Graded Soils. By acceptance of this permit, the applicant agrees to either dispose of the graded soils outside of the coastal zone, or, if the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

4. Sensitive Species Monitoring. By acceptance of this permit, the applicant agrees to implement the following mitigation measures as contained in the "Mitigation Monitoring and Reporting Program for the 700 Stevens Avenue Project" dated 11/20/07:

Prior to any construction activities during the birds or raptor breeding/nesting season (Jan 31st – Sept 1st) a qualified biologist shall conduct a site survey for active nests 2 weeks prior to any scheduled development. If an active nest(s) is located, then no construction work shall be conducted within a 300 foot radius in all directions from the nest and a 500 foot radius of raptors, until the young have fledged and are independent of the adults.

5. Water Quality Management Plan (WQMP). PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, two (2) copies of a Final Water Quality Management Plan (WQMP) for the post-construction project site, prepared by a licensed water quality professional, and shall include plans, descriptions, and supporting calculations. The WQMP shall incorporate structural and non-structural Best Management Practices (BMPs) designed to reduce, to the maximum extent practicable, the volume, velocity and pollutant load of stormwater and dry weather flows leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- a. Appropriate structural and non-structural BMPs (site design, source control and treatment control) shall be designed and implemented to minimize water quality impacts to surrounding coastal waters.
- b. Impervious surfaces, especially directly connected impervious areas, shall be minimized, and alternative types of pervious pavement shall be used where feasible.
- c. Irrigation and the use of fertilizers and other landscaping chemicals shall be minimized.
- d. Trash, recycling and other waste containers, as necessary, shall be provided. All waste containers anywhere within the development shall be covered, watertight, and designed to resist scavenging animals.
- e. All parking lots shall be swept and litter shall be removed on a regular basis (i.e. no less than once every two weeks). The parking lots shall not be sprayed down or washed down unless the water used is directed through the sanitary sewer system or a biofiltration area.

- f. The detergents and cleaning components used on site shall comply with the following criteria: they shall be phosphate-free, biodegradable, and non-toxic to marine wildlife; amounts used shall be minimized to the maximum extent practicable; no fluids containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates, or lye shall be used.
- g. Runoff from all roofs, roads and parking areas shall be collected and directed through a system of structural BMPs including vegetated areas and/or gravel filter strips or other vegetated or media filter devices. The system of BMPs shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants (including trash and debris, sediment, nutrients and pesticides, and vehicular fluids such as oil, grease, heavy metals and hydrocarbons) through infiltration, filtration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the developed site in a non-erosive manner.
- h. Post-construction structural BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter the amount of stormwater runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs.
- i. All BMPs shall be operated, monitored, and maintained for the life of the project and at a minimum, all structural BMPs shall be inspected, cleaned-out, and where necessary, repaired at the following minimum frequencies: (1) prior to October 15th each year; (2) during each month between October 15th and April 15th of each year and, (3) at least twice during the dry season.
- j. Debris and other water pollutants removed from structural BMP(s) during clean-out shall be contained and disposed of in a proper manner.
- k. It is the permittee's responsibility to maintain the drainage system and the associated structures and BMPs according to manufacturer's specifications.

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 a Commission 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. Detailed Project Description. The proposed project is construction of a 16,740 sq.ft. two-story office building with one level of subterranean parking on three adjacent vacant lots located on the east side of Stevens Avenue in the City of Solana Beach, west of Interstate 5. The site is adjacent to the north side of La Colonia Park, a 3.79-acre community park. Thirty-four underground and thirty-three surface parking spaces would be provided. The surface level parking would be available to users of La Colonia Park after 5 pm on weekdays and all day on weekends. The three existing parcels (approximately .34, .18, and .14 acres) would be consolidated into one .66 acre parcel. Curb, gutter, and sidewalk improvements to Stevens Avenue are also proposed, which will result in a continuous sidewalk from La Colonia Park to the existing sidewalk terminus approximately 500 feet north of the subject site. The applicant has indicated LEED (Leadership in Energy and Environmental Design) certification is anticipated for the project.

The project would remove three to four mature eucalyptus trees located on the eastern border of the project site, and one pepper tree located immediately east of the property on City of Solana Beach property. The City has required removal of these trees because they are located in a 5-foot wide sewer easement (an expansion of an existing easement over the sewer line adjacent to the site), and the City wants the easement clear of obstructions.

Approximately 2,500 sq.ft. of exported material would be required to prepare the site for construction. Since the applicant has not identified the location of the proposed export location, Special Condition #3 has been attached which requires that if the disposal site is within the coastal zone, the applicant must obtain or provide evidence of a coastal permit authorizing its disposal, if necessary.

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 since then, the City of Solana Beach incorporated. The City of Solana Beach does not yet have a certified Local Coastal Program. As such, the standard of review for the proposed development is Chapter 3 of the Coastal Act.

2. Conformance with Chapter 3 Policies.

Section 30240 of the Coastal Act is applicable and states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Section 30231 of the Coastal Act is applicable to the proposed development and 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.

Section 30251 of the Act states in part:

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.

Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act address public access to the shoreline.

The proposed project would remove several mature eucalyptus trees. An arborist's report submitted by the applicant determined that the construction of the proposed project would likely damage the root system of the trees, and recommended removal of the trees. In addition, as noted above, in its approval of the project, the City of Solana Beach has required removal of these trees because they are located in a sewer easement expansion required by the City, and the City wants the easement clear of obstructions.

Eucalyptus trees can be habitat for raptors and other bird species. Raptors are considered sensitive due to their protection under the federal Migratory Bird Treaty Act and California Fish and Game Code; thus, direct or indirect disturbance to active raptor nests may be a significant impact. The mitigated negative declaration for the project reports that a biological survey was performed on September 24, 2007 to identify the presence of raptors or other birds nesting in vegetation on or adjacent to the site. The survey did not identify any nesting birds, although the survey was conducted outside of the typical breeding/nesting season for raptors.

To ensure that no impacts to sensitive bird species result from the project, the applicant is required to implement mitigation measures. Prior to the commencement of any

construction activities during January 31st through September 1st, a qualified biologist must conduct a site survey for active nests 2 weeks prior to any scheduled development. If an active nests(s) is located, then no construction work may be conducted within a 300 foot radius in all directions from the nest, and a 500 foot radius of raptors, until the young have fledged and are independent of the adults. The Commission's resource ecologist has reviewed the project, and determined that the proposed mitigation will adequately protect any sensitive species on the site. Special Condition #4 requires implementation of this mitigation measure.

To compensate for the loss of the tree on City property, the applicant is required to offer the City two 48-inch box trees to be planted at La Colonia Park. Overall, the proposed landscaping around the perimeter of the site would include a minimum of 17 trees around the site that will provide adequate softening of the building appearance from surrounding public streets and the adjacent public park, consistent with the visual protection policies of the Coastal Act. Because the landscape plan submitted with the application is a preliminary plan, Special Condition #1 requires submittal of a final landscape plan including the 17 large trees proposed in the preliminary plan. Special Condition #2 protects visual quality by limiting signage to only monument or facade signs less than 8 feet in height, and prohibiting any freestanding pole signs.

To ensure impacts to coastal waters are avoided or minimized, Special Condition #5 requires the applicant to submit a final water quality management plan providing for appropriate structural and non-structural BMPs. Thus, the biological productivity and quality of coastal waters will be protected.

The project will provide adequate parking to serve the proposed development, and a traffic study for the project determined that the project will only make a minor contribution to the surrounding traffic circulation system. The project is located nearly a mile inland and is not expected to have any adverse impact on the ability of the public to access the shoreline. Thus, as conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities.

In summary, as conditioned the proposed project will not adversely affect sensitive bird species, water quality, visual resources, or public access. Therefore, the Commissions find the project consistent with the policies of Chapter 3 of the Coastal Act.

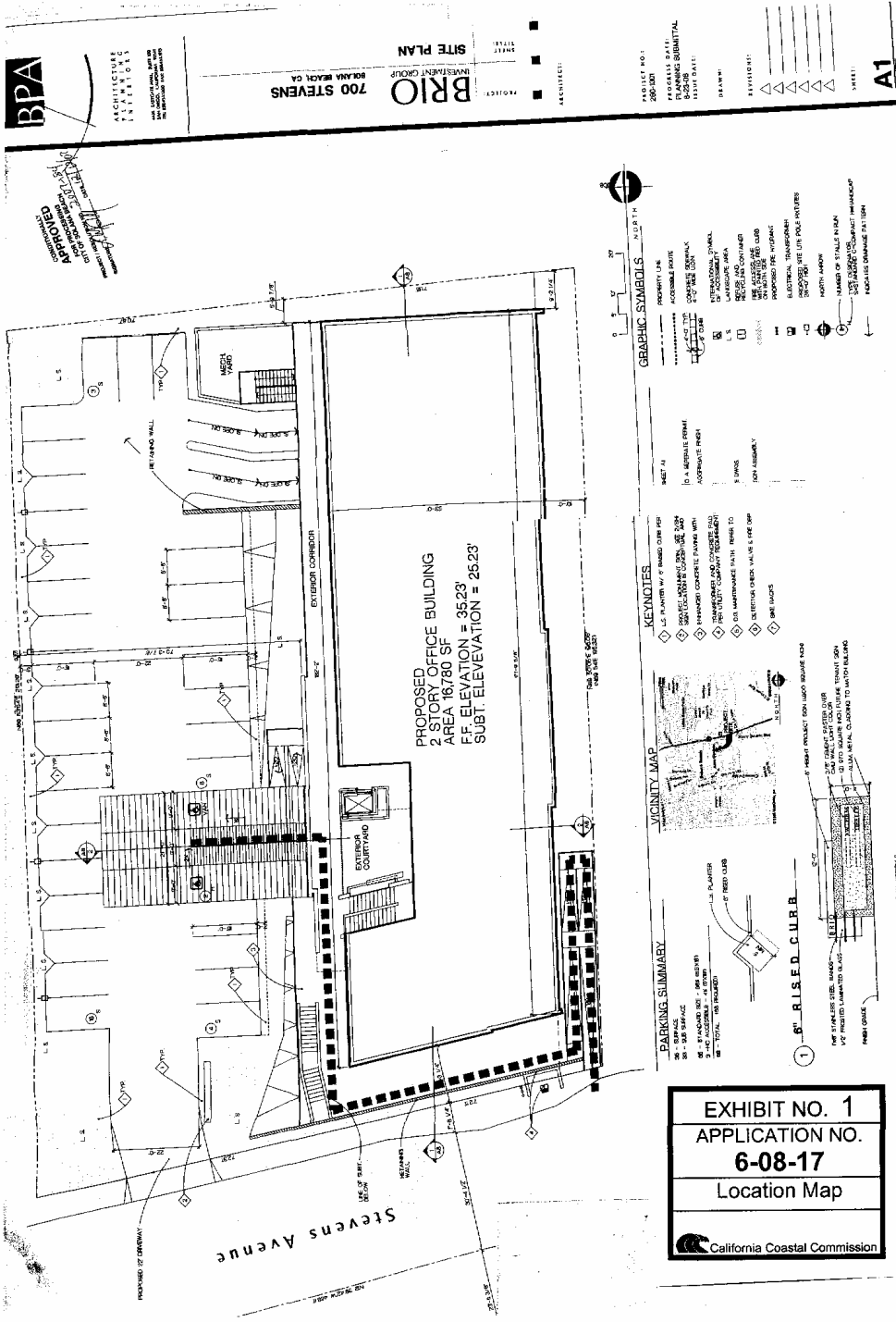
3. Local Coastal Program. The City of Solana Beach does not have a certified LCP at this time. Thus, the Coastal Commission retains permit jurisdiction in this community and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the City of Solana Beach to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

4. California Environmental Quality Act. As conditioned, there are no feasible alternatives or feasible mitigation measures available which available which would substantially lessen any significant adverse effect which the activity may have on the

environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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.



BPA
ARCHITECTURAL
INSTITUTIONAL
1000 S. GARDEN AVENUE, SUITE 100
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BRIO
INVESTMENT GROUP
700 STEVENS
GARDEN GROVE, CA

SITE PLAN

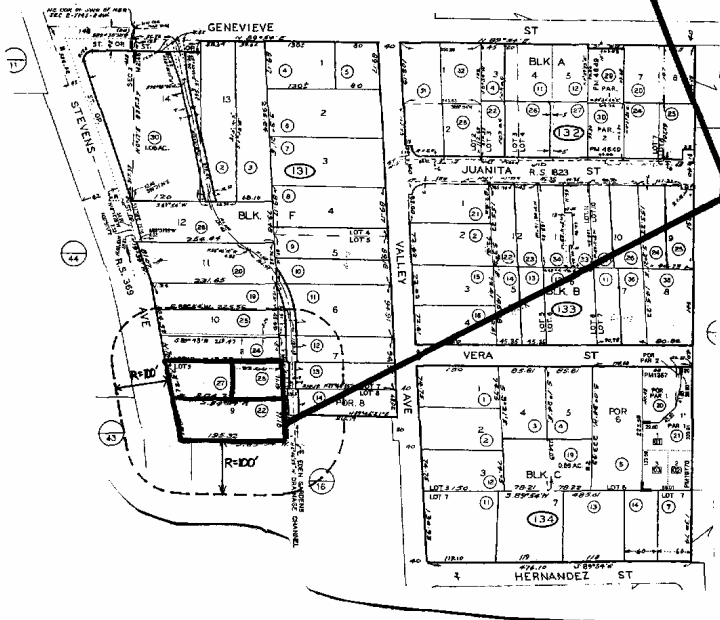
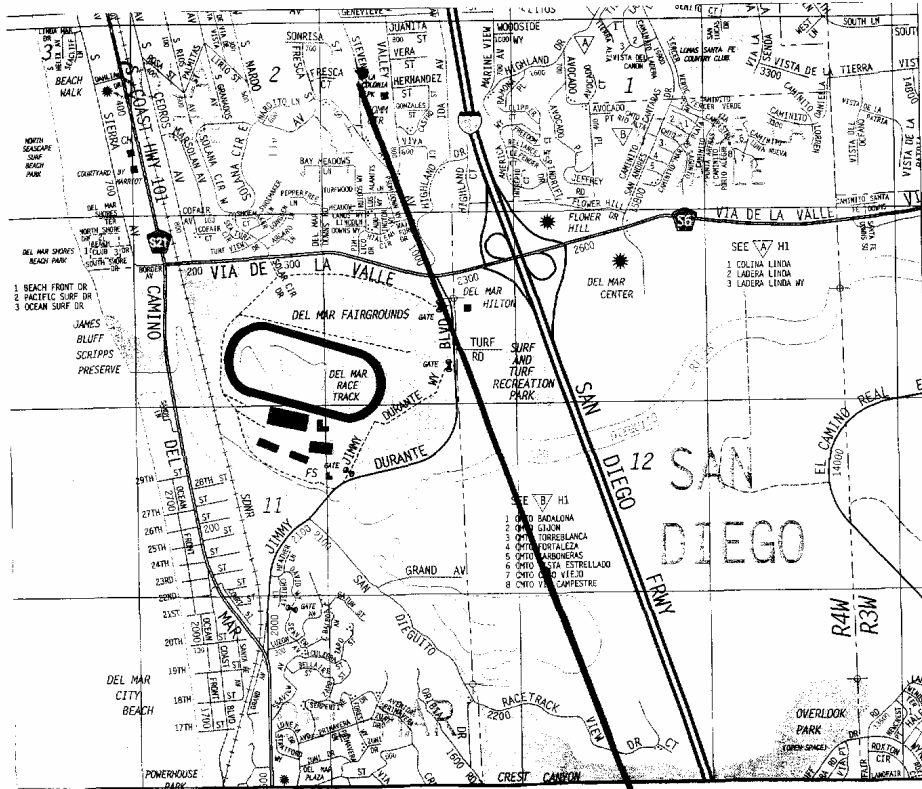
PROJECT: _____
SHEET: _____
ARCHITECT: _____

PROJECT NO.: _____
PROJECT DATE: _____
PLANNING SUBMITTAL: _____
REVISION DATE: _____
DRAWN: _____
REVIEWED: _____
DATE: _____

A1

EXHIBIT NO. 1
APPLICATION NO.
6-08-17
Location Map

California Coastal Commission



SITE

EXHIBIT NO. 2
APPLICATION NO.
6-08-17
Site Plan

