

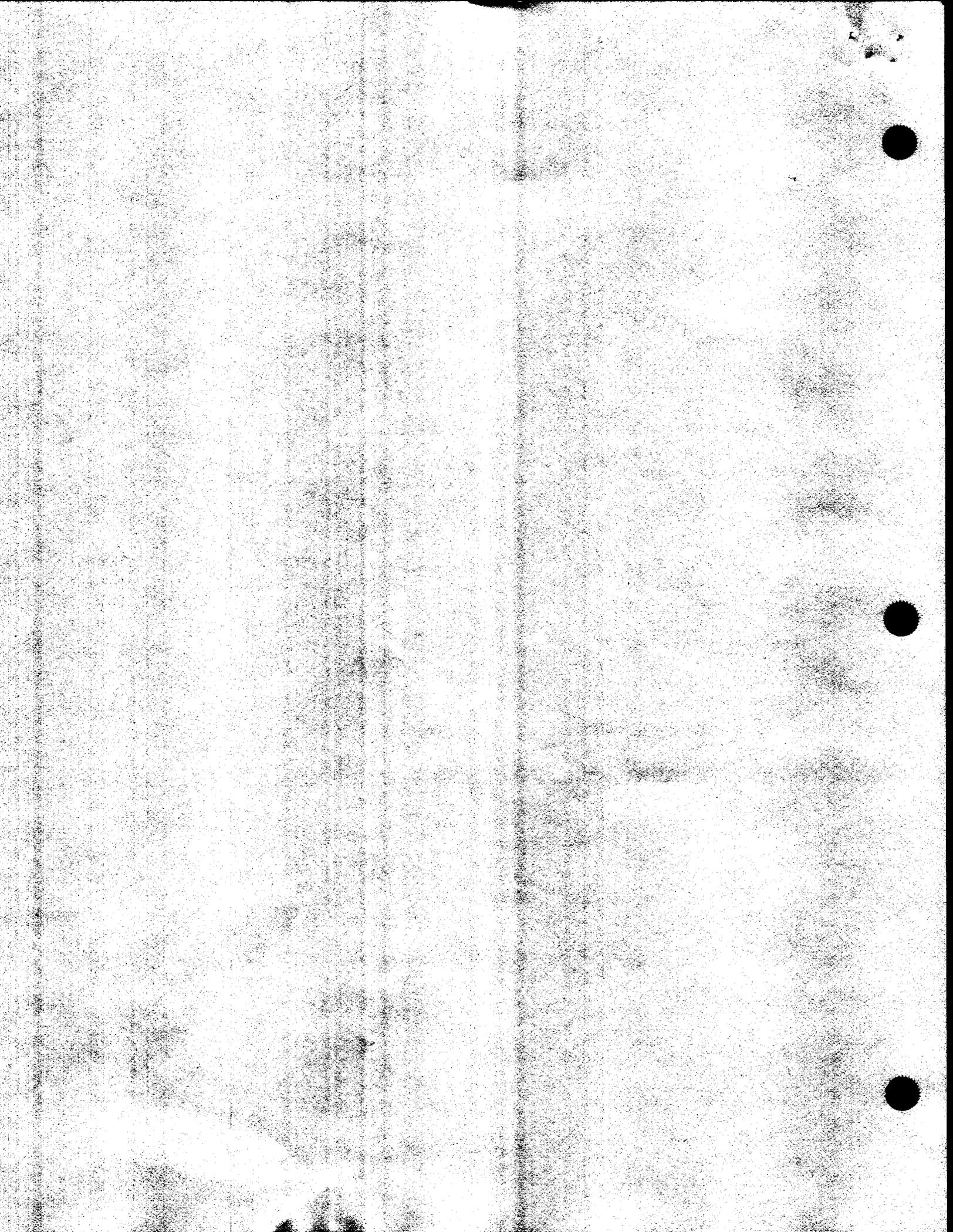
Wed 3a

San Diego Coast District

CONSENT CALENDAR

Wednesday, August 7, 2002

6-02-070



CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
767-2370

RECORD PACKET COPY



Wed 3a

Filed: 6/28/02
49th Day: 8/16/02
180th Day: 12/25/02
Staff: WNP-SD
Staff Report: 7/16/02
Hearing Date: 8/6-9/02

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-02-70

Applicant: City of Carlsbad

Agent: Mike Grimm

Description: Construction of approximately a 6,000 lineal foot sewer line in Cannon Road. Approximately 1,000 feet is a 14" force main connecting to an existing dry force main in Macario Canyon Bridge (eastern connection) and the remainder is a 15" gravity sewer pipeline connecting to the existing 24" sewer main (western connection).

Site: Cannon Road between Car Country Drive and Faraday Avenue, Agua Hedionda, Carlsbad (San Diego County).

Substantive File Documents: Certified Agua Hedionda LUP, CDP Nos. 6-97-10, 6-97-11, 6-97-11-A1

I. STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

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

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a YES vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

II. Standard Conditions.

See attached page.

III. Special Conditions.

None.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The proposed development includes the installation of approximately a 6,000 lineal foot sewer line in Cannon Road. Approximately 1,000 feet is a 14" force main connecting to an existing dry force main in Macario Canyon Bridge (eastern connection) and the remainder is a 15" gravity sewer pipeline connecting to an existing 24" sewer main (western connection). Cannon Road is improved within the project area; the project would remove and replace the existing pavement to install the underground sewer line. Seven manholes are proposed access along the alignment.

The Agua Hedionda Lagoon plan area is the only uncertified segment in the City of Carlsbad's LCP; therefore, the Commission retains permit jurisdiction in this area with the standard of review being the Chapter 3 policies of the Coastal Act and the Agua Hedionda Lagoon LUP used as guidance.

2. Environmentally Sensitive Habitat. The project site is located near (approximately 750 feet) the south shore of Agua Hedionda Lagoon. Section 30240 provides that environmentally sensitive habitat areas be protected against any significant disruption of habitat values. Agua Hedionda in particular has been identified as one of 19 high priority coastal wetland acquisition areas, as referenced in Section 30233 of the Act.

Section 30240 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.

Cannon Road is currently open and is traveled by passenger vehicles as well as trucks and other large vehicles. Environmentally sensitive habitat (coastal sage scrub) is located

on the north side of Cannon Road outside the right of way. All work, including staging and access, is confined to the existing improved right of way and no encroachment into the adjacent undeveloped areas is required. Since all work is being performed within the existing improved right of way, no disturbances to any sensitive habitat or species will occur. Therefore, the Commission finds the proposed project is consistent with Section 30240 of the Coastal Act.

3. Public Access. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby.

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The above Coastal Act sections provide for the protection, provision and enhancement of public access and recreational opportunities in coastal areas. These policies address the public's right of access to the sea and public recreational sites, and require that access considerations be given high priority in reviewing development proposals.

The project is proposed within existing road right of way in an existing urban area. Agua Hedionda Lagoon is located approx. 750 feet north of the project site. Cannon Road serves as the "first public road" on the south side of the lagoon. No popular public recreation destinations exist within the project area between Cannon Road and the lagoon. As such, the proposal will not adversely affect public access or recreation to significant coastal areas.

Westbound Cannon Road would be closed between Faraday Avenue and Car Country Drive during project construction. Cannon Road is planned as a major coastal access route. However, at this time, it is unimproved east of the project area and the project will be completed before Cannon Road is open for vehicular use. Therefore, no adverse public access impacts are anticipated. The traffic plan indicates westbound traffic would be detoured from College Boulevard to Palomar Airport Road which is a major east/west highway about one mile south of Cannon Road. As such, coastal access would not be diminished as Palomar Airport Road provides access to the coast. Therefore, the Commission finds the project is consistent with the cited sections of the Coastal Act, and with all other public access and recreation policies of the Act.

4. Growth Inducement. Section 30250 (a) of the Coastal Act is applicable and states, in part:

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

To be found consistent with Section 30250(a) of the Coastal Act, the Commission must find that the project is being proposed to serve existing development, or that if it would accommodate new development, such development must be at planned and approved densities. In this case, the proposed sewer pipe is designed to accommodate existing and planned development within the area. Therefore, the proposed improvements to the sewer system should not have a significant overall inducement to growth within the coastal zone.

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

Section 30230

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

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment

The proposed development, when completed, will not have any adverse impacts on existing water quality. The underground sewer pipeline will not increase the amount of impervious surface. The City has applied for a 401 certification from the Regional Water Quality Control Board, which will ensure the project provides adequate BMPs to assure minimal runoff from the construction site. The Commission finds that approval of the development, as proposed, is consistent with the cited Coastal Act policies.

6. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

While the City of Carlsbad has a certified LCP, the Agua Hedionda Lagoon plan area is the only uncertified area. The area proposed for improvements is within the City's right-of-way, and the project is not considered growth inducing. The project is in conformance with all applicable Chapter 3 policies, and therefore approval of the project will not prejudice the ability of the City of Carlsbad to obtain a fully certified LCP for the Agua Hedionda Lagoon segment.

7. 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 found consistent with the policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact 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.

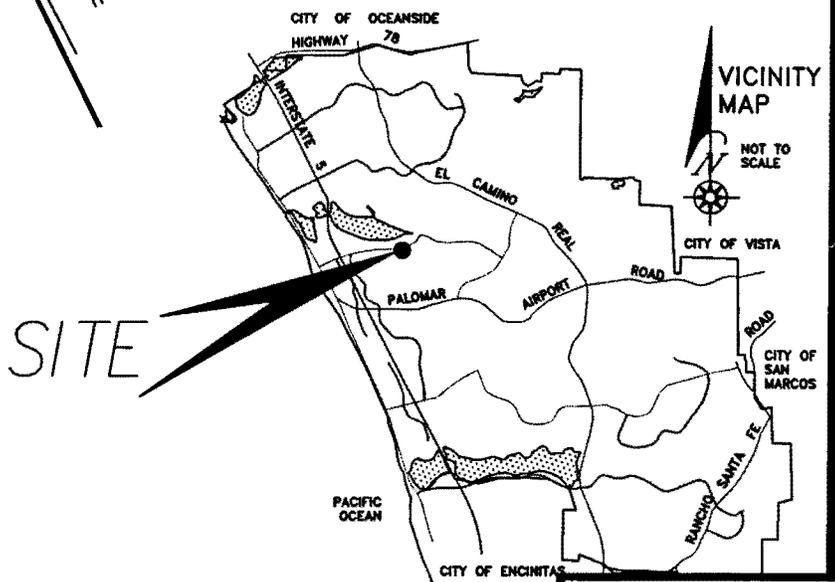
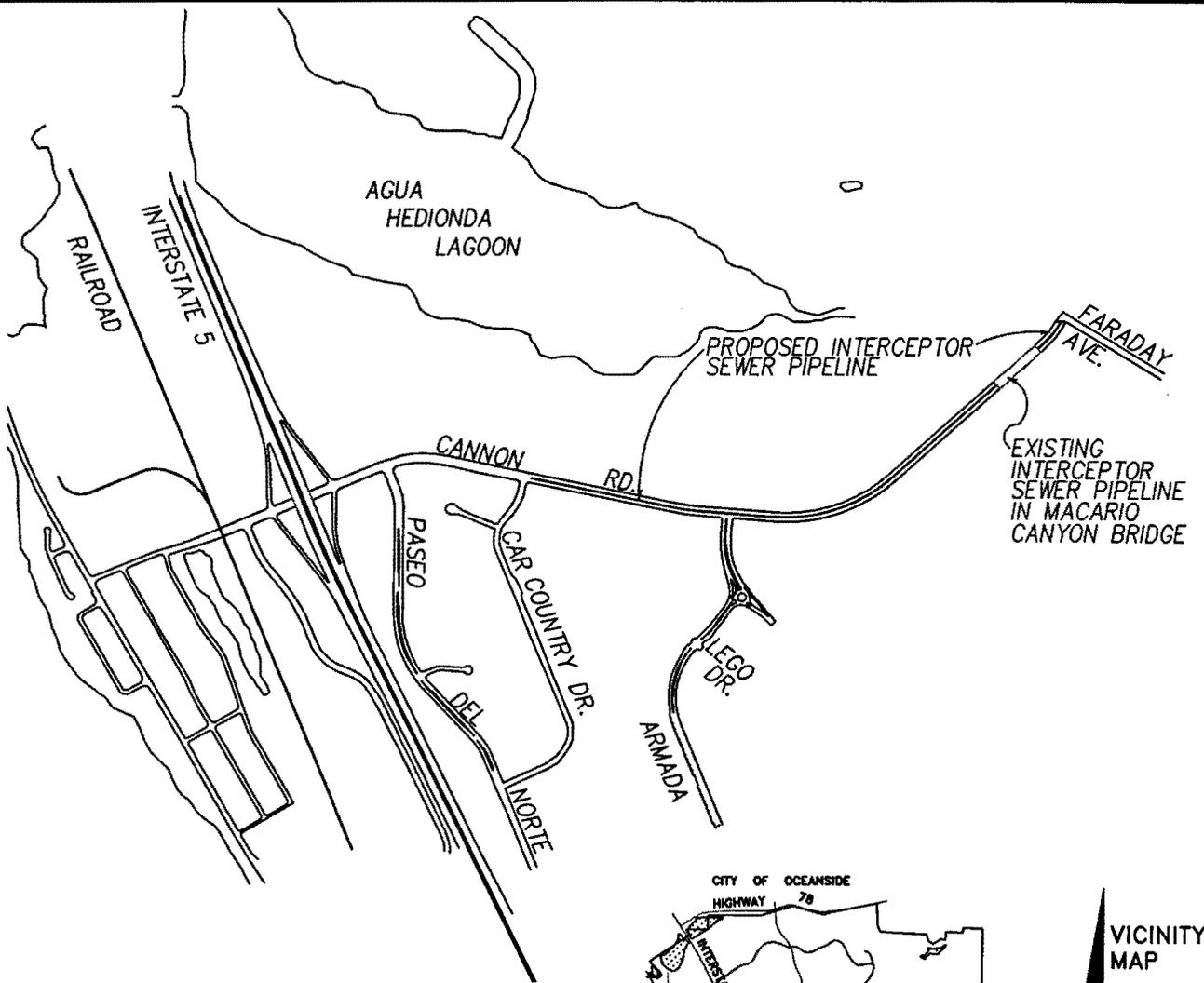
STANDARD CONDITIONS:

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.

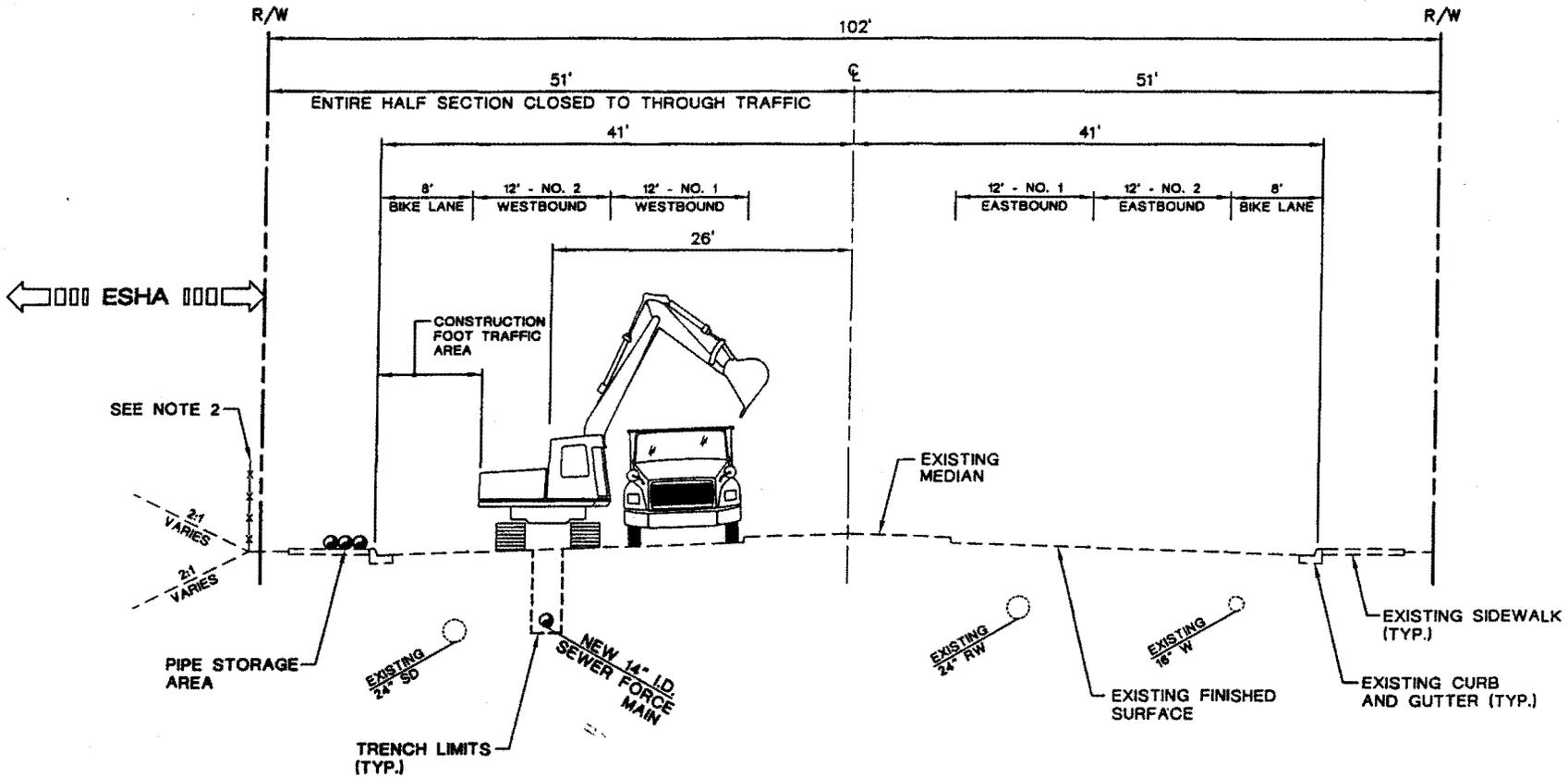
LOCATION MAP



PROJECT NAME *SOUTH AGUA HEDIONDA INTERCEPTOR PHASE 2 REACH 3*

PRO
NUM
35

EXHIBIT NO. 1
APPLICATION NO.
6-01-70
Location Map



CANNON ROAD STA. 58+00.00 TO STA. 73+19.16

SCALE: 1" = 10'

NOTE:

1. CONSTRUCTION ACTIVITIES WILL NOT INTRUDE ON ESHA.
2. THE RIGHT-OF-WAY (R/W) IS FENCED WHERE SLOPE IS DOWNWARD AWAY FROM THE ROADWAY.

**CARLSBAD MUNICIPAL
WATER DISTRICT**

**SOUTH AGUA HEDIONDA
INTERCEPTOR (SAHI) PHASE II,
REACH III, STATION 15 TO 73**

TYPICAL WORK AREA ILLUSTRATION

JUNE
2002

DANIEL BOYLE ENGINEERING, INC.
OCEANSIDE, CA

FIGURE
NO. 1

C15-106-04

H:\CADFILES\CH\14\30\104\CS\ILCOMM.DWG PLOT AT 1:10 6/28/02

 California Coastal Commission	EXHIBIT NO. 2 APPLICATION NO. 6-01-70 Site Plan
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