

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036



Filed: 11/28/95
 49th Day: 1/16/95
 180th Day: 5/27/96
 Staff: LJM-SD
 Staff Report: 11/28/95
 Hearing Date: 12/12-15/95

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 16a

Application No.: 6-95-141

Applicant: Carlsbad Municipal
 Water District

Agent: Robert A. Johnston

Description: Construction of approximately 2,500 lineal feet of new eight-inch sewer line within a proposed sewer easement to extend from existing trunk sewer to serve a park and current and future residential development.

Site: South of Palomar Airport Road, east of Paseo Del Norte, Carlsbad, San Diego County. APN 211-040-14, 33, 212-040-32, 214-140-13

Substantive File Documents: Certified City of Carlsbad Mello II Local Coastal Program Segment; Updated Biological Surveys and Coastal California Gnatcatcher Surveys for the McReynolds Property in Carlsbad by Recon, dated June 20, 1995; Recommended Alignment Report for Poinsettia Park Sewer by Daniel Boyle Engineering, Inc., dated April 28, 1995; Draft Mitigated Negative Declaration for the Mar Vista Subdivision dated October 3, 1995; CDP Nos. 6-95-20/Greystone, 6-94-131/Toyahara and 6-95-122/City of Carlsbad.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to a number of special conditions which require the submittal of final project, staging area, erosion control and revegetation plans as well as submittal of final recorded easement documents for the proposed sewer alignment. With these conditions, staff has found the proposed sewer project consistent with the policies of the certified City of Carlsbad Mello II Local Coastal Program segment as it will not adversely impact adjacent/downstream sensitive resources, and is proposed to accommodate the intensity of development planned for in the certified LCP.

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, subject to the conditions below, on the grounds that the development, as conditioned, will be in conformity with the adopted Local Coastal Program, 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.

The permit is subject to the following conditions:

1. Final Plans/Staging Areas. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final project and staging area plans for the proposed sewer line project which are in substantial conformance with the conceptual plans submitted with this application and which have been incorporated into the construction bid documents. Final staging area plans shall indicate that any proposed staging areas for the interim or overnight storage/staging of equipment or materials shall be located such that no encroachment into naturally vegetated steep slopes or riparian areas is required.

2. Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final erosion control plans, which have been incorporated into the construction bid documents and, that include the following requirements:

a. All proposed temporary erosion control measures, such as sand bags, debris basins, hay-bales and hydroseeding shall be performed concurrent with construction, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

b. Maintenance of all temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

c. All trenches for the installation of the sewer pipe shall be protected through placement of excavated material on the upslope side of the trench, where possible. Trenching within the floodplain and adjacent slope to the south shall occur in increments and shall be backfilled when rain is imminent such that no trenches shall remain open during a storm event.

d. A construction schedule shall be submitted for the project. Said schedule shall indicate that work within the Encinas Creek floodplain and adjacent slope to the south shall be completed as quickly as possible and then stabilized to minimize the potential for erosion and downstream sedimentation.

e. All areas within the Encinas Creek floodplain and adjacent slope to the south that are disturbed by grading shall be planted immediately upon completion of construction pursuant to the revegetation plans required in Special Condition #3 below.

3. Revegetation Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed revegetation plan for the development which indicates the type, size, extent and location of all plant materials and any proposed irrigation system to revegetate that portion of the project area (the floodplain area of Encinas Creek and slope area to the south) that is disturbed by the installation of the sewer pipe. Drought tolerant native plant species, consistent with adjacent natural vegetation, shall be utilized.

4. Final Easements. Prior to the issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, final recorded easement documents for the proposed sewer alignment which are in substantial conformance with the draft documents submitted with this application.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. Proposed is the construction of approximately 2,500 lineal feet of new eight-inch gravity sewer line to serve an existing park and current and future residential development. The proposed sewer line will drain northerly from Poinsettia Park, which is located east of Paseo Del Norte and north of Camino De Los Ondas, and tie into an existing trunk sewer located in the Encinas Creek floodplain, just south of Palomar Airport Road in the City of Carlsbad. The majority of the land on which the proposed sewer alignment will cross is currently under agricultural cultivation, with the exception of the floodplain area of Encinas Creek and the adjacent slope to the south, which are vegetated with both native and non-native plant species. All work will be undergrounded by trenching and no export of material is proposed.

The proposed sewer line is to be constructed on land that is privately owned and no sewer easements for the proposed alignment currently exist. Although the District has received written authorization for the development from the affected landowners, the final easement documents have not yet been completed. As such, Special Condition #4 has been attached. This condition requires that the applicant submit the final recorded easement documents to the Executive Director prior to the issuance of the coastal development permit.

2. Sensitive Habitat Areas. Policy #3-7 of the certified Mello II LCP is applicable and states, in part:

Wetland and riparian resources outside the lagoon ecosystems shall be protected and preserved. No direct impacts may be allowed except for the expansion of existing circulation element roads identified in the LCP and and those direct impacts associated with installation of utilities (i.e., water, sewer, and electrical lines)....

In addition, the subject site is located within the Coastal Resource Protection Overlay Zone subject to the Mello II segment of the City of Carlsbad's LCP. The LCP regulations pertaining to steep slopes as certified by the Commission seek to protect only those slopes which contain both areas of 25% grade and greater and natural coastal sage scrub/chaparral vegetation. The intent of these LCP policies is to limit the wholesale removal of native vegetation, recontouring of natural landforms and installation of impervious surfaces within naturally vegetated steep slope areas.

As noted previously, the proposed sewer line will run north from Poinsettia Park across a mesa, which is currently under agricultural cultivation, then down a steep slope and tie into an existing trunk sewer in the Encinas Creek floodplain (see Exhibit #2 for more detailed alignment). According to the biological resource report for the project, Encinas Creek in the area surrounding the project is vegetated with riparian habitat dominated by Southern Willow Scrub. In addition, the adjacent slopes to the south of the floodplain are predominantly vegetated with Diegan Coastal Sage Scrub and Southern Mixed Chaparral habitat. Although Encinas Creek for the most part is vegetated with riparian habitat species, the existing trunk sewer that runs along Encinas Creek (which the proposed sewer is to tie into) is located south of the creek in an area that is densely vegetated with non-native plant species (Pampas Grass). In addition, although the slopes south of the Encinas Creek floodplain are vegetated with coastal sage and chaparral habitat, the proposed sewer alignment will follow an approximately 150 ft. wide corridor of non-native vegetation (Pampas Grass) up the slope. The remainder of the alignment will occur on a mesa that is currently in agricultural cultivation.

Because the proposed sewer line will be installed within these non-native corridors, no direct impacts to sensitive habitat areas will occur. In addition, the applicant has indicated that the proposed construction corridor through the floodplain and steep slope areas has been reduced to the maximum extent feasible (100 ft. maximum) to assure that no impacts to adjacent sensitive habitat areas will occur during construction of the project.

However, staging areas for construction materials and equipment and materials have not yet been identified; thus sensitive habitat areas could be adversely impacted by materials placed outside the immediate construction corridor. To assure no sensitive habitat areas are impacted by construction staging, Special Condition #1 has been proposed. This condition requires the applicant to submit final staging area plans that indicate that no storage of equipment or materials shall occur in any sensitive habitat areas.

With regard to long range planning issues, the project is consistent with the City's draft Habitat Management Plan (HMP). The goal of the HMP is to preserve and protect contiguous stands of Coastal Sage Scrub and other habitats that are important as habitat to a number of animal species. While the Encinas Creek area is identified as an important habitat corridor, as noted above, the proposed sewer project will not directly impact any coastal sage scrub or other native vegetation.

Relative to protection of sensitive habitat areas, another potential concern raised by the proposed development pertains to whether or not the proposed sewer alignment could preclude options for siting development on sites that have not yet been reviewed by the Commission. In other words, could the proposed sewer line, utilizing the proposed alignment that runs through currently undeveloped areas, require future development to be sited such that impacts to sensitive habitat areas would occur? Although the proposed sewer alignment does run through currently undeveloped areas (which are currently being reviewed by the City of Carlsbad for residential subdivision), the proposed sewer alignment occurs on relatively flat, potentially developable area and has been sited such that it would be within potential residential streets and not require any future residential development to encroach into sensitive habitat areas to accommodate the sewer alignment. Therefore, approval at this time will not prejudice Commission review of future residential development or dictate a development plan that would require encroachment into environmentally sensitive habitat areas.

The proposed project also raises the issue of utilizing the proposed sewer alignment versus running the sewer line within the proposed alignment of Hidden Valley Road to the east. In approving a permit for a residential subdivision east of the proposed sewer alignment, the Commission approved the extension/improvement of Hidden Valley Road north from the development to Palomar Airport Road (ref. CDP #6-94-131/Toyahara). In its approval, the Commission found that while the road would impact dual-criteria slopes, such impacts could be accepted because the road alignment would also provide necessary sewer, water and access to other developable areas. In addition, in May of this year, the Commission approved a permit for a residential subdivision located south of the proposed sewer line alignment (ref. CDP #6-95-20/Greystone). That approval included an interim sewer plan which directed sewage from the development to a temporary lift station on Poinsettia Park and then pumped sewage to an existing sewer line in Paseo Del Norte to the west. The Commission acknowledged that the City was reviewing a permanent pipeline alignment to provide service to the park and the residential subdivision that would drain by gravity to the north through some sensitive habitat areas. However, because of the potential impacts to sensitive habitat areas of a permanent sewer north, the Commission made findings that based on the decision of CDP #6-95-131 (as noted above), any sewer alignment to serve the park and residential development, should be within Hidden Valley Road.

However, in this particular case, the applicant has indicated that if a sewer line to serve the park and the residential development is to utilize Hidden Valley Road, a pump station would be necessary because of existing

topography. Because of costs and maintenance concerns associated with such a pump facility, the applicant has instead proposed the subject sewer pipe alignment which has been designed to not directly impact any sensitive habitat areas.

Although the proposed project will not directly impact any sensitive habitat areas, trenching/grading is proposed during the winter rainy season and while the project site does not drain directly to any lagoon or wetland area, Encinas Creek downstream of the site does support a significant riparian corridor. As such, sedimentation from the project during and after construction could adversely impact this sensitive habitat area. Because of sedimentation concerns during the winter months, the City's LCP requires that no grading occur during the winter rainy season (October 1 to April 1). However, the Commission has approved limited exceptions to this restriction when the project included a quality erosion control program to assure no downstream sedimentation impacts would result from the project grading during the winter months.

In this particular case, the applicant has indicated that the proposed project is scheduled to commence immediately upon receipt of the necessary permits and will take approximately two months to complete. As such, the project is proposed to occur during the winter rainy season. To address potential downstream sedimentation concerns, the applicant has submitted a conceptual erosion control plan. This plan includes the use of silt fences adjacent to sensitive habitat areas to minimize sedimentation into such areas and straw punch and hay bales to limit/slow water flow on disturbed slopes. In addition, the plan indicates that all trenches within the floodplain shall be backfilled when rain is imminent. Additionally, the applicant has indicated that construction work within the floodplain and slope areas will occur first and will take less than two weeks to complete. To further limit the potential for erosion, the applicant has also proposed to revegetate the area of the floodplain and slopes disturbed by construction upon completion of the work in that area.

However, as the proposed erosion control plan is only conceptual, Special Condition Nos 2 and 3 have been proposed. Special Condition #2 requires the applicant to submit final erosion control plans for the project which indicate that erosion control measures shall be installed concurrent with construction and shall be maintained throughout the rainy season. In addition, the plan shall indicate that any trenches in the floodplain and adjacent slopes shall be backfilled prior to any storm event. To further assure downstream sedimentation impacts are minimized, this condition also requires the applicant to submit a final construction schedule that indicates that the construction within the floodplain and adjacent slope shall be completed as quickly as possible.

Special Condition #3 requires the applicant to submit a revegetation plan for that portion of the project located within the floodplain and the adjacent slope to the south that requires the use of native, drought tolerant plant species consistent with the adjacent natural vegetation. In addition, Special Condition #2e requires that the revegetation occur immediately upon completion

of construction in those areas. Given the submitted conceptual plans and the proposed conditions, downstream sedimentation impacts resulting from the proposed development will be reduced to the maximum extent feasible. Therefore, the Commission finds the proposed development, as conditioned, consistent with the policies of the certified City of Carlsbad Mello II LCP segment.

3. Local Coastal Planning. Section 30171 of the Coastal Act was a special legislative amendment which required the Commission to adopt and implement a local coastal program for portions of the City of Carlsbad and County islands prior to the specific statutory dates. The proposed project is located within the Mello II segment.

The proposed sewer line represents new service to serve both existing development and new development in the area. Specifically, the new line will service Poinsettia Park and a 112 lot residential subdivision south of the park, both of which have been previously approved for development by the Commission (ref. CDP Nos. 6-95-122/City of Carlsbad and 6-95-20/Greystone Homes). In addition, the applicant has indicated that the new sewer line will service two additional residential subdivisions, which have not yet been reviewed by the Commission. Although the new line is being proposed to service new development that has not yet received Commission approval, such new developments would, of necessity, be consistent with the land use intensity certified in the City's Mello II LCP segment. In other words, while the line will serve new development, it will serve new development that has been previously identified and planned for in the certified LCP.

The proposed development will provide sewer service to both existing uses and future development, and is compatible with, and will not affect the zoning of adjacent land uses. As conditioned to assure no impacts to adjacent and downstream sensitive resources will occur as a result of the project, the proposed development, is consistent with the applicable policies of the certified Mello II LCP segment. Therefore, the Commission finds that the proposed development, as conditioned, will not prejudice the ability of the City of Carlsbad to develop and implement its certified local coastal program.

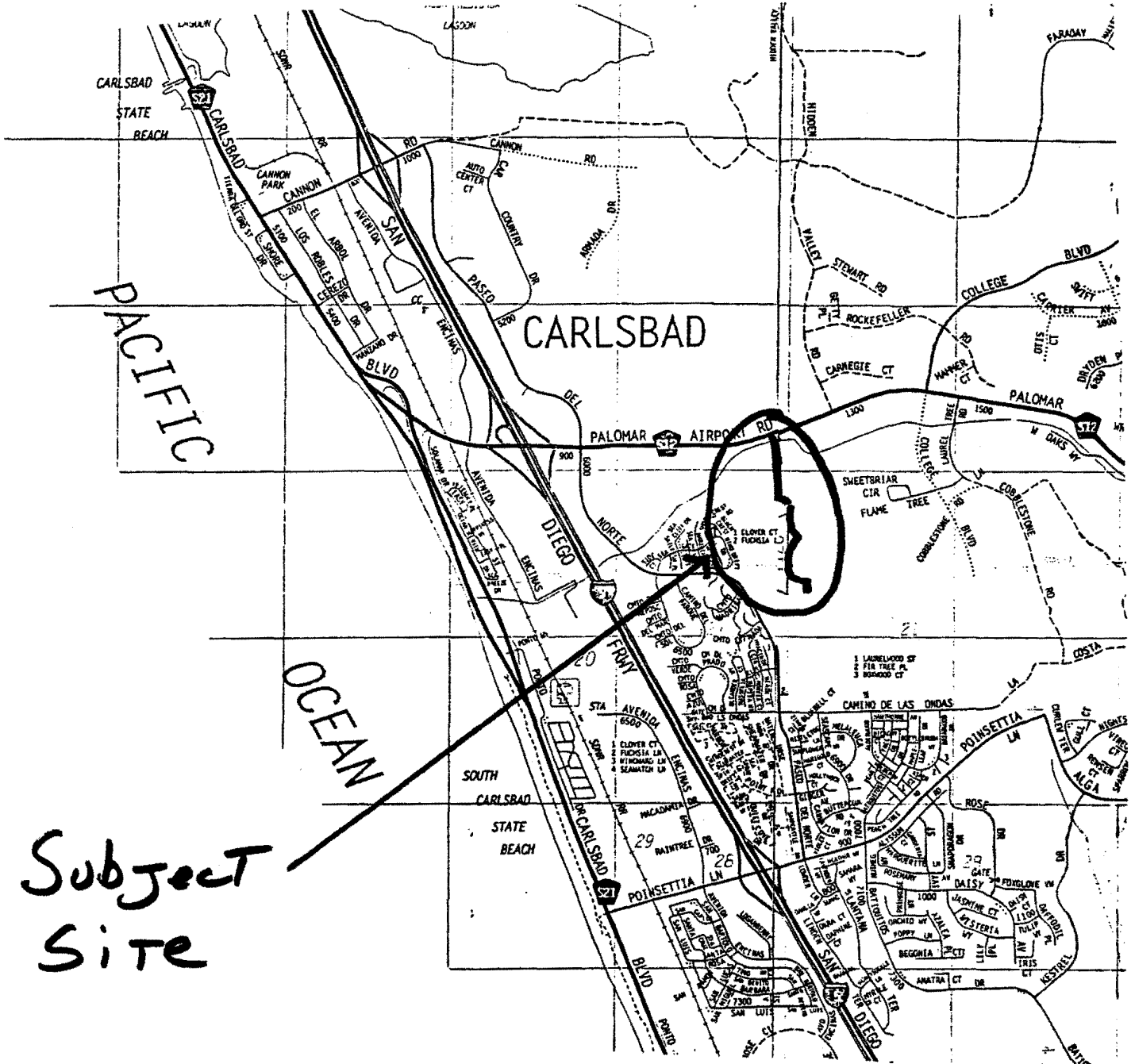
4. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) 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 impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the proposed activity may have on the environment. Therefore, the Commission finds the proposed project is the least environmentally-damaging-feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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.

(5141R)



Subject Site



EXHIBIT NO. 1
APPLICATION NO. 0-95-141
Location map
California Coastal Commission

PROPOSED ALIGNMENT POINSETTIA PARK OFFSITE GRAVITY SEWER

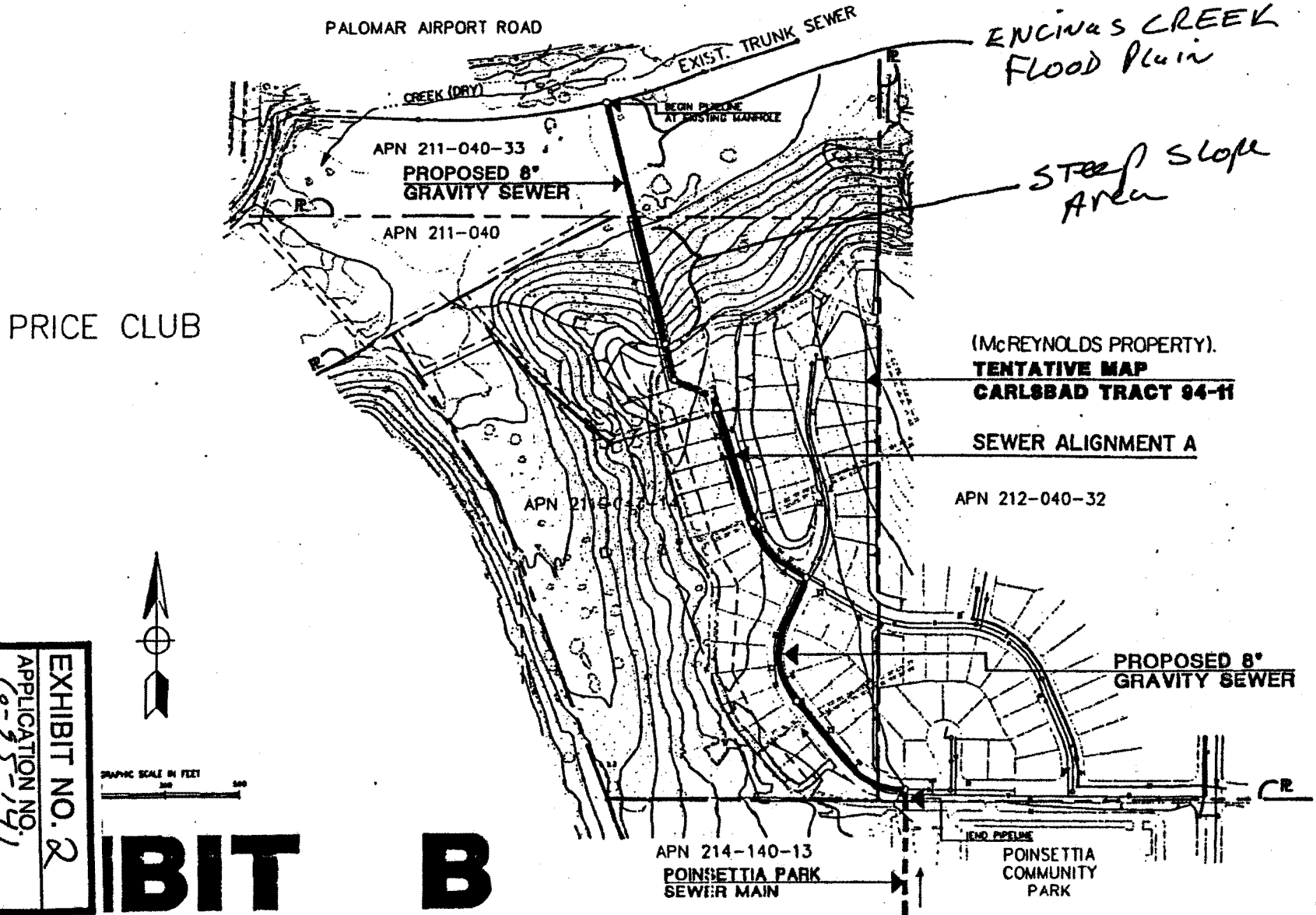


EXHIBIT NO. 2
 APPLICATION NO.
 Co-95-141
 Sewer Alignment
 California Coastal Commission

EXHIBIT B

SHEET	CARL
1	PRC
	POINSE
<i>Willis</i> PROJECT ENGINEER Date: 5/8/95 Drawn: B.M. Checked: B.M.	