

CALIFORNIA COASTAL COMMISSION

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STAFF REPORT: REGULAR CALENDAR

Application No.: 6-14-0812

Applicant: Sea Breeze Properties, LLC

Agent: Rob Morgan

Location: 735 Valley Ave, Solana Beach, San Diego County
(APN No. 298-164-11-00)

Project Description: Demolish an existing single family residence and construct two attached two-story, approximately 25-foot tall, 2,503 square foot townhomes and two detached two story, approximately 25-foot tall, 2,309 square foot townhomes, all with attached two-car garages, and installation of a boxed concrete culvert within Stevens Creek and a 10-foot right-of-way dedication along the Valley Avenue frontage on a 16,159 square foot lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of this project, with conditions.

The proposed project raises issues of public access, visual quality, channelization, and water quality. Public access and visual quality issues arise because the subject property is substantially increasing development on a lot located near two major traffic arteries in a small coastal city. Channelization issues arise because the segment of Stevens Creek

located on the subject property is already a concrete channel, and the proposed development proposes to place a concrete cap over the channel and convert it into an underground box culvert. Water quality issues arise because the property is traversed by a segment of Stevens Creek, into which runoff from the subject property flows and then continues on to drain into the San Dieguito River Valley.

Recommended conditions include requiring the applicant to adhere to final construction and landscaping plans to ensure that visual quality and water treatments measures are implemented. A condition requiring a construction pollution prevention plan will ensure that measures are taken during construction – the period of greatest disturbance – to prevent pollution and runoff from entering Stevens Creek. An Encroachment Maintenance and Removal Agreement and a deed restriction are required to be recorded against the property to notify the applicant and any successors in interest of the conditions of this permit as well as the possible future requirement of removing any encroachments into the Stevens Creek drainage easement. Because the subject property contains a segment of Stevens Creek, a historic blue line stream and the drainage channel for this community, the permit requires the applicant to recognize and accept the flood hazard risk inherent in developing such a property.

Commission staff recommends **approval of** coastal development permit 6-14-0812, as conditioned.

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I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit No. 6-14-0812 pursuant to staff recommendation.*

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:

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. 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

This permit is granted subject to the following 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 applicant 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 of 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 applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

The permit is subject to the following conditions:

1. **Final Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval final project and water quality BMP plans. Said plans shall first be approved by the City of Solana Beach and be in substantial conformance with the plans submitted by SMMA + Associates and Pasco Laret Suiter & Associates on May 28, 2014 and July 17, 2014.

The applicant 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. **Final Landscape Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a detailed landscape plan, approved by the City of Solana Beach, indicating the type, size, extent, and location of all plant materials, the proposed irrigation system, and other landscape features. Native, non-invasive, drought tolerant plants shall be used to the maximum extent feasible.
 - a. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed three feet at maturity. No plant species listed as invasive by the California Native Plant Society, the California Exotic Pest Plant Council, or 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 within the property.
 - b. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether 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.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successor in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan

must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The applicant 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 change to the plans shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is legally required.

3. **Construction Pollution Prevention Plan (CPPP).** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director, a Construction Pollution Prevention Plan (CPPP) prepared and signed by licensed engineer that, at a minimum, includes the following:

- i. Best Management Practices (BMP's) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMP's shall be maintained in a functional condition throughout the duration of the project. Such measures shall include:
 1. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters, or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
 2. No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands, or their buffers;
 3. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
 4. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
 5. Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMP's shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and

6. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
7. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
8. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a Coastal Development Permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
9. All construction materials stockpiled on site, excluding lumber, shall be covered and enclosed on all sides to ensure that the materials are not discharged to a storm drain inlet or receiving waters;
10. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. If thinners, petroleum products or solvents must be used on site, they shall be properly recycled or disposed after use and not be discharged into storm drains, sewers, receiving waters or onto the unpaved ground. ;
11. The discharge of any hazardous materials into any receiving waters shall be prohibited;
12. Fuels, lubricants, and solvents shall not be allowed to enter the coastal waters or wetlands. Hazardous materials management equipment shall be available immediately on-hand at the project site, and a registered first-response, professional hazardous materials clean-up/remediation service shall be locally available on call. Any accidental spill shall be rapidly contained and cleaned up. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible;
13. Best Management Practices (BMP's) and Good Housekeeping Practices (GHP's) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
14. All BMP's shall be maintained in a functional condition throughout the duration of construction activity.

The applicant 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 legally required.

4. Assumption of Risk, Waiver of Liability, and Indemnity Agreement

- i. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves and 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.
- ii. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record 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 restriction shall include a legal description of the applicant's entire parcel or parcels. It shall also include that, in the event of an extinguishment or termination of the deed restriction for any reason, the Standard and Special 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.

- 5. Encroachment Maintenance Removal Agreement.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit an Encroachment Maintenance and Removal Agreement (EMRA) that has been signed and accepted by both the applicant and the City of Solana Beach governing future removal of any and all development approved by this permit within the Stevens Creek drainage easement running across the subject property.

6. **Deed Restriction.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the applicant has executed and recorded against the parcel(s) governed by this permit 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 the terms and conditions that restrict the use and enjoyment of that property, and (2) imposing the 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 entire parcel or parcels governed by this permit. 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 or with respect to the subject property.
7. **Drainage Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a drainage and runoff control plan approved by the City of Solana Beach documenting that the runoff from the roof, driveway, and other impervious surfaces of the existing and proposed structures will be collected and directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation prior to being discharged off site in a non-erosive manner.

The applicant 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 legally required.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION/HISTORY.

The proposed project is to demolish an existing single family residence and construct two attached two-story, approximately 25-foot tall, 2,503 square foot townhomes and two detached two-story, approximately 25-foot tall, 2,309 square foot townhomes, all with attached two-car garages, and installation of a boxed culvert in the portion of Stevens Creek traversing the rear of the property and a 10-foot right-of-way dedication along the Valley Avenue frontage on a 16,159 square foot lot.

The subject property is located at 735 Valley Avenue in the City of Solana Beach. It is currently mostly unpaved and contains a small single family residence. The rear of the property is traversed by the north-south Stevens Creek, a historic blue line stream that has been converted into a concrete channel along this segment. Currently, runoff from the subject property sheet flows into the open channel.

While the City of Solana Beach has a certified LUP, it does not yet have a certified IP, and thus there is no certified LCP. Thus, the subject site is located in an area of Coastal Commission jurisdiction, and as such, the standard of review for the proposed development is Chapter 3 of the Coastal Act, with the City's LUP used as guidance.

B. PUBLIC ACCESS

The following Coastal Act policies are most pertinent to this issue, and state in part:

Section 30252 of the Coastal Act states, in part:

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

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

The applicant is proposing to construct four dwelling units on the subject property. The City of Solana Beach requires two off-street parking spaces per dwelling unit as well as one guest parking space for every four dwelling units, for a total of nine off-street parking spaces required of the proposed development. As proposed, the four dwelling units will each have attached two-car garages, and the property will contain two uncovered carports

for guest parking, for a total of 10 off-street spaces. Thus, the proposed project will exceed the required parking supply.

While the applicant has submitted preliminary project plans, **Special Condition No. 1** requires the applicant to submit final plans for the review and written approval of the Executive Director prior to the issuance of the coastal development permit, to ensure they are in substantial conformance with the approved plans. Therefore, the Commission finds that all public access concerns associated with the development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

C. VISUAL QUALITY/COMMUNITY CHARACTER

Section 30251 of the Coastal 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 landforms, 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. The proposed dwelling units conform to the City of Solana Beach's limitations on gross floor area, Floor Area Ratio (F.A.R.), yard setbacks, and height. The proposed structures are compatible in design and scale to other structures along Valley Avenue that include residential, commercial, and office buildings. Furthermore, the proposed project includes landscaping and common spaces utilizing non-invasive, drought tolerant plants to meet the City's requirement for open spaces and architectural harmony. Thus, no adverse impacts to visual resources in the project area are anticipated.

To ensure that the applicant conducts development in a manner consistent with these findings, **Special Conditions No. 1 and 2** require the applicant to adhere to final construction and landscape plans approved by the Coastal Commission. Therefore, the Commission finds that all visual quality and community character concerns associated solely with development approved herein are adequately addressed, and that the proposed development, as conditioned, is consistent with the cited policies of the Coastal Act.

D. CHANNELIZATION/HAZARDS

Section 30236 of the Coastal Act states, in part:

Channelization, 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.

Section 30250 of the Coastal Act states, in part:

- a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.*

Section 30253 of the Coastal Act states, in part, that new development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Policy 3.30 of Chapter 3 of the certified Solana Beach LUP states:

Channelization or other substantial alterations of streams shall be prohibited except for: (1) necessary water supply projects where no feasible alternative exists; (2) flood protection for existing development where there is no other feasible alternative, or (3) the improvement of fish and wildlife habitat. Any channelization or stream alteration permitted for one of these three purposes shall minimize impacts to coastal resources, including the depletion of groundwater, and shall include maximum feasible mitigation measures to mitigate unavoidable impacts. Bioengineering alternatives shall be preferred for flood protection over “hard” solution such as concrete or riprap channels. Limit further channelization of Stevens Creek, unless necessary to protect existing development or for flood control. Ongoing maintenance and clearing as necessary to protect existing structures in the flood plain, and incorporating any necessary mitigation measures maintaining Stevens Creek in a manner that protects flood capacity while enhancing open space and habitat value over the long term.

The proposed development includes the placement of a concrete cap over the existing concrete segment of Stevens Creek to convert it into an underground box culvert. Because this segment of Stevens Creek is within the 25-foot rear yard setback required by the City of Solana Beach, no structures are going to be built over the creek. Instead a lawn space will be placed over the box culvert for use by the residents.

Stevens Creek is a historic blue line creek that has long been mostly converted to concrete channels or underground box culverts for most of its length. It serves as the main drainage channel for this segment of Solana Beach. The majority of Stevens Creek from Interstate 5 southwest to San Dieguito Lagoon is filled and channelized with only

small portions remaining as open channel. At the northern terminus of Valley Avenue, where it intersects with Genevieve Street, the character of Stevens Creek changes. South of Genevieve Street, Stevens Creek is a hardened concrete channel flowing south, alternating between exposed segments of open concrete channel and underground box culverts under existing development. The only remaining portion of the stream that is open and generally functions as a natural stream – with soils and vegetation – is an approximately $\frac{3}{4}$ mile long segment north of the subject site.

The City of Solana Beach has indicated that the carrying capacity of Stevens Creek is adequate for foreseeable drainage needs. The City is not requiring the covering of Stevens Creek, and it is thus being proposed voluntarily by the applicants. The Coastal Act's and Solana Beach LUP's policies both limit the circumstances that allow for channelization of streams. Channelization or other substantial alteration of rivers or streams can remove sensitive vegetation, impact water quality, and alter flood flows. Thus, in the past the Commission denied an application by a nearby commercial property to increase the height of another segment of Stevens Creek in order to increase its carrying capacity because neither the applicant nor the City could supply any proof that such channelization was required (CDP No. 6-99-074-A1).

According to analysis and calculations submitted by the applicant's civil engineer, the 5-foot deep, 16.5-foot wide concrete channel comprising the segment of Stevens Creek on the subject property is capable of conveying a maximum flow rate of 1,596 cubic feet per second (cfs). Because placement of this concrete cap, even with no decrease in vertical height, could actually reduce the maximum flow rate of Stevens Creek due to the added friction of water against the underside of the cap, the applicant undertook calculations and analysis to determine the minimum amount necessary to raise the height of the channel to cancel out the friction and ensure no increase or decrease to flow capacity in Stevens Creek. The calculated amount was an increase of .01 feet. However, because such a small measurement can be difficult to implement uniformly in such a development, to ensure an adequate margin of error, the new proposed height of the channel will be 5' 1". Because of the already heavily modified nature of the creek, the existing channelization of the segment of the creek at the subject site, and the proposed concrete cap and box culvert will not alter the carrying capacity of the creek, this minor modification will not result in a substantial alteration of the stream and is not considered channelization beyond what is already existing. Thus, the proposed development on the existing concrete channel does not trigger the limitations under Section 30236.

As stated above, the subject property contains a segment of Stevens Creek, a historic stream and the main drainage conveyance for this part of Solana Beach. Because of flooding concerns, the City maintains the creek by periodically clearing vegetation. Although the risk of flooding in the area is low, according to submitted flood elevation maps, 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 successors in interest must be made aware of the flooding potential and assume the risk of property damage from flooding.

Because of the location of the subject property that the applicant has chosen to develop, **Special Condition No. 4** requires the applicants to understand that the subject property has flood risks and thus waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. **Special Condition No. 6** requires the applicants to waive any claim of liability against the Commission for damage to life or property that may occur as a result of the permitted development. Thus, with the above conditions regarding channelization and flood hazards, this permit, as conditioned, can be found consistent with the Coastal Act.

E. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial recreational, scientific, and educational purposes.

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.

Section 30230 requires that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters for long-term commercial, recreational, scientific, and educational purposes. In addition, Section 30231 requires that the biological productivity and quality of coastal waters be maintained. The proposed demolition of an existing single family residence and construction of four new residences on a property that contains a segment of Stevens Creek in the rear raises issues regarding the marine resource protection policies of the Coastal Act.

The majority of Stevens Creek from Interstate 5 southwest to San Dieguito Lagoon is filled and channelized with only small portions remaining as open channels. At the northern terminus of Valley Avenue, where it intersects with Genevieve Street, the character of Stevens Creek changes. South of Genevieve Street, Stevens Creek is a hardened concrete channel flowing south, alternating between exposed segments of open concrete channel and underground box culverts under existing development. The only remaining portion of the stream that is open and generally functions as a natural stream –

with soils and vegetation – is an approximately $\frac{3}{4}$ mile long segment north of the subject site.

The subject property is a 16,159 square foot lot that has an approximately 80-foot long, 20-foot wide segment of Stevens Creek traversing the western, rear portion of the property from north to south pursuant to a drainage easement held by the City of Solana Beach. In past Commission actions regarding properties in this area containing segments of Stevens Creek, the Commission's ecologist performed detailed analysis of the creek and determined that:

What is now called Steven's Creek shows up as a blue line stream on the 1924 reprint of a 1904, 1:250,000 scale USGS map. The area was surveyed in 1891 and 1898-1902. Given San Diego's Mediterranean climate and the tiny watershed, this creek was probably a seasonal stream, wet in the winter and dry the rest of the year. It probably supported some riparian vegetation – plants with deep roots that could tolerate the annual dry season. It probably did not have significant perennial wetland vegetation in the herbaceous layer, but may have supported some annual wetland species during the rainy season. Were the stream in its 1904 condition (which was probably already considerably altered by grazing), we would probably be treating it as a riparian corridor, not as a wetland.

The approximately 80-foot long and 20-foot wide segment of Stevens Creek that traverses the rear of the subject property is currently a concrete channel that is five feet deep. Site visits by Commission staff and analysis of the subsequent photos by the Commission's staff ecologist led to a determination that on the subject site, in the current state, the creek offers little to no habitat value. Thus, while Stevens Creek is a historic blue line stream, because of its modified nature, the segment across the subject property functions primarily as a flood control channel, and converting this segment into a box culvert will not impact existing or potential habitat on the site.

However, in the future there could be efforts undertaken by the City of Solana Beach to restore or improve the creek, improve water quality, biological productivity, or the like that may require removal of the proposed cap from over the creek. Therefore, **Special Condition No. 5** requires the applicant to sign and record an Encroachment Maintenance and Removal Agreement with the City of Solana Beach informing the applicant and future successors in interest that removal of the encroachments within the Stevens Creek drainage easement may be required at the direction of Solana Beach.

In addition, although Stevens Creek is not a pristine natural creek, it still flows southward, where it drains into the nearby San Dieguito River Valley and the nearby Pacific Ocean. Thus, polluted runoff entering the channel can harm vegetation and habitats downstream. Currently, drainage from the subject property sheet flows westward into Stevens Creek, and the proposed development would still direct runoff not retained on site into the creek. To address runoff concerns and reduce impacts from pollution, the proposed project utilizes BMPs such as vegetated bioswales. These BMPs will infiltrate and filter runoff before it is directed into Stevens Creek.

To protect marine resources and coastal water quality, **Special Condition No. 2** requires the applicant to adhere to approved final landscaping plans in order to ensure the required runoff and infiltration measures, such as the vegetated bioswales, are implemented.

Special Condition No. 3 requires the applicant to submit and adhere to a Construction Pollution Prevention Plan in order to ensure that construction activity on the subject property does not impact the water quality of Stevens Creek and or the San Dieguito Lagoon. Required measures to protect water quality include, but are not limited to, prohibition on storage of equipment or materials where it would be subject to water action, prompt removal of all debris, implementation of BMPs to capture and filter any runoff, and moving all maintenance and fueling work away from the creek.

In conclusion, the proposed development raises concerns regarding water quality impacts to coastal water bodies associated with construction activities. As conditioned, these potential impacts have been minimized and, therefore, the project be found consistent with Sections 30230 and 30231 of the Coastal Act.

F. LOCAL COASTAL PLANNING

The subject property is designated and zoned as Residential by the City of Solana Beach General Plan and Zoning Ordinance. The proposed development is consistent with this designation. The City of Solana Beach does not have certified LCP at this time, though the City does have a certified LUP. The subject property is not located within any overlay areas identified in the certified Solana Beach LUP. Because of the lack of a fully certified LCP, the subject property is located in an area of original jurisdiction where the Coastal Commission retains permit authority and Chapter 3 of the Coastal Act remains the legal standard of review, with the certified LUP used as guidance. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act, as well as with the applicable policies contained in the certified LUP, and no adverse impacts to coastal resources are anticipated. Therefore, approval of the project, as conditioned, will not prejudice the ability of the City of Solana Beach to continue its process of fully certifying its LCP.

G. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing final plans, staging and timing, and water quality, will minimize all adverse

environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

G:\San Diego\Reports\2014\6-14-0812 735 Valley staff report.doc)





735 Valley Ave, Solana Beach, CA 92075, USA

Google Earth

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le earth

EXHIBIT NO. 2
APPLICATION NO.
6-14-0812
Aerial View

EDEN GARDENS TOWNHOMES

735 Valley Avenue
San Diego, CA 92105
APR 2004 (164-1-100)

OWNER:
SMAA + ASSOCIATES
11111 Camino del Rio South, Suite 100
San Diego, CA 92108
TEL: 619-594-1100
WWW.SMAA.COM

PROPERTY OWNER:
SMAA + ASSOCIATES
11111 Camino del Rio South, Suite 100
San Diego, CA 92108
TEL: 619-594-1100
WWW.SMAA.COM

DESIGNER:
SMAA + ASSOCIATES
11111 Camino del Rio South, Suite 100
San Diego, CA 92108
TEL: 619-594-1100
WWW.SMAA.COM

LANDSCAPE ARCHITECT:
MICHAEL J. GARDNER
11111 Camino del Rio South, Suite 100
San Diego, CA 92108
TEL: 619-594-1100
WWW.MJGARDNER.COM

GEOTECHNICAL ENGINEER:
SMAA + ASSOCIATES
11111 Camino del Rio South, Suite 100
San Diego, CA 92108
TEL: 619-594-1100
WWW.SMAA.COM

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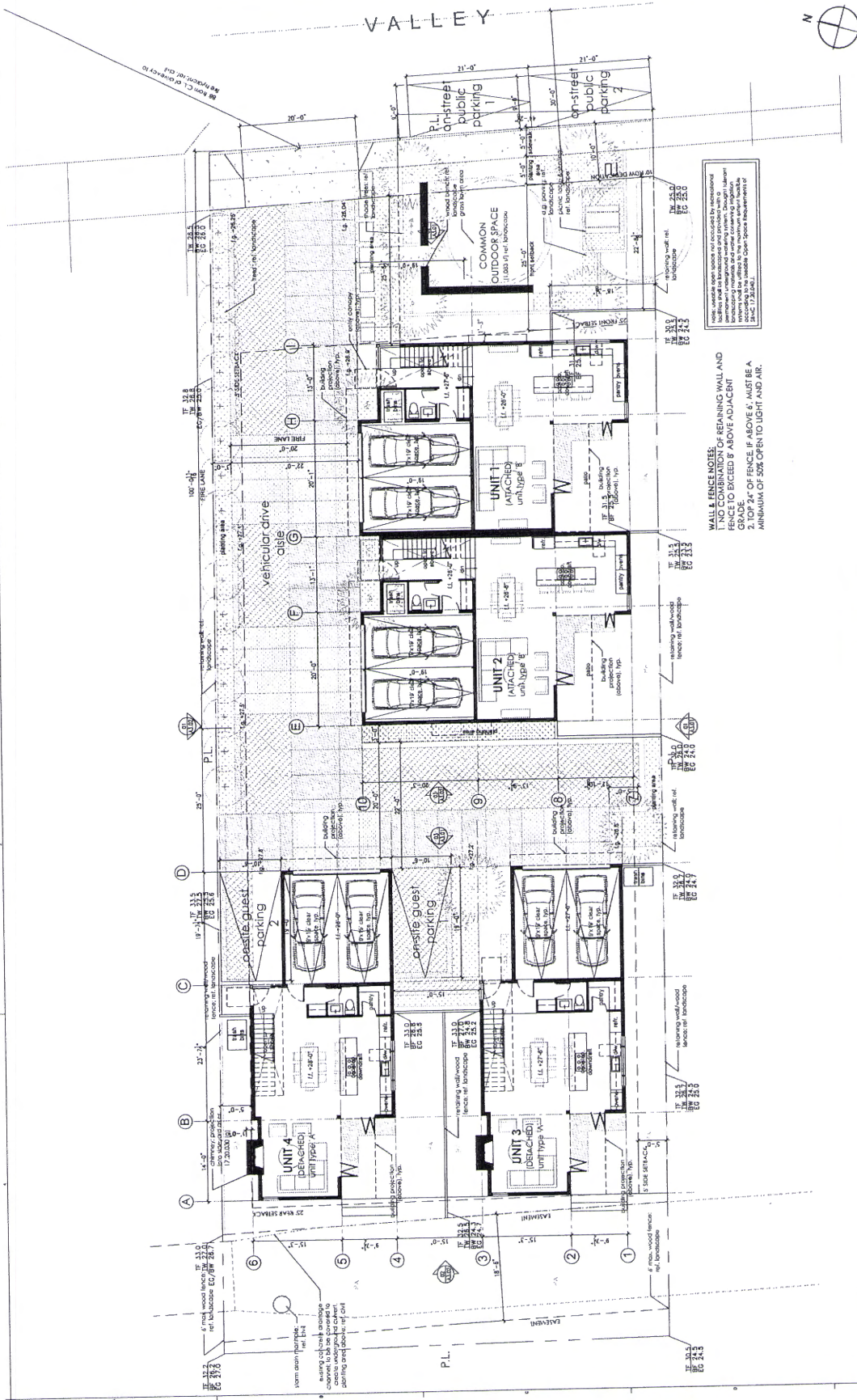


Date	Description
08/14/13	1. CONCEPT DESIGN
08/14/13	2. PRELIMINARY
08/14/13	3. PRELIMINARY
08/14/13	4. PRELIMINARY
08/14/13	5. PRELIMINARY
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08/14/13	99. PRELIMINARY
08/14/13	100. PRELIMINARY

PROJECT NUMBER:
1003

SITE PLAN &
FIRST LEVEL

A2.01



1 SITE PLAN & FIRST LEVEL
SCALE: 1/8" = 1'-0"

WALL & FENCE NOTES:
1. NO COMBINATION OF REMAINING WALL AND FENCE TO BE USED & ABOVE ADJACENT PROPERTY.
2. TOP OF FENCE, IF ABOVE 6', MUST BE A MINIMUM OF 50% OPEN TO LIGHT AND AIR.

GRADING QUANTITIES

(SEE CIVIL SHEET 100-1)
CUT: 0 CY
FILL: 740 CY
TOTAL: 740 CY
NET IMPORT: 810 CY

NOTE: EARTHWORK QUANTITIES ARE ESTIMATED BASED ON THE ASSUMPTION THAT ALL MATERIALS ARE COMPACTED IN PLACE VOLUMES ONLY. THESE VALUES ARE CALCULATED ON A THEORETICAL BASIS. ACTUAL QUANTITIES MAY VARY BASED ON OBSERVED SETBACKS, SLOPE SWELL FACTORS.

SITE PLAN AREA BREAKDOWN

TOTAL PROJECT AREA:
GROSS: 16,197 SQ FT (0.37 ACRES)
NET (AFTER DEDICATION): 15,308 SQ FT (0.35 ACRES)
BUILDING FOOTPRINT AREA: 5,232 SQ FT
IRRIGATED LANDSCAPE: 5,080 SQ FT
NON-IRRIGATED LANDSCAPE: 0
OTHER: 0

VEHICULAR AREAS:
TOTAL PARKING AREA: 204 SQ FT
TOTAL DRIVEWAY AREA: 1,545 SQ FT
TOTAL VEHICULAR AREA: 1,749 SQ FT (0.04 ACRES)
COUNTED TOWARDS VUA

EXHIBIT NO. 3
APPLICATION NO.
6-14-0812
Site Plan 1

EDEN GARDENS
TOWNHOMES

735 Valley Avenue
Soboba Ranch, CA 92075
APH: 289-184-11-00

SHWA - 111010101
111010101
111010101

PROPERTY OWNER:
EDEN GARDENS TOWNHOMES
3333 DEL MAR HIGHWAYS RD 4245
SAN DIEGO, CA 92120
PROPERTY DEVELOPER:
EDEN GARDENS TOWNHOMES
3333 DEL MAR HIGHWAYS RD 4245
SAN DIEGO, CA 92120
ARCHITECT:
L&L LANDSCAPE ARCHITECT
1425 CORONADO AVENUE
SAN DIEGO, CA 92107
GEOTECHNICAL ENGINEER:
1425 CORONADO AVENUE
SAN DIEGO, CA 92107

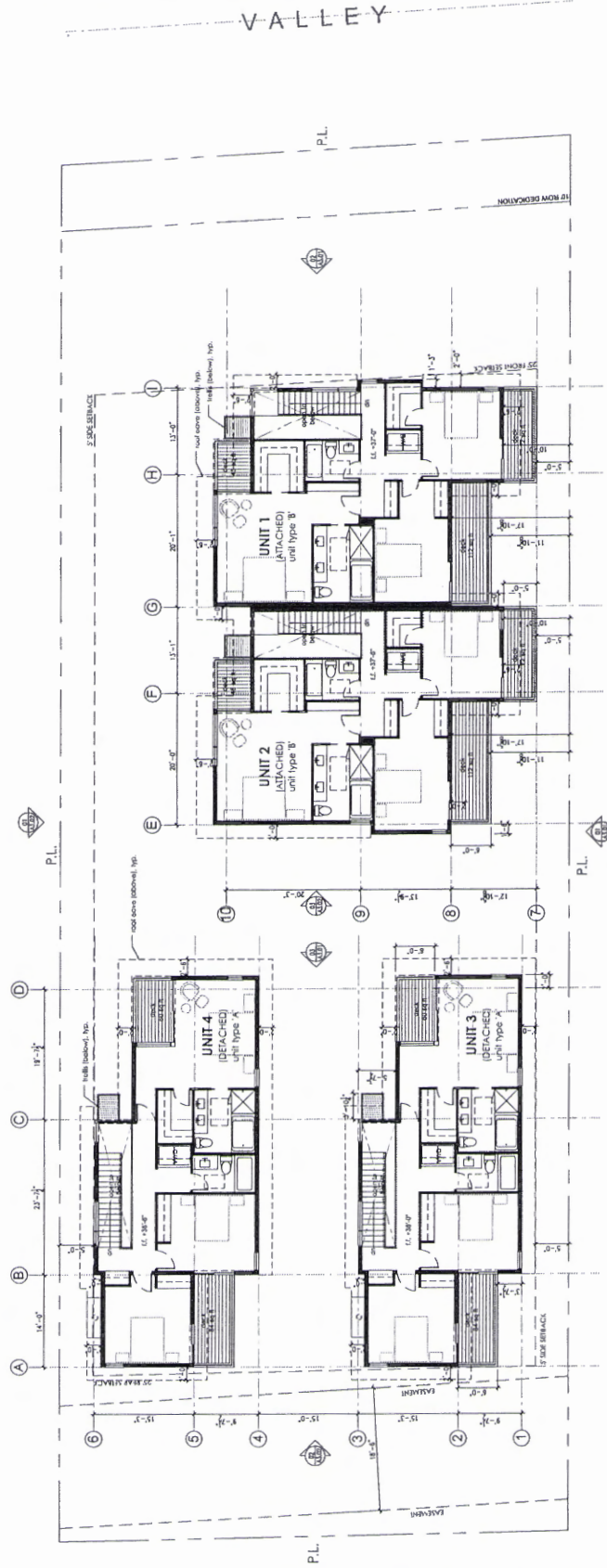
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Rev.	Description	Date
1	REVISION	08/20/13
2	REVISION	08/20/13
3	REVISION	08/20/13

DATE: _____
SCALE: _____
PROJECT NUMBER:
255

SECOND
LEVEL PLAN
A2.02



1 SECOND LEVEL PLAN
SCALE: 1/8" = 1'-0"

EXHIBIT NO. 4
APPLICATION NO.
6-14-0812
Site Plan 2

EDEN GARDENS
TOWNHOMES

735 Valley Avenue
San Marcos, CA 92076
PHN 760-464-1100

SMMA # 2550583
DATE: 01/10/2017
DRAWN BY: J. B. BROWN

PROPERTY OWNER:
SANTITAS PROPERTIES
SAN MARCOS, CA 92076

DESIGNER:
PACIFIC LANT SURVEY & ASSOC.
SAN MARCOS, CA 92076

LANDSCAPE ARCHITECT:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ARCHITECT:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

GEOTECHNICAL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

STRUCTURAL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

MECHANICAL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ELECTRICAL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

PLUMBING ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

HAZARDOUS WASTE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ENVIRONMENTAL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WATER ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

SEWER ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

TRAFFIC ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

AVIATION ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

CRANE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

CONCRETE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

STEEL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WOOD ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

PAINT ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

GLASS ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ROOF ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

FOUNDATION ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ANCHORAGE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

PILE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WIND ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

SEISMIC ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

SOIL ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ROCK ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

GLACIER ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

PERmafrost ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

ICE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

SNOW ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WAVE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

STORM SURGE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

TSUNAMI ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WIND BURN ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WIND SAND ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

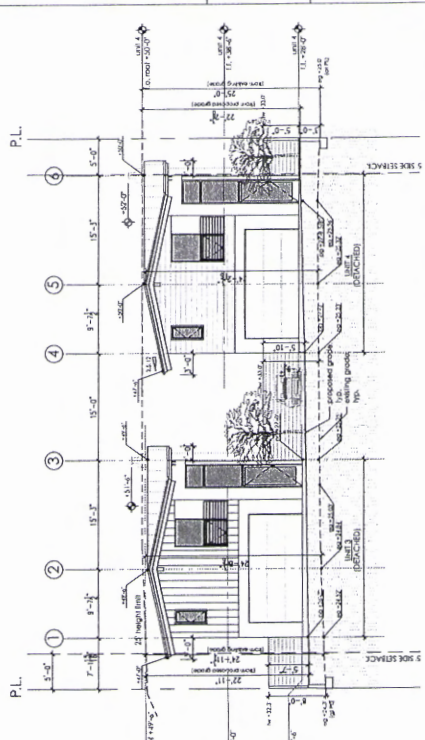
WIND DUST ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WIND NOISE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

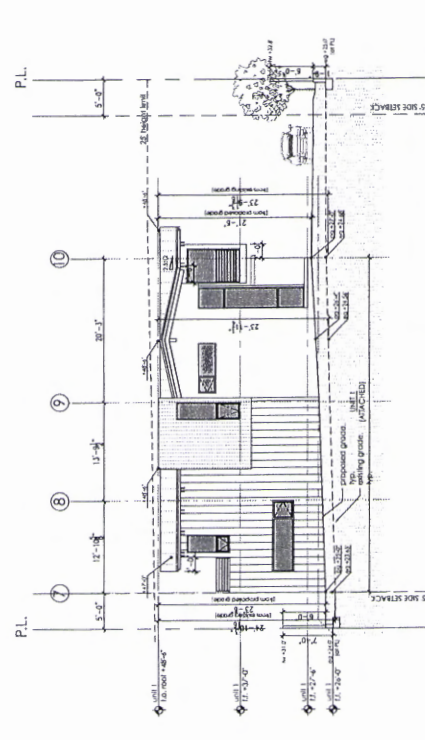
WIND VIBRATION ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

WIND CLIMATE ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076

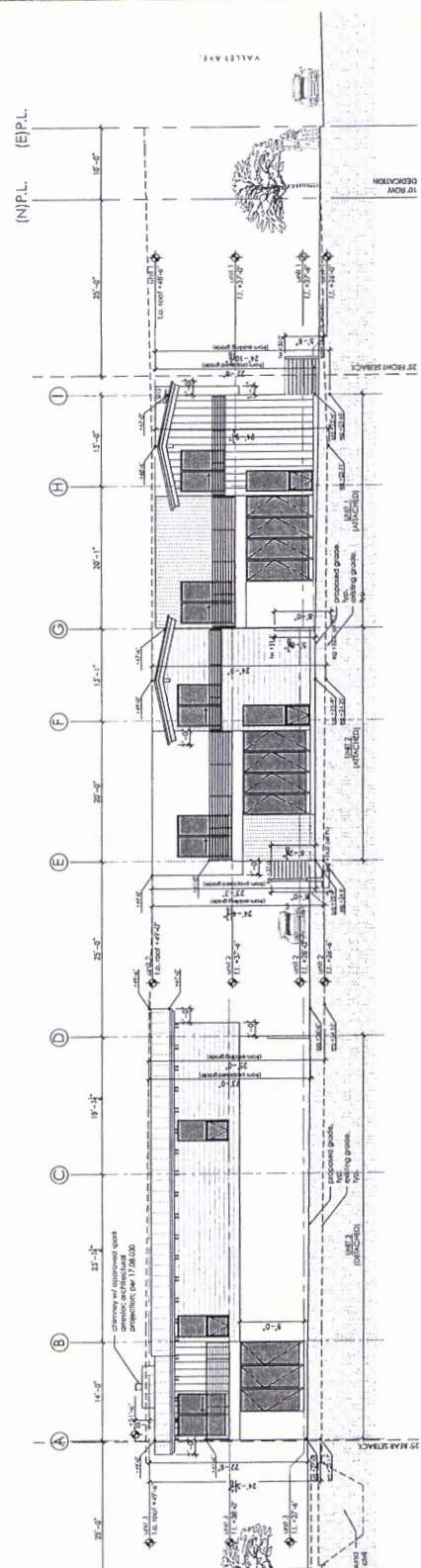
WIND POLLUTION ENGINEER:
MICHAEL J. BROWN
SAN MARCOS, CA 92076



1 EAST ELEVATION & SITE SECTION
SCALE: 1/8" = 1'-0"



2 EAST ELEVATION & SITE SECTION
SCALE: 1/8" = 1'-0"



1 SOUTH ELEVATION & SITE SECTION
SCALE: 1/8" = 1'-0"

WALL & FENCE NOTES:
1. FENCE HEIGHT OF 6' MAXIMUM WALL AND
FENCE TO EXCEED 6' ABOVE ADJACENT
GRADE.
2. TOP 2' OF FENCE IF ABOVE 6', MUST BE A
MINIMUM OF 50% OPEN TO LIGHT AND AIR.

EXHIBIT NO. 5
APPLICATION NO.
6-14-0812
Elevation 1

735 Valley Avenue
Solana Beach, CA 92075
APN: 298-164-11-00

SMMA + associates
scott michael mason, architect
457 clarkfield ave. clarkfield, ma 01907
958.752.5112 smma2@comcast.com

PROPERTY OWNER:
SEA BREEZE PROPERTIES
3525 DEL MAR HEIGHTS RD #2-6
SAN DIEGO, CA 92130

CIVIL ENGINEER:
PASCO LARLET BUTY & ASSOC.
535 N. COAST HWY 101
SOLANA BEACH, CA 92075

LANDSCAPE ARCHITECT:
LBO LANDSCAPE ARCHITECT
ROCIO LASTRAPAS GERTLER
4352 CORONADO AVENUE
SAN DIEGO, CA 92107

GEOTECHNICAL ENGINEER:
GEOTECHNICAL EXPLORATION INC
7420 TRADE STREET
SAN DIEGO, CA 92121

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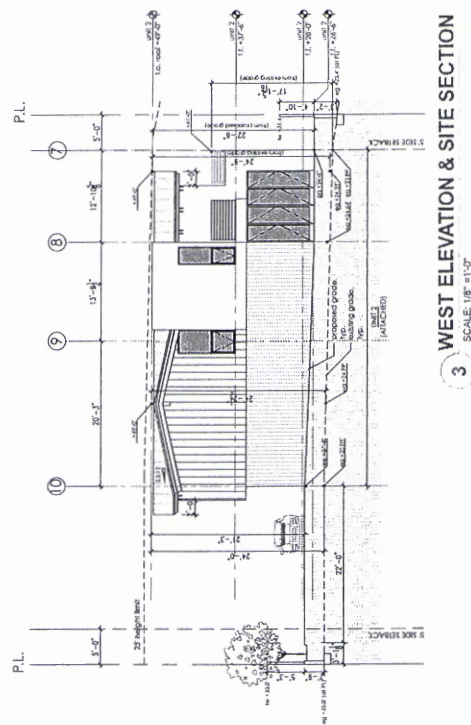
No.	Description	Date
1.	COASTAL PIERCE	06/14/13
2.	EQUUMENTAL	08/74/13
3.	TERRAETIAL	10/29/13

DATE _____ SCALE _____

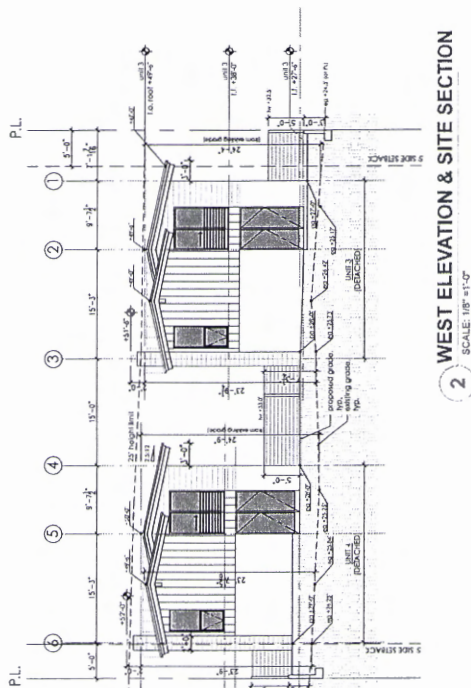
PROJECT NUMBER _____

BUILDING
ELEVATIONS

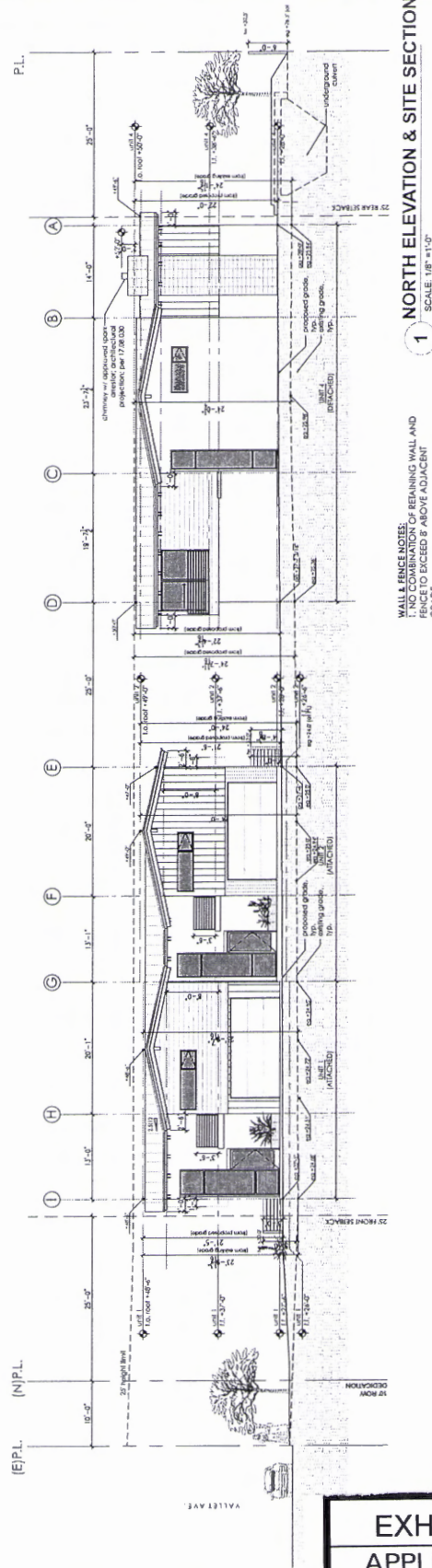
A3.02



WEST ELEVATION & SITE SECTION



2 WEST ELEVATION & SITE SECTION
SCALE: 1/8" = 1'-0"



1 NORTH ELEVATION & SITE SECTION
SCALE: 1/8" = 1'-0"

WALL & FENCE NOTES:
1. NO COMBINATION OF RETAINING WALL AND FENCE TO EXCEED 8' ABOVE ADJACENT GRADE.
2. TOP 24" OF FENCE, IF ABOVE 6", MUST BE A MINIMUM OF 50% OPEN TO LIGHT AND AIR.

EXHIBIT NO. 6
APPLICATION NO.
6-14-0812
Elevation 2

EDEN GARDENS TOWNHOMES

638 Vista Avenue
Solana Beach, CA 92075
APN: 266-134-02-00

OWNER: EDEN GARDENS

DESIGNER: LdG LANDSCAPE DESIGN

PROPERTY OWNER: SEA BREEZE PROPERTIES

SEA BREEZE PROPERTIES

10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

CIVIL ENGINEER: LdG LANDSCAPE DESIGN

10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

LANDSCAPE ARCHITECT: LdG LANDSCAPE DESIGN

10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

NO. 10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

NO. 10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

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SAN DIEGO, CA 92120

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

NO. 10000 SAN DIEGO AVENUE

SAN DIEGO, CA 92120

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

PLANTING LEGEND

COMMON AREAS PLANTING

SYMBOL BOTANICAL NAME

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EXHIBIT NO. 7
APPLICATION NO.
6-14-0812
Landscape Plan

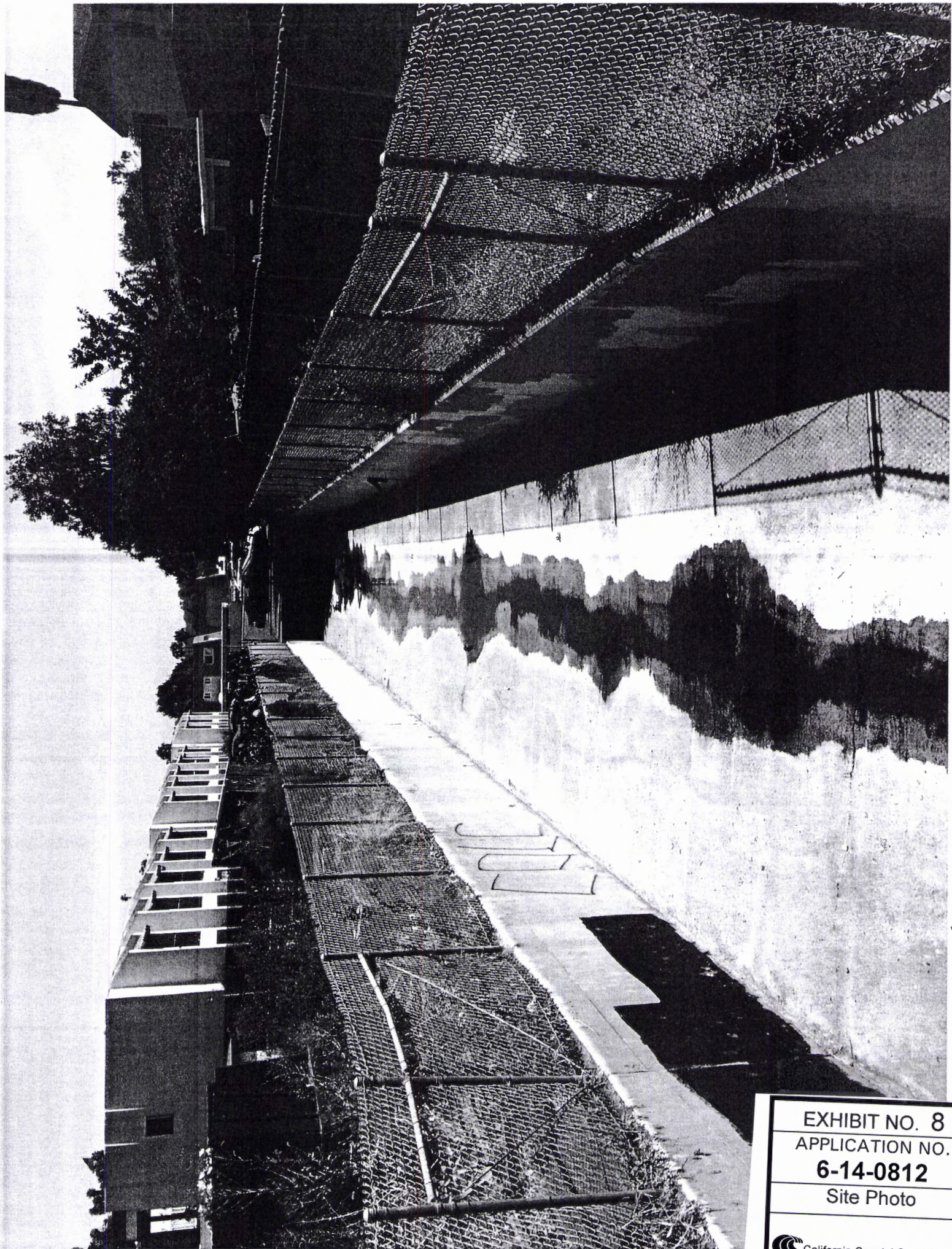
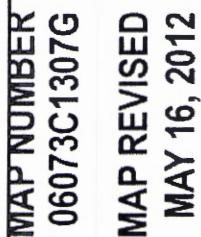


EXHIBIT NO. 8
APPLICATION NO.
6-14-0812
Site Photo



OTHER AREAS

0.2% annual chance flood plain.
determined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

% annual chance floodplain boundary

2X1000 187410 96.71

Zone D boundary

Base Flood Elevation line and value; elevation in feet.*

in feet*

Vertical Datum of 1986

Cross section line

transect line

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere

1000-meter Universal Transverse Mercator grid ticks, zone 11

5000-foot grid values; California State plane coordinate VT (FIPZONE = 406). Lambert projection

benchmark mark (see explanation in Notes to Users section)

River Mile

MAP REPOSITORIES

Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE

June 19, 1997

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

May 16, 2012 – to update corporate limits, to add roads and road names, to incorporate previously issued Letters of Map Revision, and to update map elevations to North American Vertical Datum of 1988

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

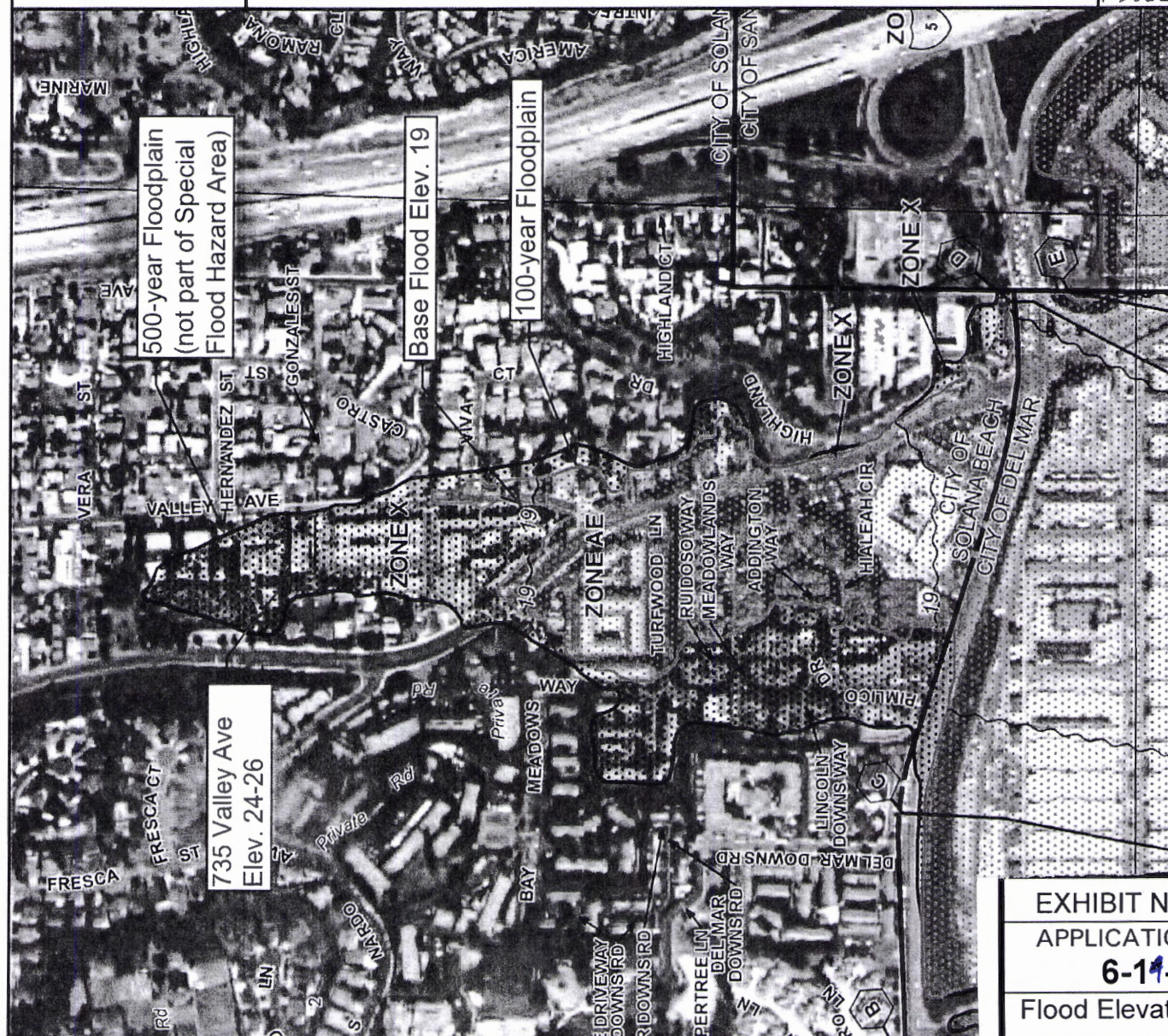


EXHIBIT NO. 10

APPLICATION NO.

6-14-0812

Flood Elevation Map

