

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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Staff: WNP-SD
Staff Report: October 17, 1995
Hearing Date: November 14-17, 1995

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-95-131

Applicant: Carlsbad Municipal Water District Agent: Robert Johnston

Description: Replace an existing 4" water line in Locust Avenue between Harrison Street and Adams Street with a new 8" water line; replace an existing 6" water line in Harrison Street between Locust Avenue and Adams Street with a new 8" water line; replace an existing 6" water line in Highland Drive between Hoover Street and Adams Street with a new 8" water line; and construct a new 12" water main in Jefferson Street between Marron Road and the I-5 bridge. All staging and construction will occur within existing roadways.

Sites: Segments of Harrison and Jefferson Streets, Locust Avenue and Highland Drive, Carlsbad, San Diego County.

Substantive File Documents: Certified Mello II Local Coastal Program
Certified Agua Hedionda Land Use Plan

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development on the grounds that the development as conditioned will be in conformity with the adopted Local Coastal Program and Chapter 3 policies of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

1. Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, detailed plans incorporated into the construction bid documents for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall not be allowed to occur in any environmentally sensitive habitat areas, including vegetated or non-vegetated wetlands or buffers or parking spaces.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the replacement of an existing 4" water line in Locust Drive with a new 8" water line; the replacement of an existing 6" water line in Harrison Street with a new 8" water line; and the replacement of an existing 6" water line in Highland Drive with new 8" water line. These projects are proposed to replace existing substandard facilities and are located within the area subject to the Agua Hedionda Lagoon Local Coastal Program Land Use Plan. Also proposed is the construction of a new 12" potable water main in Jefferson Street to ease fire flow deficiencies. This project is proposed in the area subject to the certified Mello II Local Coastal Program and would provide water service to Hosp Grove, a community park that is currently under construction. All staging and construction will occur within existing roadways.

A new 12" potable water main proposed in Carlsbad Village Drive is outside the coastal zone and therefore does not require a coastal development permit. A new pavement overlay is proposed on Jefferson Street from the I-5 bridge to Marron Road after pipeline construction has been completed. The pavement overlay is exempt as indicated in the Commission's exclusion guidelines for public works projects.

2. New Development. Section 30250 (a) of the Coastal Act provides that new development must be located within existing developed areas with adequate public services. Policy 5.9(a) of the certified Agua Hedionda Land Use Plan provides that:

Development shall occur in an orderly fashion, with infill properties in the urbanized areas receiving priority over urban fringe or outlying properties.

The proposed replacement water lines in the area subject to the Agua Hedionda LUP are proposed to upgrade existing substandard water lines in an urbanized area. Thus, they do not represent new service in the area. The water system is designed to provide service for new development that will be constructed consistent with the land use designations certified in the City's Agua Hedionda LUP; therefore, the upgraded water lines will only serve development that has been previously planned at land use densities which have been found to be consistent with Coastal Act policies.

The Mello II water line project on Jefferson Street would provide water service for Hosp Grove, a community park that is currently under construction and approved by the Commission in CDP #6-92-110. The proposed 12" water line will fill in the gap between existing 12" lines in Marron Road and Jefferson Street near the I-5 bridge. Jefferson Street is also immediately adjacent to the south shore of Buena Vista Lagoon. A naturally vegetated slope on the north side of Jefferson Street separates Jefferson Street from the lagoon. Most of the vegetation on this slope is non-native vegetation; however, there are some small and isolated areas containing sensitive vegetation (freshwater marsh, salt marsh, and riparian species). Additionally, salt marsh vegetation occurs in a small area on the south side of the street within Hosp Grove. Although the proposed water line construction is proposed near the centerline of the existed paved Jefferson Street, it would occur within 50 feet of these resources. The Mello II LCP provides that a minimum buffer of 100 feet and 50 feet be provided between wetlands and riparian vegetation and new development respectively. However, the project would take place within the existing street which is already located within the 50 foot buffer. More importantly, because the project would take place within the existing paved street, no direct impacts to sensitive resources would occur. However, to ensure that construction materials are not placed in sensitive areas during water line installation, the Commission finds an access and staging areas plan must be submitted. The plan shall indicate that no construction materials shall be placed or stored in environmentally sensitive areas. As conditioned, the Commission finds the project consistent with the new development policies of the certified Agua Hedionda LUP, the resource protection policies of the certified Mello II LCP and Chapter 3 policies of the Coastal Act.

3. Local Coastal Planning. Section 30604 (a) 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. Additionally, Section 30519.1 (c) requires that a permit for a project within the Mello I or Mello II segment planning areas of the City Carlsbad shall be approved only if the Commission finds that it is consistent with the Certified Local Coastal Program for the area. In both cases, such a finding can be made.

The proposed development is located within public streets and water easements. It is compatible with, and will not affect the zoning of adjacent land uses. The project site is not located within any of the special overlay areas identified in the Mello II LCP and the Agua Hedionda LUP and as conditioned, no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds the proposed development will not prejudice the ability of the City of Carlsbad to prepare a certifiable local coastal program.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

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1995 DOWNTOWN WATER PROJECT VICINITY MAP.

CARLSBAD VILLAGE
DRIVE PROJECT.

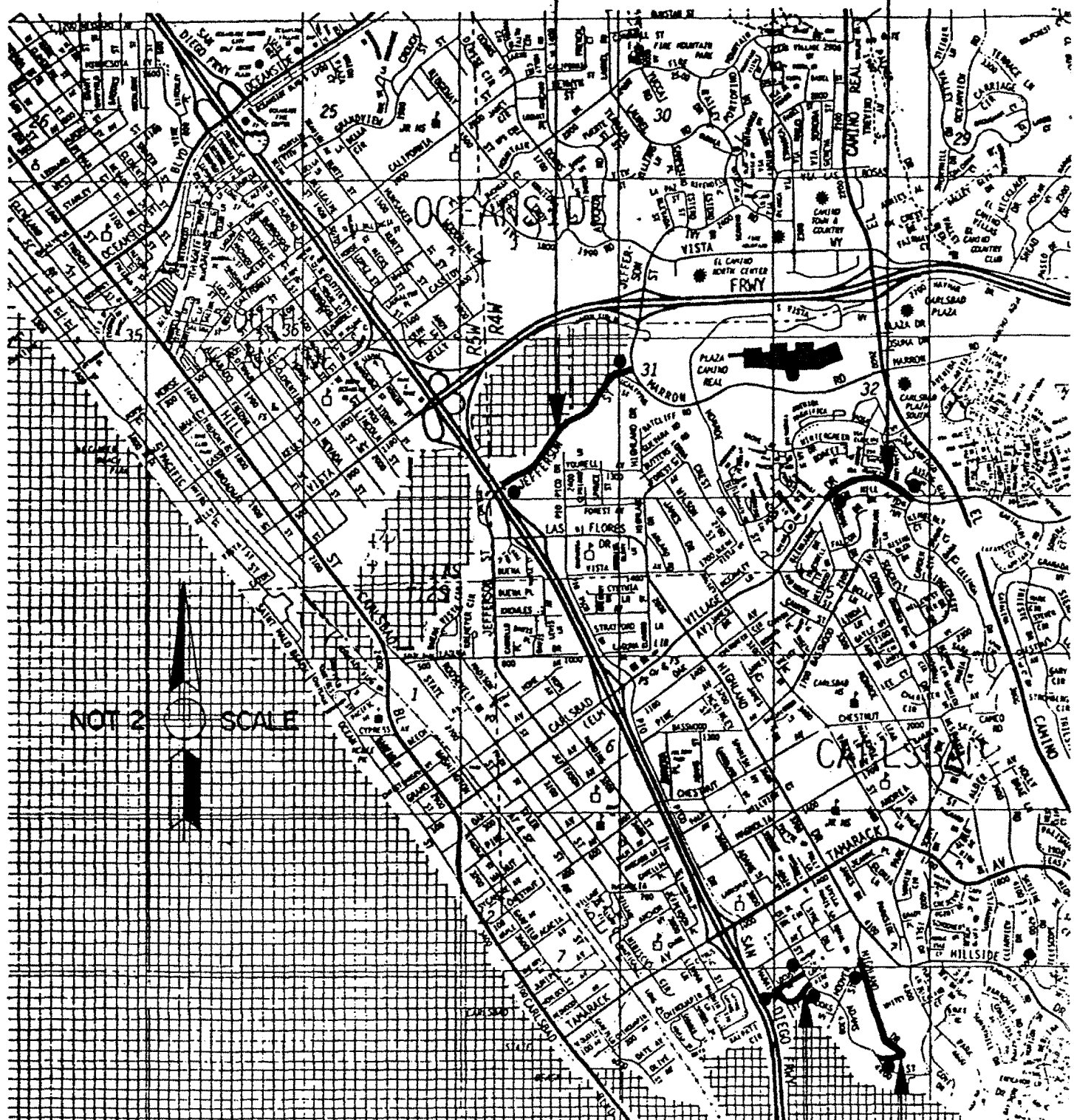


EXHIBIT 'A'

LOCUST & HARRISON
STREET PROJECTS.

HIGHLAND DRIVE PROJECT.

● NOTICE
POSTING
TYPICAL.