

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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 Staff: LRO-SD
 Staff Report: April 12, 1996
 Hearing Date: May 8-10, 1996

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-96-30

Applicant: California Lutheran Homes Agent: James Doyle, California Lutheran Homes
 Anthony Lawson, ADL Planning & Associates

Description: Demolition of an existing residential care facility and construction of a new facility which consists of, in part: a 31,750 sq.ft., 28-unit two-story structure over subterranean parking on Parcel A; an 11,420 sq.ft., six-unit three-story structure with underground parking garage on Parcel C; 9,800 cy. yards of cut and 2,000 cy. of fill grading on Parcel A and 500 cy. of cut and 1,200 cy. of fill grading on Parcel C; partial street vacation of Christiansen Way; street improvements; installation of landscaping and signage; and an offer to dedicate a public lateral access easement.

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| Lot Area | 44,988 sq. ft. (within Mello II area) |
| Building Coverage | 20,026 sq. ft. (45%) |
| Pavement Coverage | 9,805 sq. ft. (22%) |
| Landscape Coverage | 13,357 sq. ft. (29%) |
| Unimproved Area | 1,800 sq. ft. (4%) |
| Parking Spaces | 69 |
| Zoning | R-3/BAOZ |
| Plan Designation | RMH/RH |
| Ht abv fin grade | 30' (Parcel A); 39' (Parcel C/west elevation); 3'9" (Parcel C/east elevation) |

Site: Two adjacent parcels on the east and west sides of Ocean Street, between Christiansen Way to the north and Grand Avenue to the south, at 2855 Carlsbad Boulevard, Carlsbad, San Diego County. APNs 203-231-01 (partial), 203-235-05

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.

Substantive File Documents: Certified City of Carlsbad LCP - Mello II segment; Geotechnical Report by Hetherington Engineering, Inc. - 10/18/94; Geotechnical Report by Leighton and Associates - 6/30/94; Update to geology report by Leighton and Associates, Inc. dated 4/4/96; Letter from KPFF Consulting Engineers dated 4/4/96.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Assumption of Risk. Prior to the issuance of the coastal development permit, the applicant [and landowner] shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from wave action and the applicant assumes the liability from such hazard (b) the applicant hereby unconditionally waives any claim of liability against the Commission or its successors in interest and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens.

2. Lateral Public Access. As proposed by the applicant, prior to the issuance of the coastal development permit, the landowner shall execute and record a document in a form and content acceptable to the Executive Director, irrevocably offering to dedicate to a public agency or private association approved by the Executive Director an easement for lateral public access and passive recreational use along the shoreline. The document shall provide that the offer of dedication shall not be used or construed to allow anyone, prior to acceptance of the offer, to interfere with any rights of public access acquired through use which may exist on the property. Such easement shall be located along the entire width of the property from the western property line to the toe of the proposed foundation wall/seawall. The recorded document shall include legal descriptions of both the applicant's entire parcel and the easement area. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding all successors and assignees, and shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. State Lands Commission Review. Prior to the issuance of the coastal development permit, the applicant shall obtain a written determination from the State Lands Commission that:

- a) No state lands are involved in the development; or
- b) State lands are involved in the development, and all permits required by the State Lands Commission have been obtained; or
- c) State lands may be involved in the development, but pending a final determination of state lands involvement, an agreement has been made by the applicant with the State Lands Commission for the project to proceed without prejudice to the determination.

4. Public Rights. By acceptance of this permit, the applicant acknowledges, on behalf of him/herself and his/her successors in interest, that issuance of the permit shall not constitute a waiver of any public rights which may exist on the property. The applicant shall also acknowledge that issuance of the permit and construction of the permitted development shall not be used or construed to interfere with any public prescriptive or public trust rights that may exist on the property.

5. Foundation Wall/Seawall Design. Prior to the issuance of the coastal development permit amendment, the applicant shall submit final plans for the foundation wall/seawall for the proposed structure to the Executive Director for review and written approval. The proposed foundation wall/seawall shall be designed in substantial conformance with the geotechnical report by Hetherington Engineering, Inc. dated 10/19/94 and constructed consistent with the final plans approved by the Executive Director.

6. Construction Access/Staging Area/Project Timing. Prior to the issuance of the coastal development permit, the applicant shall submit plans showing the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of sandy beach and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted. The plan shall also indicate that no work may occur on sandy beach during the summer months (Memorial Day to Labor day) of any year and that equipment used on the beach shall be removed from the beach at the end of each work day.

7. Construction Materials. Disturbance to sand and intertidal areas shall be minimized. Beach sand excavated shall be redeposited on the beach. Local sand, cobbles or shoreline rocks shall not be used for back-fill or construction material.

8. Disposal of Graded Spoils. Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils. 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. The subject project represents a portion of a larger project which is located on three separate parcels and within two separate LCP segments of the City of Carlsbad's certified LCP. The entire project generally consists of the demolition of an existing residential care facility consisting of 102 living units and a 59-bed skilled nursing facility and the intensification and expansion of the facility, without a change in use. The three parcels are as follows: Parcel A (2.3 acres), is located on the west side of Carlsbad Boulevard (Highway 101) and is bounded by Christiansen Way to the north, Grand Avenue to the south and Ocean Street to the west. Parcel B (.9 acres), is one lot located across Grand Avenue to the south from Parcel A, situated on the west side of Carlsbad Boulevard, and is bounded by Garfield Street to the southwest. Parcel C (12,600 sq.ft.) consists of an oceanfront blufftop parcel located on the west side of Ocean Street. (Reference Exhibit No. 3). Parcels A and B are both fully developed while Parcel C is vacant. All of Parcel B and the majority (approximately the eastern two-thirds) of Parcel A is within the Village Redevelopment segment of the LCP which is subject to the City of Carlsbad's permit jurisdiction. All of Parcel C and that portion of Parcel A which is west of Garfield Street, however, is within the Mello II LCP segment of the City of Carlsbad's certified LCP where the Commission retains permit jurisdiction. Only the development on the portions of the site contained within the Mello II LCP segment are subject to this permit.

For reference purposes, the entire project (both within Mello II and outside Mello II) will consist of construction of a 264,394 sq.ft. structure on Parcel A, a 94,339 sq.ft. structure on Parcel B and a 13,967 sq.ft. structure on Parcel C. The total number of living units proposed is 157 plus two visitor units and a 33-bed skilled nursing facility. A total of 3,200 sq.ft. of retail use is also proposed on the ground floor of the proposed structure on Parcel B. Other improvements include partial vacation of Christiansen Way, street improvements, and installation of landscaping and signage. Ancillary improvements within the new facility will consist of a community/multi-purpose room, beauty shop, activity rooms, therapy pool and spa, roof garden and beach observation deck.

Those portions of the project subject to this permit include that portion of the proposed two-story structure over subterranean parking on Parcel A which totals to 31,750 sq.ft and construction of a three-story, 11,420 sq.ft. structure with underground parking garage (six spaces) on Parcel C. A total of 34 living units are proposed within the Mello II area. The amount of grading proposed on Parcel A within the Mello II area in association with the construction of the subterranean parking garage totals to 9,800 cy. yards of cut and 2,000 cy. of fill. For Parcel C, 500 cy. of cut and 1,200 cy. of fill grading is proposed. Of the 1,200 cy. of fill, approx. 700 cy. will be imported from Parcel A as a result of the grading occurring on that site. As

the disposal site for the graded spoils has yet to be identified, Special Condition No. 8 has been attached which advises the applicant that if the disposal site is within the coastal zone, a separate coastal development permit will be required. A total of 69 parking spaces are being proposed on Parcels A and B within the subject LCP area. The applicant also proposes to partially vacate a portion of Christiansen Way between Carlsbad Boulevard and Ocean Street.

In addition, the applicant is also proposing an offer to dedicate a lateral public access easement in association with the proposed development. The easement will be over the sandy beach area on the subject property which is seaward of the foundation wall/seawall to the western property line.

2. Geologic Hazards/Shoreline Protection. One of the parcels, Parcel C, is an ocean blufftop lot. The Commission has traditionally been concerned that new development should minimize risks to life and property and should not necessitate the need for shoreline protective devices, which often alter natural landforms and encroach onto sandy beach areas. In reliance upon Coastal Act Sections 30235 and 30253, the Certified Carlsbad LCP Mello II segment contains the Coastal Development overlay zone which includes a policy addressing the "stringline" of development as it relates to geologic stability and visual resource protection. In addition, applicable policies of the certified Mello II LCP also include the following:

"Policy 4-1 Coastal Erosion

(a) Development Along Shoreline

For all new development along the shoreline, including additions to existing development, a site-specific geologic investigation and analysis similar that required by the Coastal Commission's Geologic Stability and Blufftop Guidelines shall be required; for permitted development, this report must demonstrate bluff stability for 75 years, or the expected lifetime of the structure, whichever is greater...

[...]

c) Shoreline Structures

Revetments,...seawalls...and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply..."

A geologic report prepared for the project site indicates that the site is geologically stable to support the proposed development and that there is no evidence of bluff failure or faults on the subject property. The site elevations range from seven feet MSL at its west elevation, to 44 feet MSL at its eastern elevation. Parcel C is vacant and the proposed development represents infill between two developed parcels. The proposed development

within the building consists of enclosed living area and will contain six living units in association with the professional care facility. Although no separate shoreline protection seaward of the proposed structure is proposed or warranted, the proposed structure on the subject oceanfront lot has been designed such that its foundation wall (seven feet high) will serve as a seawall to provide the necessary protection from wave action during high tide and severe storms. As noted by the project engineer, provided the western portion of the building foundation wall is designed in accordance with the geotechnical report, the proposed development is expected to be reasonably safe from geotechnical concerns over the economic lifetime of the structure (i.e., 75 years). In addition, a second project engineer has further indicated that the seawall/foundation wall will utilize generally accepted engineering standards to provide structural integrity and stability, with respect to corrosion and deterioration of the concrete, for the proposed design life of 75 years. Special Condition No. 5 has been attached which requires submittal of final plans for the proposed foundation wall/seawall and that said wall shall be constructed in substantial conformance with the geotechnical report for the project.

As part of the project design, also proposed is a 20-foot high retaining wall at the east side of the first/second levels (17.67 ft. and 27.56 ft. MSL, respectively) of the proposed structure which is proposed to be terraced down the coastal bluff. (Reference Exhibit No. 4). The proposed structure will not encroach further seaward than the existing structures on the lots to the immediate north and south of the subject site. Both structures on the lots to the north and south contain existing vertical seawalls seaward of the buildings. In the subject proposal, the proposed structure will be within the stringline of development (i.e., the existing residential structures, not the seawalls) of the lots to the north and south, and no separate shoreline protection is proposed seaward of the structure.

As such, the proposal can be found consistent with the Coastal Development Bluff Overlay stringline regulations contained in the certified LCP for the area. However, due to the inherent risk of development on the site from the hazards of ocean waves and flooding, and the Commission's mandate to minimize risks (Section 30253), the Commission's standard waiver of liability condition has been attached as Special Condition No. 1. Pursuant to Section 13166(a)(1) of the Commission's California Code of Regulations, an application may be filed to remove Special Condition No. 1 from this permit if the applicant presents newly discovered material information regarding the existence of any hazardous condition which was the basis for the condition, if he could not with reasonable diligence have discovered and produced such information before the permit was granted. Therefore, as conditioned, the Commission finds the proposed development consistent with Section 30253 of the Act.

3. Public Access/Parking. Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sandy and rocky coastal beaches to the first line of terrestrial vegetation.

In addition, Section 30212 of the Act states, in part:

(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....

Also, Section 30604(c) of the Act requires that a specific access finding be made for any project located between the first coastal roadway and the sea. The project site is located between the ocean and the first coastal roadway (Ocean Street). With regard to existing public access in the area, public vertical access to the beach is available one lot to the south of the site at an improved public beach access stairway at the foot of Grand Avenue and also one lot to the north at another beach accessway. There are numerous beach accessways along the west side of Ocean Street. In addition, public access is available at Carlsbad State Beach two blocks to the south of the site.

The beach area seaward of the subject property is characterized by a sandy cobble beach. Presently, there is no access across the subject site due mostly to the fact that it consists of steep terrain and is also fenced off. There is evidence of historic public use of the sandy beach area seaward of the bluff face; thus, potential prescriptive rights to public access may exist. Additionally, this area may be subject to the public trust. However, although the proposed development presents lateral access issues, the Commission is not evaluating these for purposes of requiring access since the applicant has proposed to offer to dedicate that portion of the property seaward of the proposed foundation wall/seawall for public use. Because the Commission is relying on the applicant's offer in lieu of making a detailed evaluation, Special Condition No. 2 has been attached for an offer to dedicate a lateral access easement. With this condition, it can be assured the applicant's proposal is carried out and that the sandy beach area on the subject property seaward of the proposed foundation wall/seawall will be preserved for public access.

Special Condition No. 3 requires the submittal of documentation from the State Lands Commission that either no state lands are involved with the project or that the development on state lands that are involved has either been authorized or may proceed without prejudice to a final agreement to use such lands. Special Condition No. 4 serves to recognize that the public may have certain rights to the area west of the proposed development, none of which are affected by the granting of this permit. In addition, Special Condition No. 6 requires the submittal of a plan for the construction phase of the project addressing storage locations for material and equipment and timing for project implementation. The plan shall be designed so that construction activities which would adversely affect public access to and enjoyment of the beach are avoided between Memorial Day and Labor Day. In addition, Special Condition No. 7 advises the applicant that during construction, disturbance to sand and

intertidal areas be minimized and that any beach sand excavated be redeposited on the beach and that local sand or cobbles may not be used as backfill or construction material for the project.

With regard to parking, for that portion of the project subject to this permit, a total of 69 parking spaces are being provided in the subterranean parking garage both on Parcels A and C which is more than adequate to serve the proposed 34 living units subject to the permit which would require 15 spaces. As part of the overall project, both within Mello II and the Carlsbad Village Redevelopment Area, the applicant is constructing a 233-space subterranean parking garage. The parking required for the entire professional care facility is 132 parking spaces (.45 space per bed/living units). In addition, a total of 11 spaces (1 space per each 300 sq.ft. of gross floor area) are required for the proposed 3,200 sq.ft. of retail use on Parcel B. As such, there will be more than sufficient parking for the proposed facility within the proposed parking garage. In addition, the applicant is proposing to partially vacate Christiansen Way from a width of 80 feet to 40 feet in order to provide for access into the subterranean parking garage from the south side of the street just east of Ocean Street. Presently, there are 38 unstriped on-street parking spaces available within this right-of-way. The applicant proposes to formally stripe perpendicular spaces along the north and south sides of the right-of-way to recapture 24 spaces.

Of initial concern was how the proposed street vacation may affect public access opportunities since there is very little in the way of formal public parking in this nearshore area. The closest public parking lot west of Carlsbad Boulevard in the immediate vicinity of the project is at the southern terminus of Oak Avenue, which is approx. two blocks south of the subject site. That parking lot is a state-owned lot with approx. 50 parking spaces. Along Ocean Street, the first public road, due to numerous curb cuts for access to parking garages for residential structures on the west side of the street, there is limited on-street parking. In addition, there is limited parking on the surrounding streets in the area. To address this concern, the applicant has proposed several street improvements, including improving the right-of-way of Garfield Street north of Christiansen Way such that 51 perpendicular parking spaces will be provided. Presently, this unimproved right-of-way can accommodate approx. 30 vehicles. By improving the right-of-way and striping spaces, more parking will be provided at this location. In addition, the south side of Grand Avenue between Carlsbad Boulevard and Garfield Street will be re-striped to increase the amount of street parking from 10 spaces to 18.

As part of the review process through the City of Carlsbad, a parking survey was conducted which included documenting the number of public parking spaces on the streets surrounding the subject site. According to the City, taking into consideration the proposed street improvements and partial street vacation, proposed as part of the subject project (reconfiguration of parking, re-striping or improving areas that presently only have unimproved parking, etc.), there will be no net loss in public parking along the public rights-of-way in this nearshore area. According to the parking table included with the project, the existing public parking in the area is presently 130

spaces. After project completion, the total number of public parking spaces will be 132. In addition, it should be noted that presently, the employees of the subject primary care facility park on the surrounding public streets, which potentially usurps parking available for beach visitors. Through provision of the proposed subterranean parking garage, there will be more than ample parking to serve the needs of the residents, visitors and employees of the proposed facility alike which should free up street parking for beach users, etc. As such, the proposed project will not adversely affect parking for public access in the area. Therefore, the project, as conditioned, is found to be consistent with all applicable public access and recreation policies of the Coastal Act as well as the certified LCP for the area.

4. Visual Resources. Section 30251 of the Act calls for the protection of public views to and along the ocean and provides that new development be compatible with the character of the surrounding area. The certified Mello II LCP also contains a policy, as earlier noted, which essentially states that new development on the seaward side of Ocean Street shall observe a setback based on a "stringline" method, in part for visual resource protection purposes. The proposed structure on Parcel C will be visible from the adjacent beach and represents infill between existing developed oceanfront parcels. Many of the oceanfront residences in the area have decks, patios, and other structures which extend seaward of the principal residential structure. The adjacent developments to the immediate north and south of the proposed development consist largely of multi-unit residential structures with balconies or decks at the upper levels of the structure. In the subject proposal, the only accessory improvements proposed seaward of the structure are exterior balconies which will be located several feet above grade, as opposed to being located at beach elevation.

In addition, there will be no significant adverse impacts on views to and along the coast as a result of this project. The structure on parcel A will attain a height of 30 feet. The proposed structure on parcel C will vary in height and has been sensitively designed to preserve public views to the ocean by terracing the development down the blufftop lot. From its western elevation, it will appear as a three-story, 39-foot high structure, which is similar in height to the two multi-family structures on the lots immediately to the north and south of the subject site. From its eastern elevation (Ocean Street), the first public road, the structure will only be 3-foot, nine-inch high above street elevation with rooftop viewing and an ocean scenic overlook. A small elevator/storage building (15' wide X 18 1/2' high) and restroom building (same size) will be located on the rooftop along with a 15-foot high wood trellis on stucco columns. A pedestrian ramp and a set of stairs will provide access to the rooftop from Ocean Street. While the scenic overlook is proposed for the residents of the subject project, nevertheless, existing public views across the building to the ocean from the public road will be preserved.

The proposed development on Parcel C will be located in a well-developed single- and multi-family residential neighborhood while the existing character of the surrounding properties near Parcel A is related to tourist and highway commercial activities. Surrounding uses include retail establishments,

restaurants, a church, hotel, and the Army/Navy Academy. Carlsbad Boulevard (Highway 101) serves as the main thoroughfare for the Carlsbad Village area and most of the development along this major coastal access route consists of visitor-serving commercial uses. The continued use of the site as a professional care facility has been permitted to be grandfathered by the City as part of the Local Coastal Program amendment to the Village Redevelopment segment of the City's LCP which was approved in April. The proposed development on both parcels will be compatible in design and height to other development in the area, and will be generally consistent with the existing surrounding development. The applicant is also proposing to visually enhance the surrounding area through a variety of street improvements which will include the provision of public sidewalks on the west and east sides of Ocean Street between Christiansen Way and Grand Avenue and on the north and south sides of Christiansen Way between Carlsbad Boulevard and Ocean Street, and a 10-foot wide pedestrian promenade on the north side of Grand Avenue from Carlsbad Boulevard to Ocean Street. The promenade will lead directly to a set of public beach access stairs that exist at the western terminus of Grand Avenue.

In addition, the applicant is proposing to landscape 29% of the lot area for both parcels A and C, which will primarily consist of a variety of shrubs and trees on Parcel A and planter boxes/garden on the rooftop of the structure on Parcel C. Also, numerous street trees are proposed to be installed along the east and west sides of Garfield Avenue north of Christiansen Way, along the north side of Christiansen Way between Garfield Avenue and Ocean Street, and on the east and west sides of Ocean Street between Grand Avenue and Christiansen Way. With regard to signage, the applicant is proposing to install a total of three pylon signs approx. 2-feet wide by 6-feet high plus one wall sign for identification purposes. In summary, the Commission finds that the proposed project can be found consistent with Section 30251 of the Act and the certified LCP.

5. Local Coastal Program. Section 30519.1(C) requires that a permit for a project within the Mello I or Mello II segment planning areas of the City of Carlsbad shall be approved only if the Commission finds that it is consistent with the certified Local Coastal Program for the area. In this case, such a finding can be made.

Although the Commission approved both the Land Use Plan for the Mello II LCP and the zoning regulations (implementing ordinances), there still remains unresolved issues. As such, the City has declined to implement the certified LCP. It is expected that several amendment requests will be forthcoming to address inconsistencies between the LCP and General Plan; however, effective certification is not anticipated in the immediate future. Therefore, the LCP is the standard of review for the areas subject to Mello II, but the Commission is still responsible for issuing coastal development permits for this area.

As stated above, the Mello II segment LUP contains specific policies relative to development along the shoreline. Essentially, those policies provide in part, that for shoreline development, a geology report must demonstrate bluff

stability for 75 years and that development along the seaward side of Ocean Street shall be setback based on a "stringline" method of measurement. These policies address coastal erosion and preservation of visual resources along the coastline.

As noted previously, the project reflects a continuing use and the grandfathering of the professional care facility on the subject site. The site is located in two LCP areas--Mello II and the Carlsbad Village Redevelopment Area, the latter of which carries a requirement that the area be reserved for visitor-serving commercial uses. The site has not been committed to visitor-serving commercial use. In this particular case, the site has a historical presence and the City has sought to exclude this site from the requirement to provide visitor-serving commercial uses (within the Carlsbad Village Redevelopment Area) in any redevelopment proposal. The Commission approved an amendment to the City's Village Redevelopment LCP segment which essentially consisted of a new LUP for the Village Redevelopment area, at its April 1996 meeting. At that same meeting, the Commission also approved an amendment to exempt the subject facility, also known as Carlsbad Lutheran Homes, from the requirement to provide visitor-serving commercial uses on the ground floor. Therefore, the Commission finds that the subject proposal, as conditioned, is consistent with the policies of the certified City of Carlsbad Mello II segment LCP.

6. 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)(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.

The proposed project has been conditioned in order to be found consistent with the public access policies of the Coastal Act. Mitigation measures, including conditions addressing the applicant's offer to dedicate a lateral access easement, construction techniques consistent with the geotechnical report, timing of construction/access corridors/staging areas, public rights and State Lands Commission review 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 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.

(6030R)

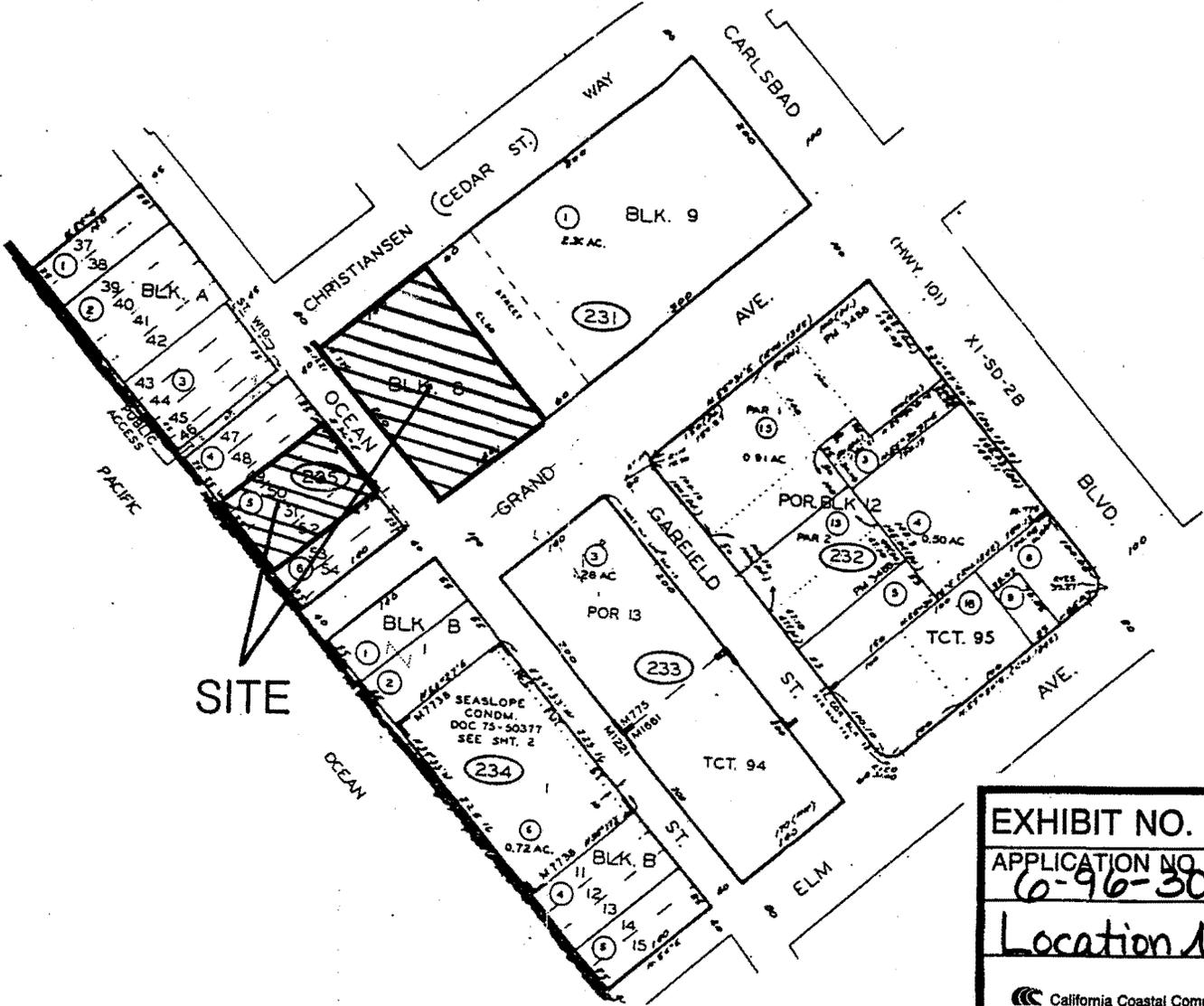
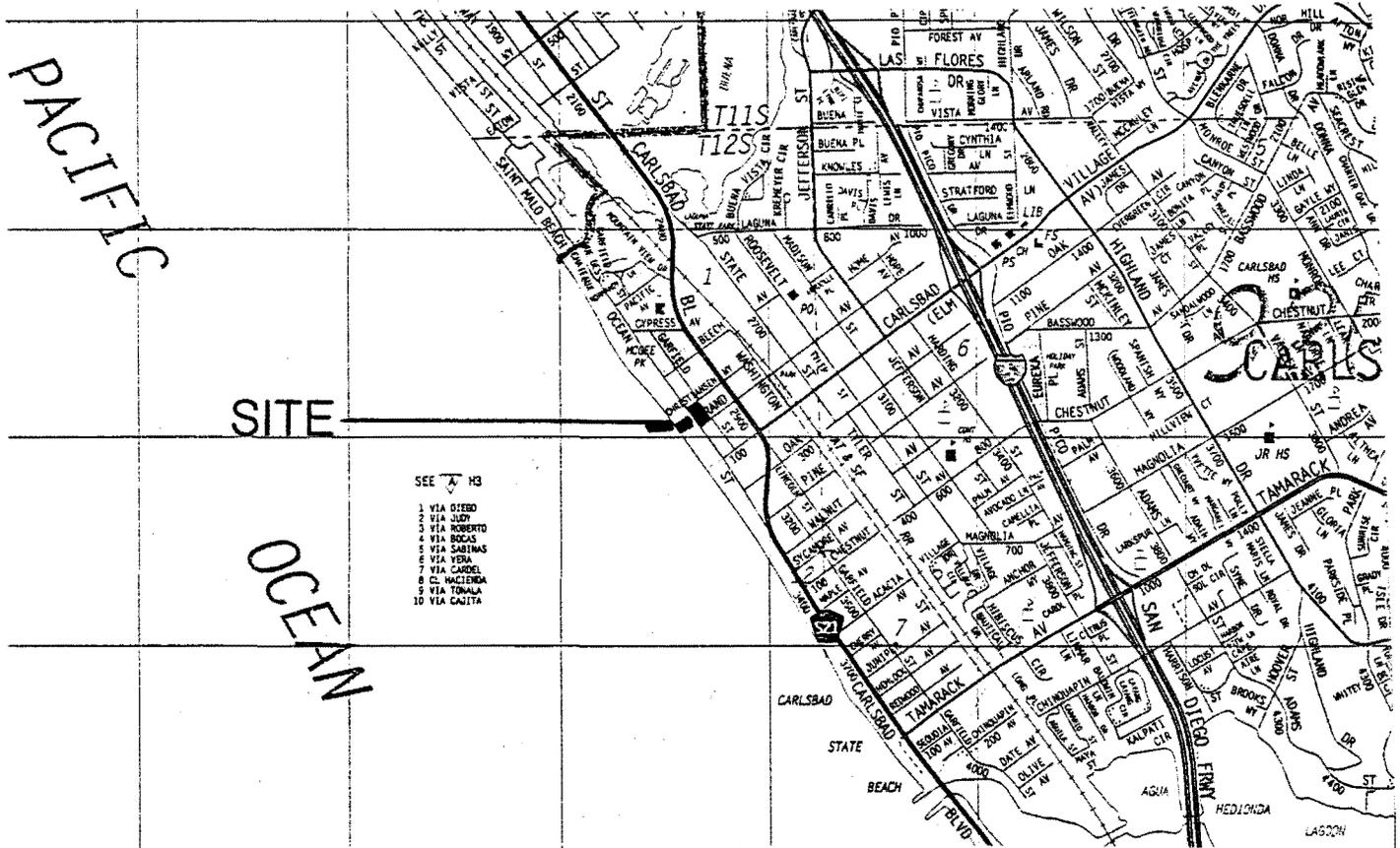
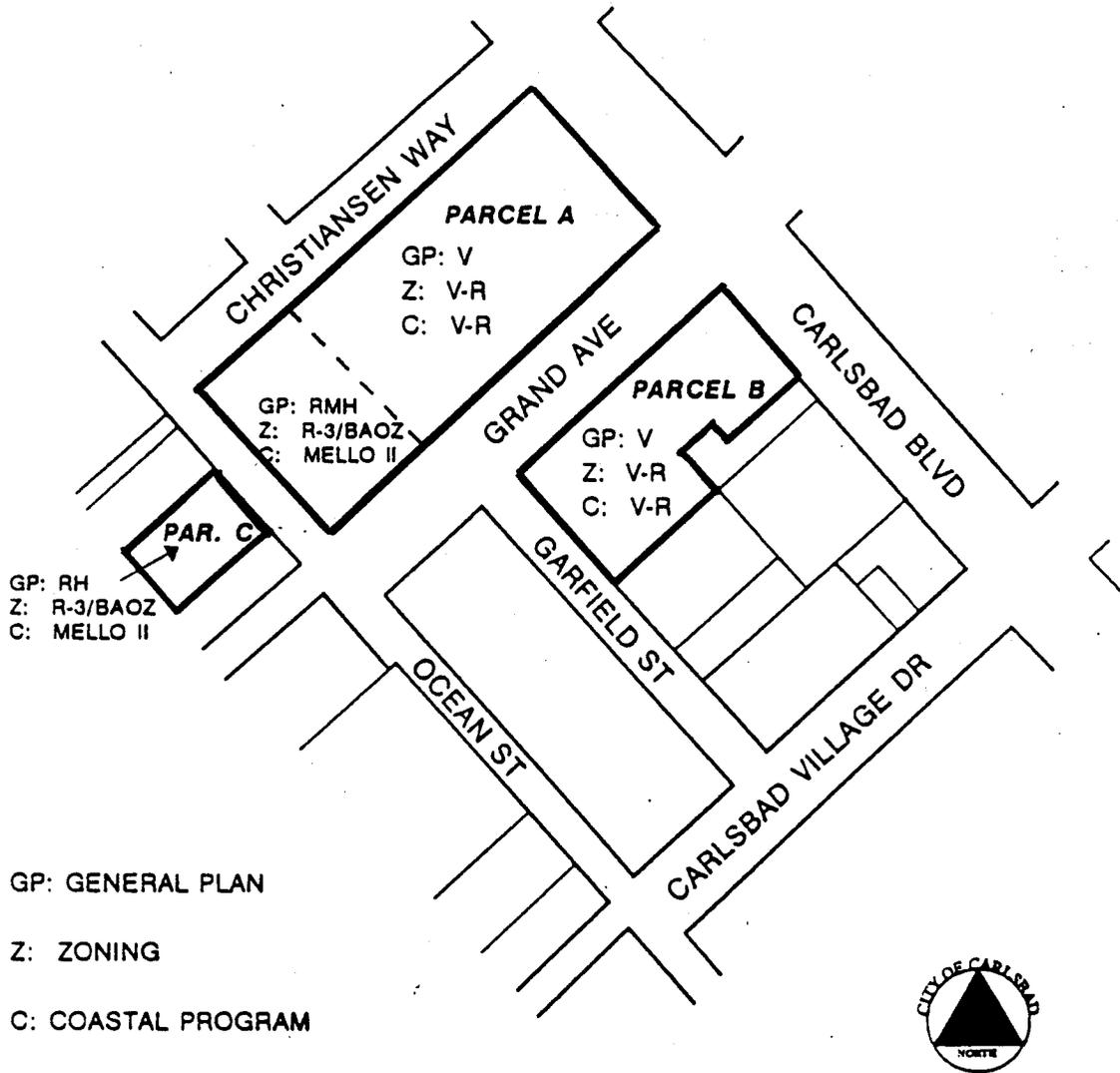


EXHIBIT NO. 1
 APPLICATION NO
 6-96-30
Location Maps
 California Coastal Commission

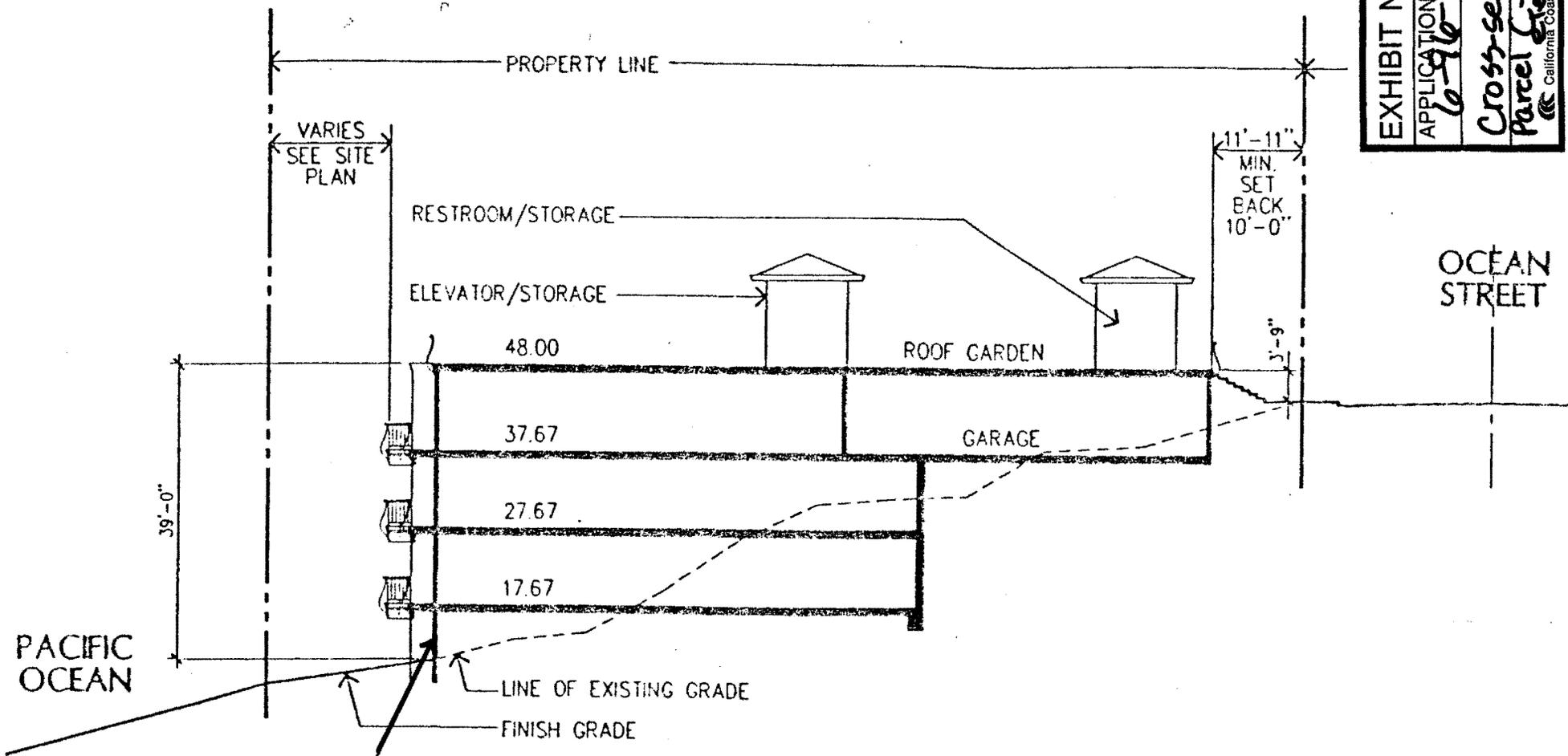
6-96-30



CARLSBAD BY THE SEA

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| EXHIBIT NO. 3 |
| APPLICATION NO. 6-96-30 |
| Areas of site w/in Mello II & Village Redevelopment |
| California Coastal Commission |

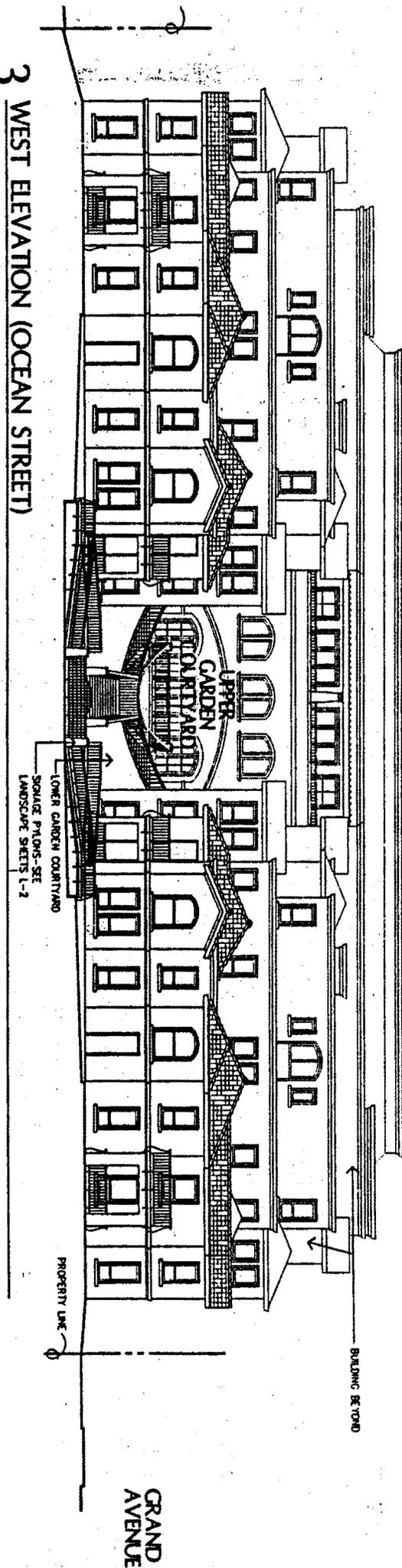
EXHIBIT NO. 4
 APPLICATION NO.
6-96-30
Cross-section
Parcel 60-30-00-000
 California Coastal Commission



South elevation

Foundation/seawall

3 WEST ELEVATION (OCEAN STREET)



GRAND AVENUE

| |
|--|
| EXHIBIT NO. 5 |
| APPLICATION NO. 6-96-30 |
| W. elevation of bldg. proposed on Parcel A |
| California Coastal Commission |