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CALIFORNIA COASTAL COMMISSION

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



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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Th 11d

Application No.: 6-96-14

Applicant: Metropolitan Area Advisory Committee Agent: Jack Henthorn

Description: Boundary adjustment between two parcels to create an approximately 17 acre parcel (Lot A) and a 12 acre parcel (Lot B), and construction of 138 apartment units totalling 166,778 sq.ft. in 23 two-story buildings, a daycare center, ball courts, tot lots, and social service/leasing office, on Lot B; payment of an agricultural mitigation fee. No development is proposed on Lot A.

Lot Area	11.99 gross acres (Lot B only)
Building Coverage	88,897 sq. ft. (17%)
Pavement Coverage	336,995 sq. ft. (64%)
Landscape Coverage	96,659 sq. ft. (19%)
Parking Spaces	303
Zoning	RD-M-Q
Plan Designation	Residential High (15-23 du/ac)
Project Density	15.31
Ht abv fin grade	35 feet

Site: South of Palomar Airport Road, between the extension of College Blvd/Alga Road and Laurel Tree Road, Carlsbad, San Diego County. APN 212-040-46, 29.

Substantive File Documents: Certified Carlsbad LCP Mello II segment; City of Carlsbad GPA 95-01/ZC 95-01/LCPA 95-02/LFMP 87-05(B)/SDP 95-01/HDP 95-01; Hayworth, Anita M. "Environmental Survey Laurel Tree Affordable Housing Site," March 1995; CDP #s 6-95-125, 6-94-131, 6-88-531.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to special conditions requiring mitigation for impacts to coastal sage scrub and wetland habitat, submittal of a plan to mitigate for conversion of former agricultural lands to urban uses, grading, erosion and drainage control plans, landscaping plans, permits from other agencies, and identification of an import site. The major issues involved in the development include the impacts to naturally vegetated steep slopes, wetland habitat, and the conversion of agricultural land to urban uses.

PRELIMINARY 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. Conversion of Agricultural Land. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, evidence that payment of the agricultural mitigation fee, as required by Condition #2 of the City of Carlsbad Site Development Plan SDP 95-01, has been received by the Coastal Conservancy, consistent with the provisions of the Carlsbad Mello II Local Coastal Program.

2. Purchase of Coastal Sage Mitigation Credits. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director, for review and written approval, evidence that the applicant has purchased 1.64 acres of coastal sage mitigation at the Carlsbad Highlands Conservation Bank, as accepted by the California Department of Fish and Game and the U.S. Fish and Wildlife Service in accordance with the applicant's proposal.

3. Riparian Mitigation Plan. Prior to the issuance of the coastal development permit amendment, the applicant shall submit to the Executive Director for review and written approval, a final mitigation plan for the proposed impacts to riparian resources, resulting from off-site street improvements. The Executive Director shall approve the plan, if prepared in consultation with the California Department of Fish and Game and U.S. Fish and Wildlife Service, which shall include the following:

a. Creation of 2,610 sq.ft. of riparian vegetation as mitigation (at a 3:1 ratio of replacement area to impacted area) for the approximately 870 sq.ft. of riparian vegetation impacted by the placement of fill or culverts;

b. Creation of a 50-foot buffer on either side of the newly-created riparian corridor;

c. The riparian mitigation shall occur along Hidden Valley Road, south of Palomar Airport Road, as approved in CDP #6-95-125 (PacWest Group Inc.) adjacent to the riparian mitigation site approved in CDP #6-94-131 (Toyohara America Group), as identified in Exhibit #4;

d. The applicant shall submit evidence that either: (1) it has acquired title to the mitigation site and shall dedicate an open space easement over the mitigation site, including the buffers, (2) a public entity has acquired title to the mitigation site for purposes of maintaining the site in open space; or, (3) the applicant has obtained an easement over the mitigation site for purposes of performing the mitigation and shall dedicate the easement to a public entity for purposes of maintaining the site in open space; and

e. The mitigation area shall be created and planted prior to or concurrent with the completion of the Alga Road improvements.

Paragraphs a. through e., above, shall be incorporated in the finals plans for the development. Evidence of such incorporation shall be provided to the Executive Director prior to issuance of the permit.

4. Monitoring Program. Prior to issuance of the coastal development permit, the applicant shall submit a detailed monitoring program designed by a qualified wetland biologist and acceptable to the Executive Director for the newly-created wetland. Said monitoring program shall provide the following:

a. Submittal of evidence of the completion of the mitigation plan addressed in Special Condition #3, above, through the submittal of "as built" plans, in substantial conformance with the proposed mitigation plan.

b. Monitoring reports on the extent of coverage, rate of growth and species composition of all created wetland areas shall be submitted to the Executive Director on an annual basis for five years following project completion. The five-year monitoring program begins at the time of submittal of the "as built" plan.

c. The monitoring program shall include provisions for augmentation and maintenance of the restoration efforts, including specific performance standards, designed to assure 90% coverage in a five year period. The program shall include criteria to be used to determine the quality and extent of the revegetation efforts, which shall include, but not be limited to, survival rates and species composition.

d. At the end of the five year period, a more detailed report prepared in conjunction with a qualified wetland biologist shall be submitted to the Executive Director. If the report indicates that the mitigation has been, in part, or in whole, unsuccessful, the applicant shall be required to submit a revised or supplemental mitigation program to compensate for those portions of the original program which were not successful. The revised mitigation program, if necessary, shall be processed as an amendment to their coastal development permit.

5. Grading and Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, in consultation with the California Department of Fish and Game, final grading plans approved by the City of Carlsbad. Said plans shall incorporate the following:

a. All grading activity shall be prohibited between October 1st and April 1st of any year.

b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the graded areas. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation subject to Executive Director approval.

6. Drainage/Runoff Control. Prior to the issuance of a coastal development permit, the applicant shall submit drainage and runoff control plans approved by the City of Carlsbad. Said plans shall be designed by a licensed engineer qualified in hydrology and hydraulics, and assure no increase in peak runoff rate from the developed site over runoff that would occur from the existing undeveloped site, as a result of a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). Runoff control shall be accomplished by such means as on-site detention/desilting basins. Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan, including supporting calculations, shall be submitted to, reviewed and approved in writing by the Executive Director.

7. Final Plans. Prior to the issuance of the coastal development permit, the applicant shall submit final site plans, floor plans, and elevations for the proposed apartments stamped and approved by the City of Carlsbad in substantial conformance with the submitted plans dated March 23, 1995. Additionally, final road improvement plans approved by the City of Carlsbad for proposed off and on-site improvements of Alga Road shall be submitted in substantial conformance with the plans dated August 9, 1995. Said plans shall be subject to the review and written approval of the Executive Director, and construction shall subsequently take place consistent with the approved plans.

8. Other Permits. Prior to the commencement of construction, the applicant shall submit copies of all other required state or federal discretionary permits for the development herein approved. Any mitigation measures or other changes to the project required through said permits shall be reported to the Executive Director and shall become part of the project. Such modifications, if any, may require an amendment to this permit or a separate coastal development permit.

9. Import of Fill Material. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the import of fill material. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of a 138 unit affordable housing apartment complex on a 11.99 acre site. The site is located approximately 770 feet to the south of Palomar Airport Road, east of the existing College Boulevard terminus, at the northeast corner of the future Alga Road/Cobblestone Road intersection. The project consists of 23 six unit, two-story apartment buildings surrounded by a driveway and 303 parking spaces. Common recreation facilities to be constructed include a town square, a multi-purpose ball court, a day care center and playground, a leasing office/social service office, and two tot lots. The units will be affordable to low and very-low income households.

A lot line adjustment between the development site and the adjacent lot to the east would move the western boundary of the development approximately 30 feet to the east, thereby incorporating all of the existing Laurel Tree Road within the development site. The lot line adjustment would add approximately .78 acres of land to the project site. The boundary change is proposed to facilitate the parking and access design of the project. No other development is proposed or approved on Lot A at this time.

Also included in the project is the construction of an access road adjacent to the site to the north known as "A" Street, which will intersect with Alga Road, and the construction of Alga Road (which is called College Boulevard north of Palomar Airport Road) from Palomar Airport Road south to the project site. The project will involve approximately 12,500 cubic yards of cut and 188,965 cubic yards of fill, including 99,150 cubic yards for Alga Road. As the specific import site has not yet been identified, Special Condition #9 requires the applicant to identify the import site and receive all necessary permits for grading on the site. Laurel Tree Road, which currently provides access to the site from the northeast, will be repaved north of the site as an emergency access road to the project site.

The site is currently vacant, but was cultivated in the distant past. Because the project would involve the conversion of agricultural land to urban uses, included in the project proposal is payment of an agricultural fee to the City of Carlsbad. The fee will be between \$5,000 and \$10,000 for each net converted acre. Topographically the site consists of a south to north trending canyon containing mostly disturbed ruderal habitat, with several small pockets of coastal sage scrub habitat. Isolated portions of the site have slopes greater than 25% grade. The entire site will be developed.

The site is located within the Mello II segment of the Carlsbad Local Coastal Program (LCP), and is the subject of an LCP amendment (Carlsbad LCPA 1-96D)

currently under review by the Commission to redesignate the existing "Office and Related Commercial" designation to "Residential High". The site was the subject of a previous LCP amendment in February 1988, where the Commission approved redesignation of the project site from "Residential Low Medium" to "Office" uses, finding that the site was topographically separated from other residentially designated or developed areas. In December 1998, the Commission approved a permit for a subdivision (#6-88-531) creating the proposed development parcel from a 65.7 acre parcel.

In October 1995, the Commission approved a permit for subdivision and construction of 213 residences on a site east of the project site known as Cobblestone Sea Village (#6-95-125/PacWest Group Inc.), which included the construction of portions of Alga Road to Cobblestone Road. The City of Carlsbad has also required that the current applicant construct the same improvements to this portion of Alga Road. In practice, either developer could construct the improvements, depending on the timing of the two projects. Therefore, the subject applicant has also included the construction of Alga Road improvements in the current proposal.

3. Sensitive Habitat Areas/Steep Slopes. Relevant policies which address protection of environmentally sensitive habitat areas include Policy 3-1 of the certified Mello II LCP, "Slopes and Preservation of Vegetation" which states:

Certain areas of the Carlsbad coastal zone have very high habitat value. These areas are not suitable for farming. These areas exhibit a large number and diversity of both plant and animal species, several of which are threatened because of extensive conversion of mixed chaparral and coastal sage scrub habitats to urban or agricultural uses. Also, well-established and well-maintained vegetation is a major deterrent to soil erosion and attendant difficulties.

Unless specifically addressed in other policies of this Land Use Plan, the vegetation on steep slopes shall be maintained so that natural habitats are preserved and soil erosion is minimized.

Policies of the certified Mello II segment of the City's LCP also contain the following language regarding the development of steeply sloping hillsides with native vegetation:

(1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant Communities.

For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language would apply:

- a) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted.

For existing legal parcels, with 25% grade, encroachment shall be permitted, however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

The subject site is located in the area subject to the Mello II segment of the City of Carlsbad's LCP and the Coastal Resource Protection (CRP) Overlay Zone. Steep slope areas are afforded special status due to the presence of naturally occurring chaparral/coastal sage scrub which provides valuable natural habitat. The LCP regulations pertaining to steep slopes as drafted by the City and certified by the Commission protect those slopes of 25% grade and greater that contain coastal sage scrub and chaparral vegetation. They are commonly referred to as "sensitive slopes" or "dual criteria" slopes. As stated above, the certified Mello II LCP prohibits impacts to naturally vegetated steep slopes (25% grade or more) unless: (a) preservation of these slopes denies a property owner any reasonable use of the property, in which case up to 10% encroachment on the slopes is allowed, (b) the development is for construction of a circulation element road, (c) the development is for the installation of utility services, or (d) the development is necessary to gain access to flatter areas of property. In case of conflict, the policies of the CRP take precedence over any underlying zoning designations.

There are a total of .101 acres (approximately 4,440 sq.ft.) of dual criteria slopes on the site, which includes an area along the western portion of the site designated for the construction of Alga Road, a designated circulation element road. The City of Carlsbad has required the applicant to improve a portion of Alga Road. Alga Road is a north-south trending road, and the proposed improvements will create a 102-foot right-of-way, including sidewalks and median, that will extend from Palomar Airport Road to Cobblestone Road. The improvements to Alga Road will encroach on a total of .091 acres of dual criteria slopes located on the applicant's property. These encroachments are permitted for the construction of a circulation element road under the policies of the certified LCP.

The remaining .01 acres of dual criteria slopes consist of a small patch located towards the middle of the western side of the site. The slope is an isolated area not part of a larger canyon system or habitat area. The slope is located where the proposed parking/driveway loop would be constructed, and redesigning the development to avoid the slopes would require realigning the entire circulation of the site, and would likely result in an unwieldy, illogical development pattern. Even if the development were redesigned to avoid the dual criteria slope, the slope would be located between the apartment complex and Alga Road, isolated from any habitat corridor, and would be unlikely to function as a high quality natural habitat area. The loss of .01 acres of dual criteria slopes is less than 10% (9.9%) of the .101 acres of dual criteria slopes located on the project site. Preservation of these

particular slopes would not preserve a high quality habitat area, and would preclude a logical development pattern on the site. Thus, the proposed minor encroachment on dual-criteria slopes can be permitted consistent with the policies of the LCP.

Although there are only .101 acres of dual criteria slopes on the site, there are .82 acres of Coastal Sage Scrub (CSS) habitat on the site. Of this total, .74 acres will be impacted by the construction of Alga Road, and .08 acres will be removed by construction of the project itself. A biological survey was performed on the site and one pair of California gnatcatchers was found on the site.

Since the California gnatcatcher has been listed as a threatened species under the Endangered Species Act, cities in the San Diego region have begun various habitat protection efforts under the Natural Communities Conservation Plan (NCCP) legislation. This program was established by a state law titled the "Natural Communities Conservation Planning Act of 1991." The NCCP will create a long-term conservation plan for coastal sage scrub upon which the coastal California gnatcatcher relies almost exclusively. This plan will satisfy the requirements of Section 4(d) of the federal Endangered Species Act, which establishes a program to allow a limited "interim" take of coastal sage scrub until the NCCP is formally adopted. The interim take provision allows the loss of no more than 5% of the coastal sage scrub within a defined subregion with the issuance of an interim habitat loss permit. The City of Carlsbad has calculated through its Habitat Management Plan (HMP) that 5% of its base acreage of CSS is 165.7 acres. As of August 1995, 19.38 acres of this allotment have been taken. The loss of .82 acres due to the Laurel Tree project and the construction of Alga Road would result in a cumulative loss of 20.2 acres when all approved losses are accounted for. This loss does not exceed the 5% guideline of 165.7 acres.

The applicant has proposed to mitigate for the loss of the .82 acres at a ratio of 2:1 by acquiring for preservation 1.64 acres of CSS habitat within the high quality, coastal sage scrub area found in the Carlsbad Highlands mitigation bank. The proposed mitigation area has been previously accepted as an appropriate mitigation site by the California Department of Fish and Game and the U.S. Fish and Wildlife Service. The proposal by the applicant is addressed in Special Conditions #2, which requires the applicant to document that the 1.64 acre mitigation area has been purchased.

The proposal is conditioned to mitigate for the loss of the .82 acres of sensitive habitat. Therefore, the proposed project can be found consistent with the goals and policies of the NCCP and the resource protection policies of the Mello II segment of the certified Local Coastal Program.

4. Drainage/Erosion Control. Policy 3-4 of the Mello II LCP states:

In addition to the requirements of the model grading ordinance in the Carlsbad Master Drainage plan, permitted new development shall also comply with the following requirements:

- a) Grading activity shall be prohibited during the rainy season: from October 1st to April 1st of each year.
- b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.

Policy 4-3 states:

(3) Required Runoff Control Plan

No development shall be permitted except pursuant to submittal of a runoff control plan prepared by a licensed engineer qualified in hydrology and hydraulics; such approved plans shall assure that there would be no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps, and energy dissipators, and shall not be concentrated in one area.

Due to the amount of grading proposed, both for the development of the project and the construction of Alga Road, it is necessary to attach a special condition restricting the time of year when grading may be accomplished, as required in the certified Mello II LCP segment. In addition, detailed plans for adequate on-site and off-site (if needed) erosion control measures are required prior to issuance of the permit. Special Condition #6 requires that these plans be accompanied by supporting calculations proving that the proposed devices will be adequate to assure that the developed site will not increase the rate of runoff from what currently exists on the undeveloped site. Therefore, as conditioned, the proposed development can be found consistent with the drainage and erosion control policies of the certified LCP.

5. Wetland/Riparian Impacts. Policy #3-7 of the Mello II LCP states:

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 certified LCP and those direct impacts associated with installation of utilities (i.e., water, sewer, and electrical lines). There must be no feasible less environmentally-damaging alternative to the proposed disturbance; any allowable disturbance must be performed in the least environmentally damaging manner. Open space dedication of sensitive resource areas will also be required. Mitigation for any temporary disturbance or permanent displacement of identified resources shall be determined in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. Appropriate mitigation ratios shall be determined based on site specific information including the quality of the habitat being disturbed or destroyed and surrounding site conditions.

In addition to steep slopes, the proposed development also involves riparian impacts associated with the construction of that portion of Alga Road from Palomar Airport Road to Cobblestone Road. The Commission previously found in its approval of the Cobblestone Sea Village project (#6-95-125/PacWest Group Inc.) that the proposed road alignment will follow the contours of the valley bottom in a central location, minimizing steep slope encroachments and reducing the amount of grading required, making the proposed alignment the least environmentally-damaging alternative of several investigated. It also lines up the intersection of College Boulevard with Alga Road to the south at Poinsettia Lane.

The applicant is only responsible for constructing the portion of Alga Road running from Palomar Airport Road to Cobblestone Road, and that is the only segment of Alga Road being reviewed by the Coastal Commission at this time. The proposed alignment crosses Encinas Creek, which lies slightly south of Palomar Airport Road, and supports a healthy riparian corridor along most of its alignment. The creek is culverted as it passes beneath the existing Laurel Tree Lane. In the proposed alignment, the construction of Alga Road will permanently remove approximately 870 square feet of riparian vegetation (.02 acres), including 2 medium size Arroyo Willow trees and 3 clumps of Willow saplings.

The applicant is proposing to mitigate for the loss of the .02 acres of riparian habitat by restoring 2,610 sq.ft. of willow riparian habitat. The applicant has identified a potential mitigation site on Hidden Valley Road, west of the subject site and south of Palomar Airport Road, to mitigate the loss of riparian habitat. This is the same location previously approved by the Commission through CDP #6-95-125 for impacts from the construction of Alga Road. The site will be contiguous with, and will in effect expand by 2,610 sq.ft., the approved mitigation site for the Toyohara subdivision (CDP #6-94-131). The general site has already received approval of the resource agencies in association with the Toyohara permit action. The resource agencies believe that expansion of the proposed site is preferable to creation of a small independent riparian area on or near the subject site. This would provide a larger contiguous habitat area, better assuring its success. Although a final decision has not been reached on this matter, the applicant has demonstrated that adequate area for the expanded riparian corridor exists at the Hidden Valley Road site. Special Conditions #3 and #4 require long-term maintenance and monitoring of the site. This will assure the success of the mitigation efforts, by requiring annual reports to the Executive Director, which will be reviewed in consultation with the California Department of Fish and Game, and will require additional plantings if initial efforts fail. Special Condition #8 requires the applicant to submit copies of all other required state or federal discretionary permits for development prior to the commencement of construction. Therefore, as conditioned, the Commission finds the development consistent with Policy #3-7 of the Mello II LCP.

5. Visual Impacts. Policy 8-1 of the certified Mello II LCP states that proposed development should be reviewed to determine if it will obstruct views or otherwise damage the visual beauty of the area. The project site is

located south of Palomar Airport Road and east of the proposed extension of College Boulevard/Alga Road, in the southern portion of the City of Carlsbad. This site is currently vacant and is surrounded by primarily undeveloped land. Although the site currently consists of a canyon, and is bordered by sloping hillsides to the east and west, portions of the proposed development on this site may be visible from Palomar Airport Road, which is a major coastal access route. However, the proposed apartments will be a maximum of two stories in height, with only one building up to 35 feet in height. The buildings have been designed with varying rooflines and pitches, and the exteriors will be colored with earth tones to minimize the project's contrast with the surrounding natural hillsides. The development will not block any existing public views.

In addition, the applicant has submitted a landscaping plan indicating that landscaping will be provided around the perimeter of the project to help soften and screen the view of the site from Palomar Airport Road. The plan indicates that the site will be planted with trees, shrubs and groundcover, including native or naturalizing plant material on the outer portions of the site adjacent to naturally vegetated areas off-site. Thus, the Commission finds that the subject development is consistent with the visual resource policies of the certified Mello II LCP.

6. Agriculture. The project site is located in the Coastal Agricultural Overlay Zone and contains prime agricultural soil (Class II). The Mello II LCP requires mitigation when prime coastal agricultural land is converted to urban land uses. In 1981, when the Carlsbad Mello II LCP segment was certified by the Commission, the two major concerns were preservation of agricultural uses and protection of environmentally sensitive habitats. Regarding agricultural preservation, a major issue was minimizing agricultural versus urban impacts by developing stable urban/agricultural boundaries. For the most part, the certified LCP accomplished this objective by concentrating development along I-5, Palomar Airport Road, and the El Camino Real transportation corridors and preserving the interior areas, where public infrastructure is lacking, for continued agricultural use. The proposed development will be located just south of Palomar Airport Road.

Prior to major amendments to the LCP certified by the Commission in 1985, the subject site was identified in the LCP as being subject to the agricultural subsidy program, where agricultural lands were subsidized in order for them to continue as such. However, major amendments to the LCP certified by the Commission in 1985 significantly changed the policies of the LCP regarding agricultural preservation. Those amendments essentially allowed for conversion of almost all the agriculturally designated lands within the City's Mello I and Mello II segments. The LCP provides three mitigation options for such conversions for projects located in Site II of the Carlsbad agricultural mapped area: (1) "Prime Land Exchange"; (2) "Determination of Agricultural Feasibility"; and (3) "Agricultural Conversion Mitigation Fee".

The applicant has chosen the third option which has also been required by the City of Carlsbad as a condition of approval of Site Development Plan SDP 95-01 and is, therefore, a part of the subject proposal. The option requires the

payment of an agricultural mitigation fee of between \$5,000 and \$10,000 per acre of land converted from agricultural to urban use. The funds accrued from the fees are to mitigate the loss of agricultural land and are used for preservation of agricultural lands in Carlsbad, as well as other uses identified in the certified Mello II LCP land use plan and Section 30171.5 of the Coastal Act.

Pursuant to the LCP, the amount of the mitigation fee is to be determined by the City Council at the time of consideration of the coastal development permit for urban development of the property. Also, payment is required prior to issuance of building permits. In this particular case, the City has required determination of the fee prior to issuance of grading permits as a condition of approval of the Site Development Plan. Therefore, the attached Special Condition #1 requires evidence that the fee has been received by the State Coastal Conservancy, prior to the issuance of the coastal development permit which authorizes the grading and building construction resulting in conversion of agricultural land to urban use, consistent with the agricultural policies of the certified Mello II LCP.

7. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to specific statutory dates. In reviewing development proposals, the Commission must essentially act like local government and assess whether a project is consistent with the implementing zone and other policies of the certified LCP.

In this case, such a finding can be made. The site is planned for residential uses (Residential High (15-23 du/ac) and zoned Residential Multiple Density in the City of Carlsbad's certified Local Coastal Program (LCP) in the amendment currently under review by the Commission. The project density, at 15.31 dwelling units per acre, is consistent with these designations. As conditioned herein, the proposed project can be found consistent with all applicable Chapter 3 policies of the Coastal Act and the policies of the certified Mello II LCP.

8. 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 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. Specifically, the project has been found consistent with the habitat preservation, agricultural conversion, erosion, and visual quality policies of the certified Mello II LCP. Mitigation measures, including the purchase of coastal sage scrub mitigation credits, creation of riparian habitat, and the payment of an agricultural fee will

reduce all impacts to a less than significant level. There are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project 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.

(6014R)

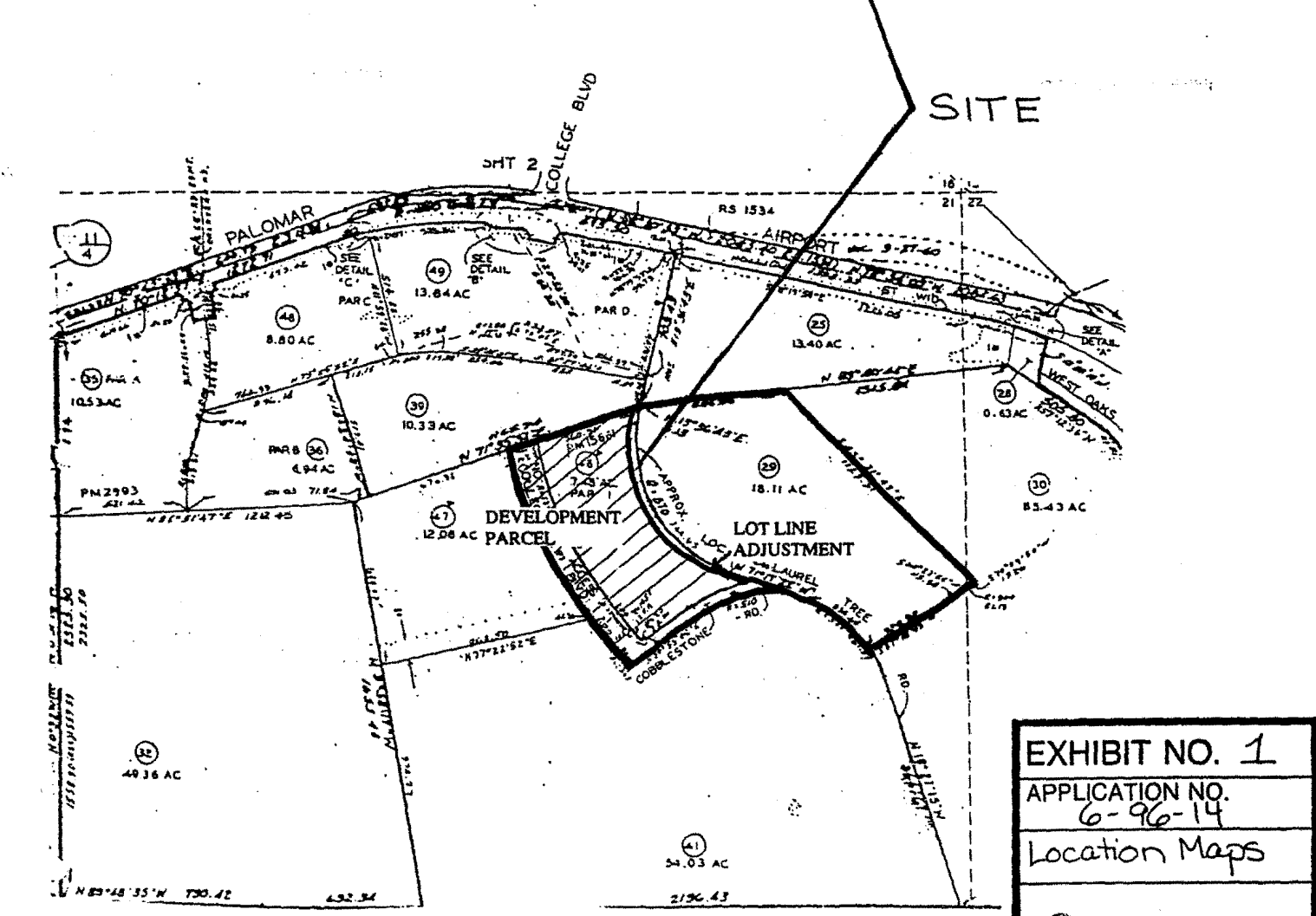
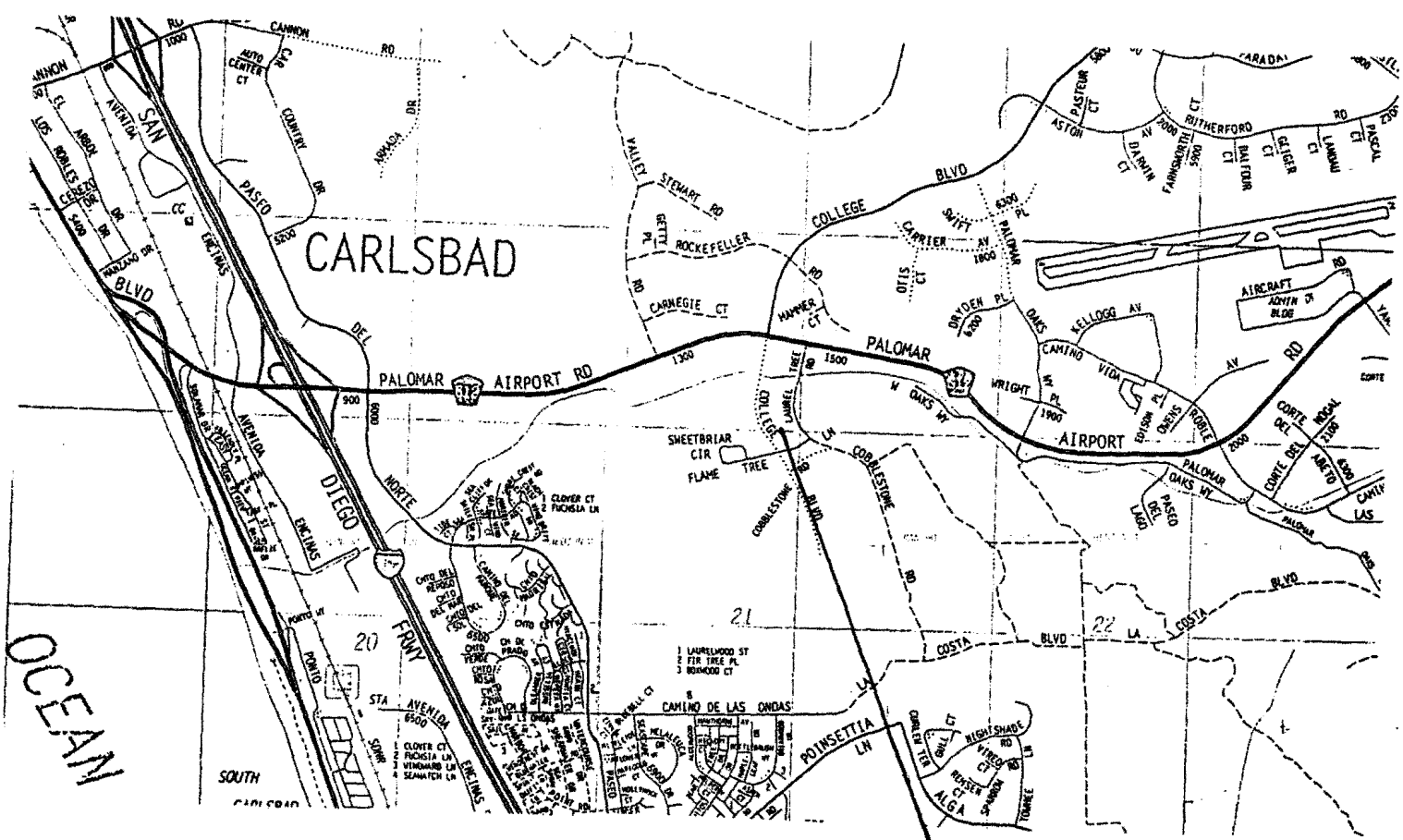
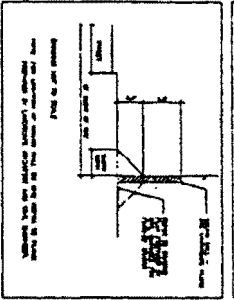


EXHIBIT NO. 1
 APPLICATION NO.
 6-96-14
 Location Maps

California Coastal Commission

APN 212-040-29
 (BES PROGRAM PROPERTIES)

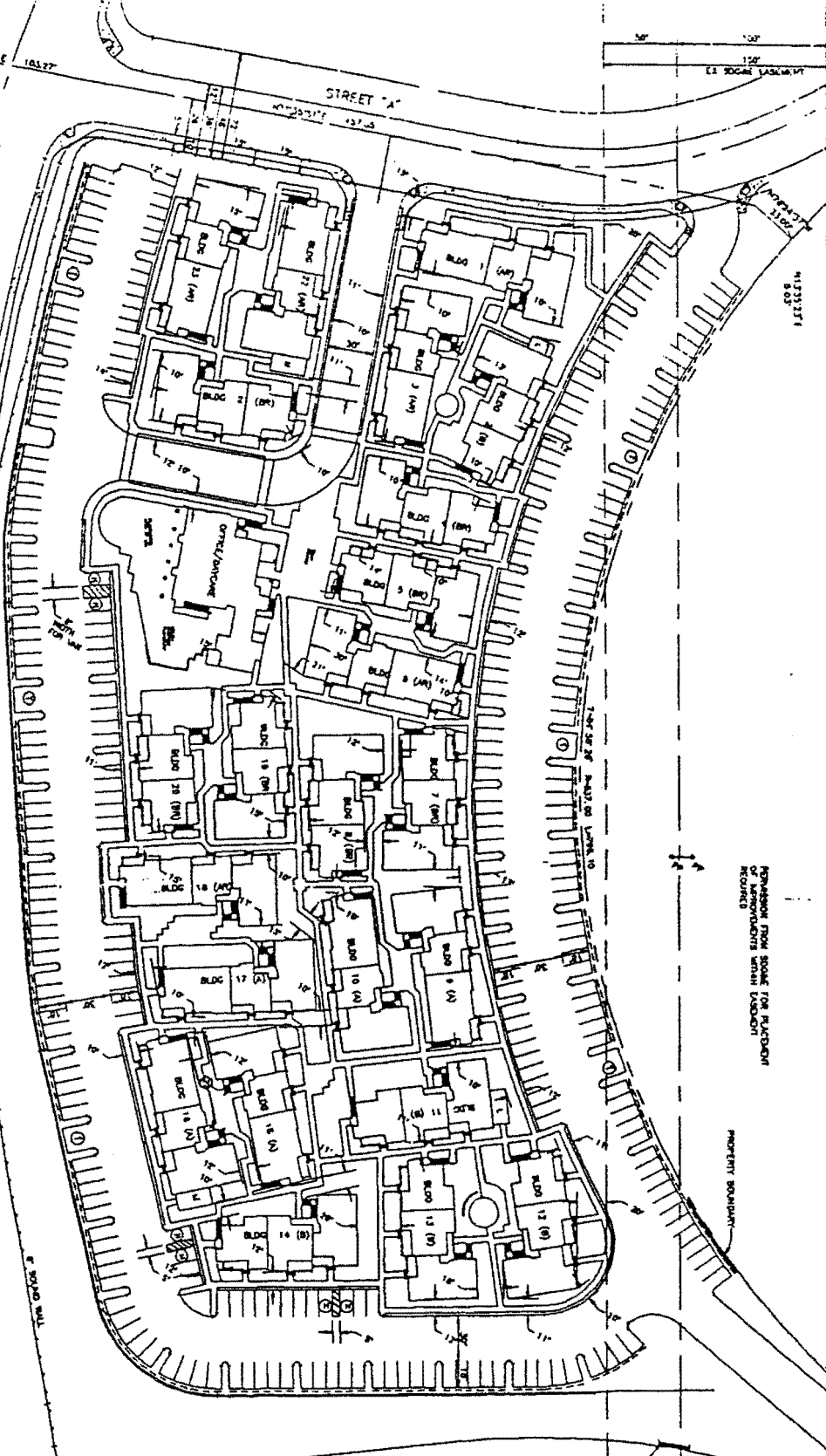


1. Show existing building footprints.
2. Show proposed building footprints.
3. Show proposed parking spaces.
4. Show proposed landscaping.
5. Show proposed site improvements.
6. Show proposed site boundaries.
7. Show proposed site easements.
8. Show proposed site setbacks.
9. Show proposed site access points.
10. Show proposed site utility lines.

NO.	DESCRIPTION	DATE	BY
1	PREPARED FOR SUBMITTAL	11/11/14	...
2
3
4
5
6
7
8
9
10

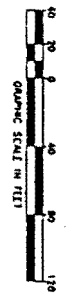
EXHIBIT NO. 2
APPLICATION NO.
 6-96-14
SITE PLAN

California Coastal Commission



ALCA ROAD
 COLLEGE BOULEVARD
 PROJECT BOUNDARY

PARCEL 1
 AND PLAN NO. 367
 FILE NO. 89-191109
 R. OF S. 8846



NO.	DESCRIPTION	DATE	BY
1	PREPARED FOR SUBMITTAL	11/11/14	...
2
3
4
5
6
7
8
9
10

Laurel Tree

HABITAT LOCATIONS

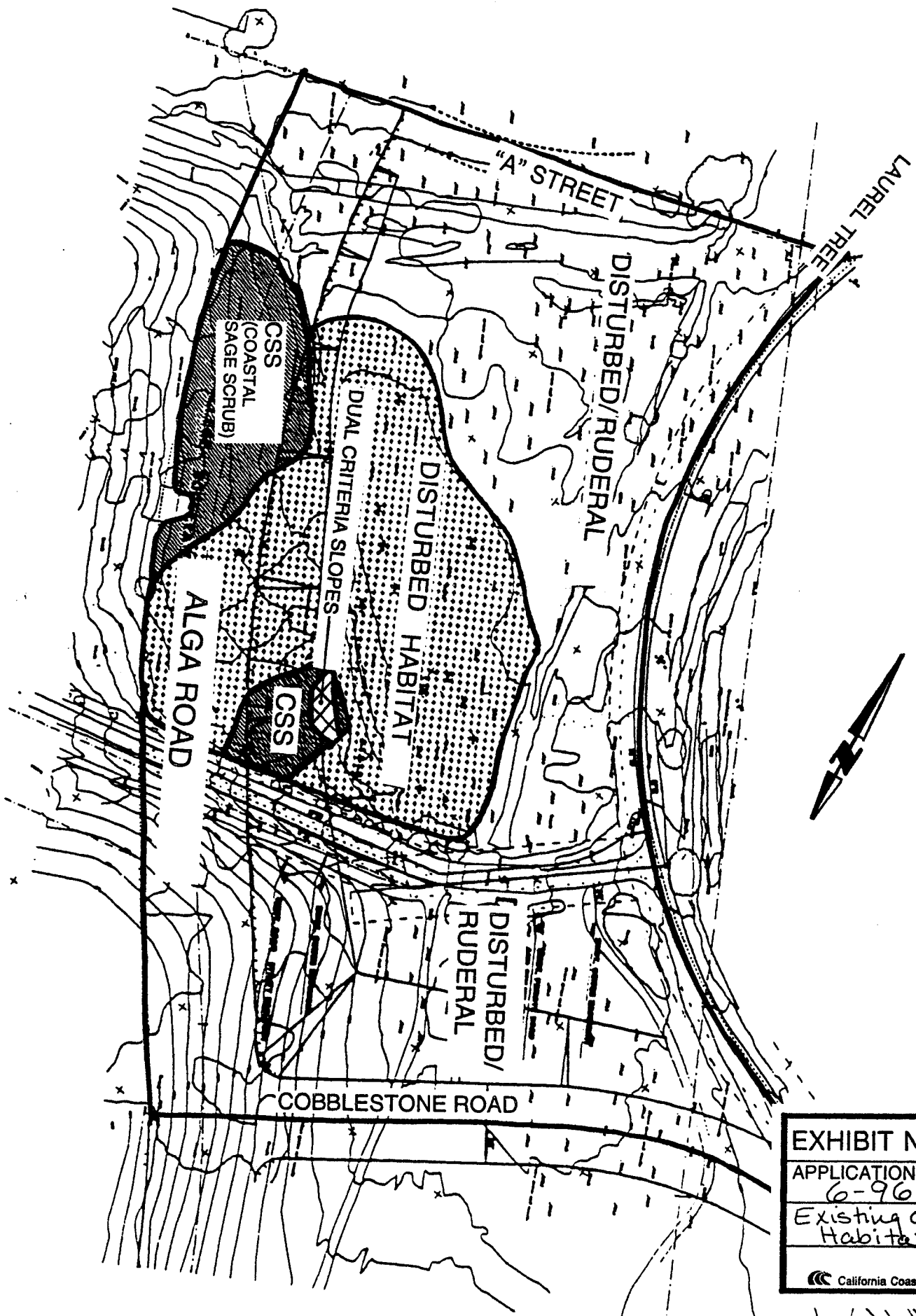
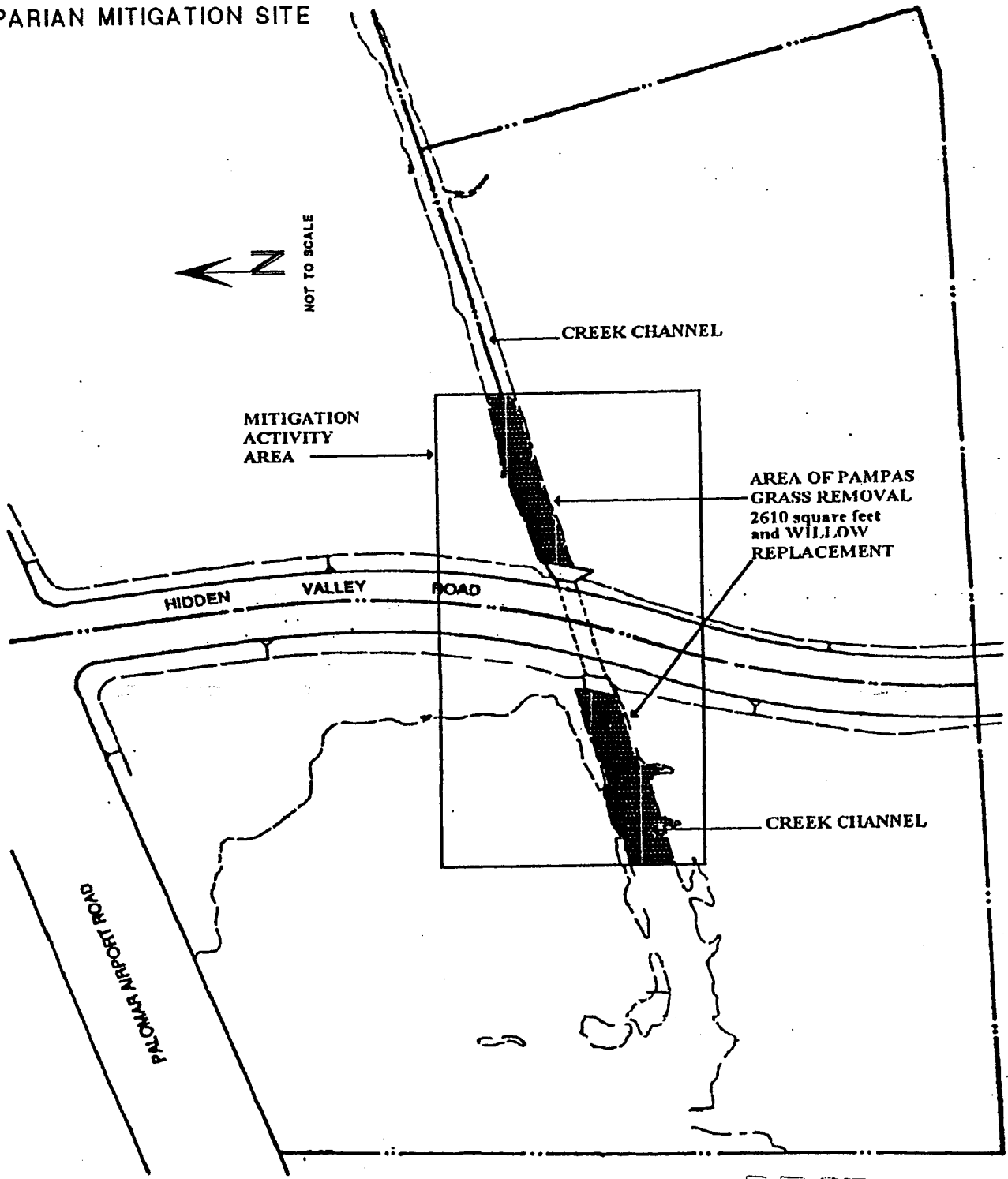


EXHIBIT NO. 3
APPLICATION NO. 6-96-14
Existing On-site Habitat
California Coastal Commission

1/1/14

6-96-14

RIPARIAN MITIGATION SITE



RECEIVED

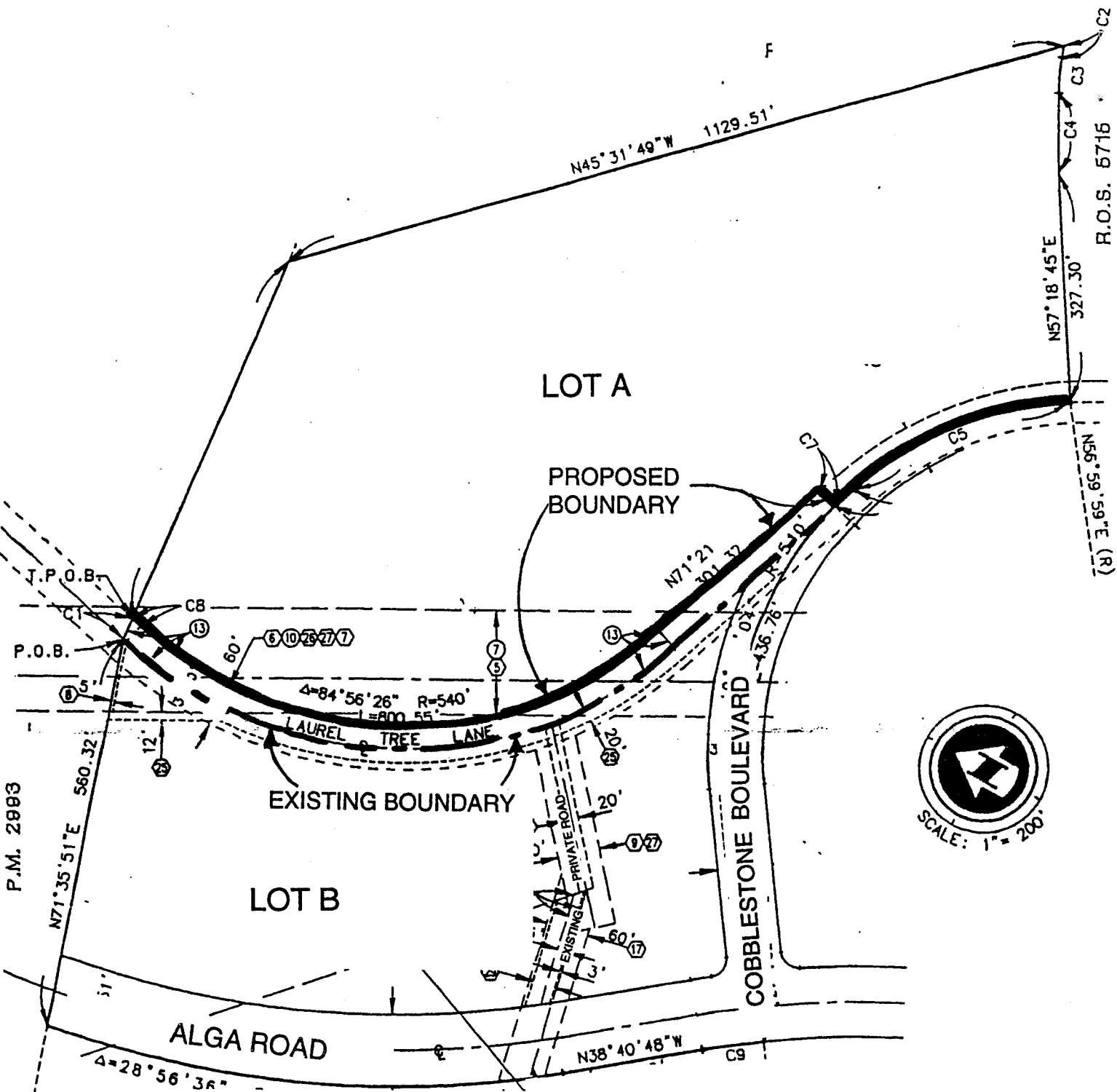


JACK HENTHORN & ASSOCIATES

(619)438-4090 Fax (619) 431 54

Land Planning * Project Management 5431 Avenida Encinas Suite J C

EXHIBIT NO. 4
APPLICATION NO. 6-96-14
Proposed Wetland Mitigation Site
California Coastal Commission



P.M. 2983

EXHIBIT NO. 5
 APPLICATION NO.
 6-96-14
 Lot Line Adjust.

ADJUSTMENT PLAT - CITY OF CARLSBAD

ADJ. NO. 473

California Coastal Commission