CALIFORNIA COASTAL COMMISSION

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





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Filed:Septembre49th Day:October180th Day:March 6Staff:EStevenStaff Report:OctoberHearing Date:Novembre

September 8, 2011 October 27, 2011 March 6, 2012 EStevens-SD October 14, 2011 November 4, 2011

AMENDMENT REQUEST STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-98-086-A1		
Applicant:	Solana Beach Presbyterian Church	
Agent:	Horine Group, Attn: Steve Horine and Kathryn Conniff	
Original Description:	Conversion of an existing 24,000 sq. ft., three-building office complex into 11,600 sq. ft. of church classrooms and 1,400 sq. ft. of chapel/assembly area on a 2 acre lot. Remaining 11,000 sq. ft. of area to remain office.	
Proposed Amendment:	Interior and exterior improvements to an existing 27,175 sq. ft. commercial building including the addition of a 220 sq. ft. elevator tower and an approximately 200 sq. ft. detached flower kiosk on an 86,669 sq. ft. site in order to accommodate a 169 student preschool, a children's nursery, meeting rooms, and office and support areas. Two existing parking lots will be redesigned and will maintain an equivalent number of parking spaces as currently exist.	
Site:	225 Stevens Avenue, Solana Beach, San Diego County (APN 263-421-09)	

STAFF NOTES:

<u>Summary of Staff's Preliminary Recommendation</u>: Staff is recommending approval of the proposed development with conditions. The primary coastal issues involved with the proposal are public access, availability of parking, and potential impacts to sensitive species habitat. As conditioned, the subject application assures the beach parking and primary access routes to the coast will not be impacted and that any potential impacts to sensitive bird habitat will be avoided.

Substantive File Documents: CDP #6-98-86; Tree Exhibit by Sowards & Brown Engineering received 8/12/062; Site Plans by Dominy + Associates Architects dated 4/20/2011; Staff Report by City of Solana Beach dated 7/13/2011; Resolution by City of Solana Beach received 8/12/2011; Categorical Exemption Report by Rincon dated April 2011; Memorandum by Shankar Ramakrishnan/Chris Mendiara LLG, Engineers dated 2/3/2011; Preliminary Geotechnical Evaluation by EEI Geotechnical & Environmental Solutions dated 3/15/20111; Email from Kathryn Conniff concerning LOS on Lomas Santa Fe dated 10/7/2011.

I. <u>PRELIMINARY STAFF RECOMMENDATION</u>:

The staff recommends the Commission adopt the following resolution:

<u>MOTION</u>: I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-98-86 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment 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 A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and subject to conditions, 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 amendment 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 amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions.

The permit is subject to the following conditions:

1. The following shall replace, in its entirety, Special Condition #1 of the original permit:

1. <u>Future Development Restriction.</u> This permit is only for the development described in coastal development permit No. <u>6-98-86-A1</u>. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development as defined in PRC section 30106, including, but not limited to, a change in the density or intensity of use land, shall require an amendment to Permit No. <u>6-98-86-A1</u> from the California Coastal Commission or shall require an additional coastal development permit from the California Coastal Commission or from the applicable certified local government.

2. <u>Sensitive Species Monitoring</u>. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, a qualified biologist shall conduct a site survey for evidence of historic or active colonial water bird, raptor, or owl nests in all on-site trees that are proposed to be removed. If any historic nests are found, the subject trees shall be replaced on-site with the same number of native or non-invasive non-native trees suitable for colonial water bird, raptor, or owl habitat. Prior to any construction activities during colonial water bird, raptor, or owl 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. The results of the site survey shall be submitted to the San Diego office of the California Coastal Commission. 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.

3. <u>Condition Compliance</u>. Within 90 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Project History/Amendment Description</u>. The proposed project involves changing the usage ratio of an existing three-building, 27,125 sq. ft. commercial office complex, the addition of a 220 sq. ft. elevator, the addition of an approximately 200 sq. ft. detached retail kiosk, and re-alignment of the two existing parking lots to facilitate a new pre-school playground on a 86,669 sq. ft. lot (see exhibit #3). The major usage change is the re-location and expansion of an existing pre-school from an adjacent property also

owned by the applicant to the subject site. The existing pre-school on the adjacent site has a maximum enrollment of 135 students, while the proposed, relocated pre-school on the subject site will have a maximum enrollment of 169 students. There are currently 96 parking spaces on the subject site, of which all will be retained. 295 cubic yards of cut and fill grading is proposed and 70 cubic yards of soil imported from outside the coastal zone will be used.

The project site is located on the northeast corner of San Rodolfo Drive and Stevens Avenue in Solana Beach. The applicant also owns the property directly to the north, which is an existing church site and is the current location of the pre-school (see exhibit #1 & #2). Past Commission actions on the project site include conversion of the subject commercial building from only office space to church classrooms, chapel/assembly area, and office area (CDP #6-98-086) and interior remodeling a 1,725 sq. ft. section of the subject building for church assembly and office use (CDP #6-85-133). Past Commission actions on the adjacent property to the north at 120 Stevens Avenue include placement of two temporary modular structures for use as office and classroom space and reduction in parking to 237 spaces (CDP #6-92-63) and remodel and additions to the existing church complex, including expansion of the sanctuary, construction of a new fellowship hall/classroom building, remodeling of existing classrooms, and additional parking (CDP #6-85-133).

There are various discrepancies between the information contained within the underlying CDP (CDP #6-98-86) and the information submitted with this application. When the Commission reviewed the CDP in 1998 the application stated that the three-building complex was 24,000 sq. ft. and had 102 on-site parking spaces. However, the applicant now asserts that the complex is currently and always has been 27,175 sq. ft. and that there are currently only 96 on-site parking spaces. The applicant's architect has performed a field verification of the three-building complex and confirmed that it is 27,175 sq. ft. Additionally, the applicant has analyzed the original building plans from 1979 and confirmed that the three-building complex as currently built is comparable to the original building plans. The applicant has also verified that the existing parking lots are the same size and in the same configuration as shown in the 1979 plans. Finally, the applicant obtained building records from the County Assessor that show the complex is 27,411 sq. ft. The City of Solana Beach planning staff and Commission staff have reviewed the 1979 building plans in relation to the current plans and concur with the applicant that the structure is not 24,000 sq. ft. Commission staff has also reviewed the site plan submitted with CDP #6-98-86 and confirmed that the complex at that time was approximately 27,000 sq. ft., even though the total sq. ft. stated on the 1998 plans was 24,000 sq. ft.

The 1998 CDP clearly stated the ratio of use for the subject site and conditions of the permit mandate future development proposals for the site would need a separate coastal development permit or an amendment to the CDP (see exhibit #4). At that time, it appears the Commission was concerned that more of the complex would be converted from office use to classroom/assembly use. According to the applicant, the usage ratios

of the subject site were subsequently changed without a CDP amendment or a new CDP, in apparent violation of CDP #6-98-86.

The approved uses of the complex under CDP #6-98-86 were as follows:

- From Monday Through Friday
 - o 11,600 sq. ft. of classroom area
 - o 0 sq. ft. children's nursery area
 - o 1,400 sq. ft. of meeting room area
 - o 11,000 sq. ft. of office and support area
- Saturday
 - o No usage
- Sunday
 - o 3,923 sq. ft. of classroom area
 - o 300 sq. ft. of children's nursery area
 - o 1,697 sq. ft. of meeting room area
 - \circ 0 sq. ft. of office and support area

The applicant asserts that the existing uses of the complex are as follows:

- From Monday Through Friday
 - 0 sq. ft. of classroom area
 - o 300 sq. ft. children's nursery area
 - o 10,418 sq. ft. of meeting room area
 - o 16,457 sq. ft. of office and support area
- Saturday
 - No usage
- Sunday
 - o 3,923 sq. ft. of classroom area
 - o 300 sq. ft. of children's nursery area
 - o 1,697 sq. ft. of meeting room area
 - 0 sq. ft. of office and support area

The proposed uses of the complex are as follows:

- From Monday Through Friday
 - o 5,920 sq. ft. of classroom area
 - o 719 sq. ft. children's nursery area
 - o 3,526 sq. ft. of meeting room area
 - o 17,010 sq. ft. of office and support area
- Saturday
 - o No usage
- Sunday
 - o 1,389 sq. ft. of classroom area
 - o 719 sq. ft. children's nursery area
 - o 2,137 sq. ft. of meeting room area

o 0 sq. ft. of office and support area

CDP #6-98-86 approved a shared parking agreement between the subject site and the adjacent church property to the north. Additionally, the 1998 CDP limited the hours of operation of the classroom and assembly area on the subject site. The parking arrangement was designed to minimize use of the site for classroom and assembly on Sunday morning, when demand for parking in the area is highest due to religious services on the adjacent church site. In addition, to ensure there were no parking conflicts during the week, no more than 4,800 sq. ft. of classroom and assembly uses were permitted to occur between 8:00 AM and 5:00 PM Monday through Friday. However, the applicant no longer proposes a shared parking agreement and intends to provide all parking for the three-building complex on the subject site.

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. <u>Public Access/Parking</u>. Section 30252 of the Coastal Act states, in part, that:

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 so as not to compete with or preclude the public's access to coastal areas by usurping onstreet public parking spaces. Because inadequate parking and congestion interfere with public access opportunities, the provision of adequate off-street parking or substitute means of serving the development with public transportation is critical for all commercial, recreational and residential development in near shore areas.

To determine the quantity of parking spaces that would be adequate to protect public access to the coast, the Commission may consider, for guidance purposes, the amount of parking required in the Solana Beach Municipal Code. Looking at the entire site, with an existing building floor area of 27,175 sq. ft. and its current breakdown of uses, 110 parking spaces would be required under the City municipal code. In the case of the proposed project, there will an approximate 440 sq. ft. increase in floor area, and the amount of parking on the site will remain at 96 parking spaces. Under the proposed amendment, the building floor area would be approximately 27,595 sq. ft., but the mix of uses within the building would change, and thus with the proposed breakdown of new uses, only 97 parking spaces would be required under the City municipal code. The City

interprets that its parking code does not require additional parking for the new elevator or the new kiosk, however, the Commission considers elevators and kiosks in the calculation required parking. Therefore, 2 additional parking spaces are required to serve the additional 420 sq. ft. of commercial space provided by the elevator and the kiosk. Thus, the complex as proposed in the amendment requires a total of 99 parking spaces.

The amount of space allocated for office use will be reduced and replaced with preschool classroom space, a less parking intensive use. Thus, the proposed project will improve parking conditions on the site. The subject three-building complex does not qualify of as a non-conforming use in terms of parking, because in 1998, the Commission found that the site did conform to parking standards through a shared use parking agreement with the site adjacent to the north. Chapter 3 of the Coastal Act is the standard of review for the proposed project, and the Coastal Act does not include specific parking ratios, but rather requires that parking be adequate for the particular development and site location such that adverse impacts on public beach access do not occur. In coordination with the City of Solana Beach approval of the project, the applicant is required to submit a traffic and parking management and monitoring plan on a semi-annual basis to the City. Additionally, the City approval mandates that the preschool shall only be in operation Monday through Friday and that the applicant shall provide a trained employee to guide vehicular traffic and manage both parking lots during drop off and pick up of the students. In the case of the proposed project, the subject site is located approximately ³/₄ miles from the coast. Because of the distance from the beach and the absence of nearby public recreational facilities, a 3 parking space deficiency in this area does not have the potential to impact the amount of parking available to beach users.

The primary Coastal Act concern for this project is impacts to traffic circulation on Lomas Santa Fe Drive, a primary coastal access road. To address this concern, the applicant has submitted a traffic analysis that shows that the impact of the project on Lomas Santa Fe will not be substantial. In addition, the major change to the building will be the pre-school operation. While this operation is new to the site, it is moving from the adjacent site (although expanding somewhat as well) and as such, will not result in a substantial increase in traffic on the adjacent roadways. Given that the uses of the site decrease required parking and the project will not substantially impact access to the coast, the proposed project is consistent with Section 30252 of the Coastal Act.

To ensure that in the future the floor area in the proposed structure is not converted to higher intensity uses without Commission review which may require more parking spaces, Special Condition #1 notifies the applicant that future changes or additions to the building require review by the Commission as an amendment to this permit or a new coastal development permit. Therefore, as conditioned, the Commission finds the proposed project consistent with the public access policies of the Coastal Act.

3. <u>Biological Resources</u>. 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.

The proposed project would remove several mature trees, which can serve as 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. To ensure that no impacts to sensitive bird species result from the project, the applicant is required to implement mitigation measures. Prior to issuance of the permit, a qualified biologist must conduct a site survey for historic and active nests. If a historic nest is found in a tree slated for removal, that tree shall be replaced on-site with a native or noninvasive non-native tree suitable for raptor, colonial water bird or owl habitat. 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. Special Condition #2 requires implementation of this mitigation measure. Therefore, as conditioned, the Commission finds the proposed project consistent with the biological resources policies of the Coastal Act.

4. <u>No Waiver of Violation</u>. Development has occurred on the subject site without required coastal development permits, including, but not limited to, revisions to the various uses within the three-building complex. Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on these permit applications does not constitute a waiver of any legal action with regard to the alleged violations nor does it constitute an admission as to the legality of any development undertaken on the subject sites without a coastal permit.

5. <u>Local Coastal Program</u>. 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.

6. <u>California Environmental Quality Act</u>. 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 discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, is consistent with the public access and resource protection policies of the Coastal Act. There are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

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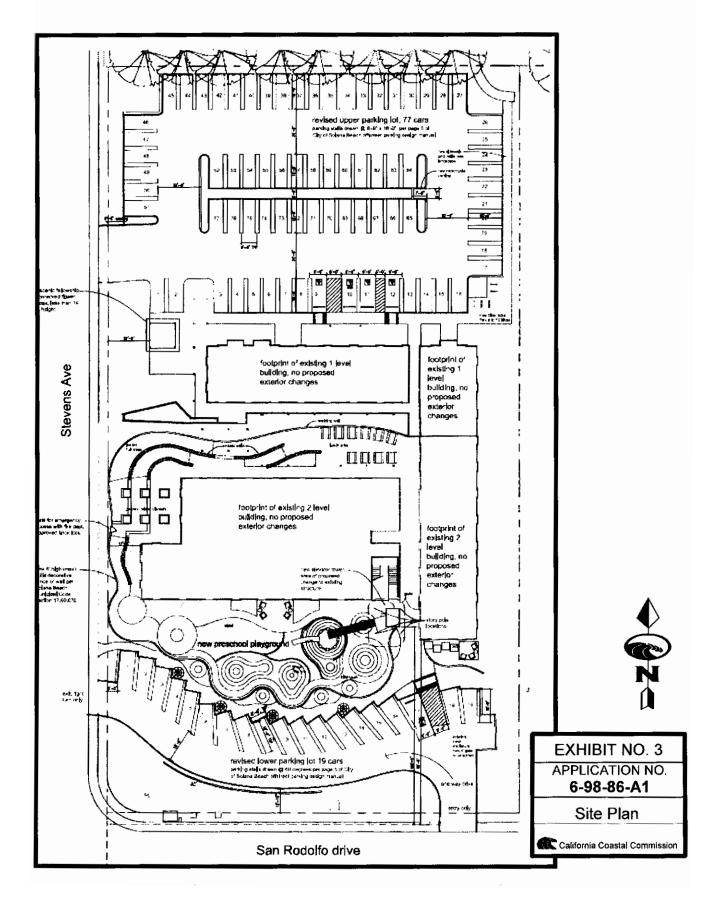
Site Location



Site Location



Proposed Site Plan



Special Condition of CDP 6-98-86

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CALIFORNIA COASTAL COMMISSION EAN DIEGO AREA STIL CAMIND DEL RIO NORTH, SUITE 200 EAN DIEGO, DEL RIO NORTH, SUITE 200 HTB) 5214030	
SEP 0 1 1998 Permit	Page 1 of <u>4</u> Application No. <u>6-98-86/DL</u> Date <u>August 20, 1998</u>
CALIFORNIA COASTAL COMMISSION SAN DIEGO COAST DISTRICT <u>ADMINISTRATIVE PERMIT</u>	
APPLICANT: Solana Beach Presbyterian Church	
PROJECT DESCRIPTION: Conversion of an existing 24,000 sq.: complex into 11,600 sq.ft. of church classrooms and 1,4 area on a 2 acre lot adjacent to an 4.86 acre existing chu 11,000 sq.ft. of floor area to remain office.	00 sq.ft. of chapel/assembly
PROJECT LOCATION: 120, 225 Stevens Avenue, Solana Beach, APN 263-420-07, 34, 35	, San Diego County.
EXECUTIVE DIRECTOR'S DETERMINATION: The findings for any special conditions, are discussed on subsequent pages.	or this determination, and for
<u>NOTE</u> : The Commission's Regulations provide that this permit sha Commission at its next meeting. If one-third or more of the appoin Commission so request, a permit will not be issued for this permit a application will be removed from the administrative calendar and se subsequent Commission meeting. Our office will notify you if such	ted membership of the application. Instead, the et for public hearing at a
This permit will be reported to the Commission at the following tin	ne and place:
	ca Inn "F" Streets ca, CA 95501
SPECIAL CONDITIONS: 1. Future Development. This existing 24,000 sq.ft., three-building office complex into classrooms and 1,400 sq.ft. of chapel/assembly area with area to remain office. All other development proposals for of the office area to assembly or classroom use, shall require Coastal Commission, or its successor in interest, under a permit or an amendment to this permit.	11,600 sq.ft. of church the remaining 11,000 sq.ft. of or the site including conversion
ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCH I/We acknowledge that I/we have received a copy of this p contents including all conditions.	EPTANCE OF CONTENTS: permit and have accepted its
Dorofly 4 Knox augus	EXHIBIT NO. 4 APPLICATION NO.
Date	of Signing 6-98-86-A1 6-98086 Condition
(8086R)	California Coastal Commission



CALIFORNIA A Child is God COASTAL COMMISSION COASTAL COMMISSION SAN DIEGO GOAST DISTRICT DON'T GO

Pam Dvorak

Director

Oct 26, 2011 California Coastal Commissioners c/o Mr. Eric Stevens, Coastal Planner, 619-767-2370 San Diego Coastal District 7575 Metropolitan Drive, Ste. 103 San Diego, CA 92108-4421

Re: Amendment Request for Coastal Development Permit No. 6-98-86 Al – Solana Beach Presbyterian Church – Preschool project located at 225 Stevens Ave., Solana Beach, CA 92075

Dear Mr. Stevens and the California Coastal Commissioners:

I have been a resident of Solana Beach for over 60 years and have been the Preschool Director at the Solana Beach Presbyterian Preschool for 23 years, and I am writing to express my full support for the pending decision to amend the Coastal Development Permit for the improvements being made to our Preschool, which you will be considering at your Hearing on Friday, November 4.

The Solana Beach Presbyterian Preschool has been serving children of both non-members and members of the Church for 47 years, located at 120 Stevens Ave. We are a licensed facility with a maximum enrollment of 135 students.

The proposed project will relocate the Preschool from our existing aging facilities to a safe, more accessible and improved facility and playground located at 225 Stevens Ave. The improved facility will allow us to expand early childhood education services to our community with a maximum enrollment of 169 students. The new location will be more visible to the community, at the intersection of Stevens Ave. and San Rodolfo Drive and is within close proximity to Skyline Elementary School, located at 606 Lomas Santa Fe, and Earl Warren Junior High School, located at 155 Stevens Ave., to allow parents the ability to walk their children to school.

The Preschool project presents a great opportunity for the Coastal Commission and Solana Beach Presbyterian Church to work together for the benefit of the community. As a resident of Solana Beach, I respectfully request that you approve this amendment request.

Sincerely,

Signature on file Ъ)

Pam Dvorak 120 Stevens Ave. Solana Beach, CA 92075

> 120 Stevens Ave. 🔆 Solana Beach, California 92075 (858)755-4133 🎼 FAX (858)509-2592 🍀 Facilities #372-000608



FI2b Rincon Consultants, Inc.

5355 Avenida Encinas, Suite 103 Carlsbad, California 92008

760 918 9444 FAX 918 9449 info@rinconconsultants.com www.rinconconsultants.com

October 27, 2011 Project Number: 11-99215

Kathryn Conniff Horine Group 2190 Carmel Valley Rd, Ste. F Del Mar, CA 92014

Subject: Results of Avian Nest Surveys for the Solana Beach Presbyterian Church Project, San Diego County, California

Dear Ms. Conniff,

This letter report documents the findings of an avian nest survey conducted for the Solana Beach Presbyterian Church project in San Diego County, California. The survey was conducted to determine the presence/absence of historical and active colonial water bird, raptor, and owl nests all within on-site trees that are proposed to be removed by project activities.

SURVEY LOCATION AND DESCRIPTION

The project site is located in the City of Solana Beach west of Interstate 5, east of Stevens Avenue between San Rodolfo Drive and Lomas Santa Fe Drive. The project site is depicted on the Del Mar, California United States Geological Survey topographic quadrangle at elevations of approximately 80 to 115 feet above sea level.

The proposed activities at the site will include the removal of 18 trees in support of the redesign of two existing parking lots associate with the Solana Beach Presbyterian Church. Species of trees proposed for removal include eucalyptus, carrotwood, erythrina, schefflera, magnolia, ficus, and cottonwood.

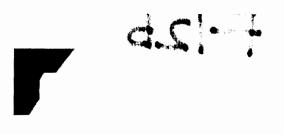
METHODOLOGY

The nest survey was conducted by qualified biologist, Jillian Bates, on October 25, 2011, between 0800 and 1100. The survey area included the project site and a 100-foot buffer surrounding the site, but focused on trees proposed for removal. The biologist made observations for approximately three hours. Binoculars were used to aid in the identification of observed birds.

Results of Avian Nest Survey

Planners

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SUMMARY OF FINDINGS

Weather conditions during the survey included an average temperature of 66 degrees Fahrenheit, winds of 3 to 6 miles per hour, and cloudy sky. Overall avian activity was low during the nest survey and common species expected to occur in a suburban coastal setting were observed. Avian species observed during the survey include Anna's hummingbird (*Calypte anna*), American crow (*Corvus brachyrhynchos*), and California gull (*Larus californicus*).

No avian nests, historic or active, were observed on or in the vicinity of the project site during the survey. Given that the 2011 nesting season has ended we do not expect that active nests will be present if proposed work is conducted prior to the next raptor breeding season beginning February 1st. If construction activities occur beyond this timeframe, a pre-construction nesting bird survey is recommended to assure the site remains unoccupied by nesting birds.

Thank you for the opportunity to support Horine Group with this project. Please contact the undersigned at 760.918.9444 or 805.644.4455 if you have any questions regarding the content of this report.

Sincerely, **RINCON CONSULTANTS, INC.**

Signature on file

Associate Biologist

Signature on file 1-1

Steven J. Hongola Biological Program Manager