

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 7c

Application No.: 6-96-53

Applicant: MSP California, LLC
Marcus Palkowitsh

Agent: Robert C. Ladwig

Description: Tentative Map for resubdivision of two legal parcels creating 61 residential lots (Emerald Ridge West), an 8.3-acre open-space lot and a 27.4-acre remainder parcel; project includes 47,000 cy. of grading on 28.9 acres, construction of local public roadways, sidewalks, curbs, gutters and drainage facilities, and a trail alignment between Hidden Valley Road and the residential lots. Residential construction is not included in this permit.

Lot Area	56.3 acres (total)
Zoning	R-1-7500-Q
Plan Designation	Residential Medium (RM) (8 dua)

Site: South of Palomar Airport Road, east of Paseo del Norte, and north of Camino de las Ondas, Carlsbad, San Diego County.
APNs 212-040-32 & -36

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Issues raised in the subject proposal include the conversion of existing agricultural lands, encroachments onto steep slopes and sensitive habitat areas, and potential construction impacts on sensitive species. Staff is recommending approval with special conditions which address preservation of sensitive resources as open space; grading/erosion control and drainage/runoff control plans; construction timing and staging areas; mitigation for conversion of former agricultural lands to urban uses; a brush management program requiring no clearcutting of sensitive vegetation in open space areas; and, future development. It is staff's understanding that these conditions are acceptable to the applicant.

Substantive File Documents: Certified City of Carlsbad Mello II Segment LCP; City of Carlsbad Mitigated Negative Declaration - 10/27/95; City of Carlsbad Planning Commission Resolution #s 3880, 3881, 3882, & 3879; City Council Resolution #96-118; Housing Commission Resolution #96-002; Mooney & Associates Biological Report - 6/95 and 8/95; RECON letter (Biology and Gnatcatcher Surveys) - 6/20/96; Letter from the U.S. Fish and Wildlife Service - 3/6/96; and CDP #s 6-95-141/Toyohara and 6-95-141/Carlsbad Municipal Water District.

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. Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type, except that grading necessary to repair an eroded slope east of Lots 15 & 16. The open space lot includes the area shown on the attached Exhibit "5", and is generally described as follows: the dual criteria slopes and coastal sage scrub/riparian scrub area (approx. 4.6 acres of Lot #62) as shown on the Slope Analysis dated 8/14/95 and grading plan dated 9/26/95. A north/south linear public trail, as indicated on the grading plan, west of Hidden Valley Road, may be a permitted use within the open space.

The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

2. 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 Department of Fish and Game, final grading plans approved by the City of Carlsbad. Grading activities shall be permitted between October 1st and February 15th subject to the following criteria:

a. All temporary and permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

b. All areas disturbed, but not completed, during the dry season, including graded pads, shall be stabilized in advance of the rainy season. 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 construction site. 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.

3. Drainage/Runoff Control. Prior to the issuance of the coastal development permit, the applicant shall submit final 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 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 basin(s). Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be submitted to and determined adequate in writing by the Executive Director.

4. Construction Timing/Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. The schedule shall also include plans for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on coastal resources. No staging areas or access corridors shall be located within the environmentally sensitive habitat areas located along the Hidden Valley Road alignment.

5. Agricultural Conversion. 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 an agricultural mitigation fee for converted agricultural lands to urban uses has been received by the California Coastal Conservancy, consistent with the provisions of the Carlsbad Mello II LCP.

6. Brush Management Program. Prior to the issuance of the coastal development permit, the applicant shall submit for review and approval of the Executive Director, a brush management program. The plan shall include a site plan showing a 60 foot distance beyond all planned structures on lots adjacent to areas of native vegetation, designating those areas subject to selective thinning and pruning. The plan shall indicate that clear-cut vegetation removal for brush management purposes shall not be permitted within required open space areas pursuant to Special Condition #1. Any approved clearing shall be conducted entirely by manual means and shall be the absolute minimum for reduction of fire hazards.

7. Future Development. This permit is for construction of residential building pads including grading, landscaping, construction of local public streets, sidewalks, curbs, gutters, and storm drains. Construction of residences on any of the proposed lots shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The applicant is proposing a tentative map for a portion of a 56.3 acre property consisting of two legal parcels for a residential subdivision on the eastern half of the site which totals to 28.9 acres. The subdivision will include the merging of two existing legal parcels to create 61 residential lots, ranging in size from 7,500 sq.ft. to 19,201 sq.ft., an 8.3 acre open space lot and a 27.4 acre remainder parcel which represents the eastern half of the site. The remainder parcel will be located on the east side of Hidden Valley Road which bisects the subject parcel. A tentative map for 60 residential lots on the remainder parcel is expected to be the subject of a future coastal development permit application.

Grading associated with the subject tentative map will consist of 47,000 cy. of balanced cut and fill grading to construct building pads, internal roads, sidewalks, curbs and gutters, and drainage facilities. Residential construction on the building pads is not proposed with this permit application and will be subject to a future coastal development permit. It should be noted that the proposed grading has been reduced from 129,205 cy. by revising the tentative map to raise the building pads three to five feet thereby reducing the quantity of dirt to be exported to grade Hidden Valley Road immediately to the east of the proposed subdivision.

As part of the subject proposal, the applicant is requesting an extension of time to perform necessary grading to February 15th, with installation of appropriate erosion and runoff control devices. Generally, grading is prohibited during the rainy season between October 1st and April 1st of any year under the certified LCP.

The subject property is a vacant site located south of Palomar Airport Road, east of Interstate-5, in an area of Carlsbad that has been used for

agricultural purposes in the past. The site is currently being cultivated with bean crops. The area of the parcel proposed for the residential subdivision is limited to that area of the site that has historically been farmed. The site is immediately adjacent to the Mar Vista residential subdivision, which is being processed concurrently with the subject project under CDP #6-96-46, and which is located on the same mesa top that is presently being used for agricultural purposes. The subject parcel is bisected by Hidden Valley Road which lies to the east of the portion of the site subject to this coastal development permit. The construction of Hidden Valley Road was permitted pursuant to CDP #6-94-131/Toyohara and is presently underway.

The surrounding neighborhood is largely undeveloped with vacant land to the north, east and south. Multi-family residential development exists to the west. Approx. 6.4 acres of on-site steep slopes east of the proposed residential lots and west of Hidden Valley Road will be part of a proposed 8.3 acre open space lot. Encinas Creek lies to the north of the site. Presently Poinsettia Community Park, which is immediately to the south of the site, is under construction. The proposed project also includes the construction of "A" Street off of Calle Serena (formerly Cherry Blossom Drive) to the south to provide access to the subject site.

2. Sensitive Habitat Areas. 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.

The 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:

Grading and Erosion Control

- a) For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following shall apply:
 - 1) 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 all or nearly all of their area in slope area over 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 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.

As noted previously, the western half of the property is being used for agriculture and currently being cultivated with bean crops. Most of the site contains very gently sloping topography that rises from west to east. The eastern half of the property consists of a finger canyon which continues north and connects with Canyon de las Encinas. The flat developable areas of the site are bordered by steep slopes along the east and north. Six vegetation types were identified on the property consisting of ruderal/agriculture on the mesa, pampas grass, diegan coastal sage scrub and southern mixed chaparral along the steeper slopes; and riparian southern willow scrub and baccharis/mule fat in the canyon.

As part of the environmental review process, a biological survey report was done for the subject property by Brian Mooney and Associates, dated August 1995. The "threatened" coastal California gnatcatcher was observed in the Diegan coastal sage scrub along the north and east side of the site. The habitat areas for this sensitive bird species will be preserved through establishment of an open space lot.

In addition, a slope encroachment analysis and vegetation survey, dated 9/22/95, indicates that about 22% (6.4 acres) of the subject site area (28.9 acres) are 25% grade or greater and contain mixed chaparral and coastal sage scrub plant communities (dual criteria slopes). A total of 0.07 acres of coastal sage scrub on-site will be impacted both on and east of Lots 15 and 16 (reference Exhibit No. 6); this figure includes 0.03 acres of dual criteria slopes. These slopes will not be graded to support the adjacent residential pads but to restore an eroded slope. The remaining 0.04 acres of coastal sage scrub that will be impacted in this area are outside of the steep slope areas, and are thus not dual criteria slopes protected under the policies of the LCP. It should also be noted that as stated in the Mitigated Negative Declaration, "...the impacted CSS habitat area is small in size, linear in shape, partially disturbed, and located along the edge of a larger habitat area, thus the significance of the impact is reduced." In addition, the

project proposes off-site impacts resulting from construction of the proposed main access road leading from future Hidden Valley Road to the project site, which would impact approx. 0.05 acres of disturbed (CSS), not located on steep slopes. Mitigation for the total 0.12 acres of coastal sage habitat impacts is discussed in a later paragraph.

According to the applicant's representative, the 0.03 acres of dual criteria slopes to be disturbed is an area that project engineers have identified as an erosion area that has been damaged in the past and needs to be repaired. The likely cause of the erosion is from a drainage pipe associated with the agricultural use on the site; the pipe has been allowed to drain over the slope. In addition, because the eroded slope needed to be repaired with hand equipment, and includes selective thinning and pruning of native vegetation on the slope, the applicant found it necessary to modify the setback areas to maintain a minimum buildable pad area and structural setback from naturally vegetated open space areas. Lots 15 and 16 are the only areas where thinning of native vegetation habitat would occur in the proposed subdivision.

All remaining high-quality CSS habitat in this area would be preserved in a proposed 8.3 acre open space lot (Lot 62) adjacent to Hidden Valley Road. A portion of this open space area (approx. 3.7 acres immediately adjacent to, and west of, Hidden Valley Road, has already been deed restricted to be preserved in open space pursuant to CDP #6-94-131/Toyohara. The remaining naturally vegetated steep slopes of this lot total to approx. 4.6 acres which will be deed restricted and placed in permanent open space, as well. Within this open space area, a 20-foot wide trail easement is proposed (Citywide Trail Link No. 29) which will run in a north/south direction approx. 50-75 feet east of Hidden Valley Road. The proposed trail will generally follow the alignment of an existing dirt road on the property and will meander in and out of both open space deed restricted areas.

The project has been conditioned by the City to mitigate the 0.12 acres CSS impact by acquiring, for preservation, 0.19 acres of coastal sage scrub habitat within the high quality, coastal sage scrub area found in the Carlsbad Highlands mitigation bank. Mitigation will be required at a ratio of 1:1 for the 0.05 acres of impact for construction of the access road off of Calle Serena and 2:1 for the 0.07 acres of impact for thinning of native vegetation on Lots 15 and 16 and repair of an eroded slope. The proposed mitigation has been reviewed and endorsed by the U.S. Fish and Wildlife Service (USFWS). In addition, the City found in its approval that the proposed development is consistent with the intent of the Hillside Ordinance in that the grading avoids steep slopes, manufactured slopes will not exceed 30 feet in height and will follow the natural contours, grading volumes will not exceed 7,900 cy. per graded acre, roadways will be curvilinear and follow the natural contours, and, future homes would be set back from the edge of the hillside.

The City has used its "Zone 20 Specific Plan" as the standard of review for this project. That plan provides a master plan for the buildout of the City's Zone 20 planning area, which contains the subject parcel and surrounding parcels of mostly vacant land, and a number of environmentally sensitive areas. While the Zone 20 Plan has been approved at the local level, it has

not been submitted to the Commission for review and certification of its consistency with the Coastal Act. Thus, the policies of the Mello II LCP are the standard of review. The proposed impacts to 0.03 acres of dual criteria slopes for purposes of repairing an eroded slope can be found acceptable and consistent with the LCP because the amount of disturbance is extremely small (0.03 acres) and none of the dual criteria slopes will be graded to support the proposed building pads. In addition, all of the proposed impacts are being mitigated, as discussed above.

It should also be mentioned that a sewer line has been approved under CDP #6-95-141 which will provide service not only for the Emerald Ridge subdivision but also for Mar Vista, Sambi Seaside Heights, portions of Greystone Homes and the community park (Poinsettia Park). The sewer will run down the north rim of the developable area of the Mar Vista subdivision to the west of the subject site to an existing manhole in Encinas Creek and will follow a ravine from the top of the slope to the bottom. A proposed storm drain will follow the same alignment as the sewer. The alignment was found to be the least environmentally damaging alternative as no native habitat or sensitive species would be impacted.

The Mello II LCP prohibits development in wetlands, pursuant to Policy #3-7, unless there is no feasible less environmentally damaging alternative. The northern portion of the site contains riparian vegetation associated with Encinas Creek. However, this area will remain in open space and will not be disturbed as a result of the proposed project.

Brush management for fire safety is proposed with the subject project. A 60-foot setback along the rear of Lots 1-23 (with the exception of Lots 15 & 16) for purposes of native habitat protection and fire suppression is required by the City. No development is permitted in this buffer area. Pursuant to the City's Landscape Technical Manual, selective thinning and clearing consistent with Zone 2 and Zone 3 brush management requirements is permitted. The manual identifies three brush management zones, each 20 feet in width, where vegetation removal and thinning is required to protect homes from fire hazard when they are proposed to be located next to mature, naturally vegetated areas. Although it is the Commission's practice, consistent with the certified LCP, to allow selective thinning in open space areas as part of brush management to protect homes from fire hazard, the Commission has historically found that Zone 1 clearcutting requirements must not occur in open space areas. However, in this particular case, there is no native vegetation in the designated Zones 2 or 3 (except on Lots 15 and 16) for the proposed subdivision as the majority of the lots will observe a 60-foot setback from such areas.

Special Condition #6 requires the applicant to submit a brush management plan showing a 60 foot distance beyond all planned structures on lots adjacent to native vegetation. The plan shall indicate that clearcut vegetation removal for brush management purposes shall not be permitted within proposed open space areas. Any approved clearing shall be conducted entirely by manual means and shall be the absolute minimum for the reduction of fire hazards. The Commission recognizes that each case must be considered on a site specific

basis and that the Carlsbad Fire Department has found that a 60-foot structural setback from open space is acceptable to mitigate fire hazard. However, the Commission, consistent with the Landscape Technical Manual and the certified LCP, has historically prohibited clearcutting in open space areas and as such has conditioned the project to this effect, as described above.

Regarding grading and erosion control, approximately 47,000 cubic yards of grading is proposed to be balanced on-site, resulting in cut and fill slopes of up to 14 feet in height. The grading of the property, however, has the potential to indirectly impact sensitive off-site resources located in Canyon de las Encinas. The City's approval requires the all building pad and street areas that are graded and remain vacant or undeveloped for a period of more than six months after the grading operation is completed to be seeded and adequately irrigated to reduce erosion and visual impacts. The applicant has also requested as part of the subject proposal to extend the grading period for the proposed project into the rainy season between October 1st and February 15th to allow sufficient time to complete necessary grading associated with the project. The USFWS has also recommended that grading and construction of the proposed project be limited to the non-breeding season of the gnatcatcher between August 1 and February 15. According to the Service, minimizing impacts associated with noise within the remaining areas of coastal sage scrub during grading and construction may help to reduce disturbance to the gnatcatcher which has been found to use the native steep slopes to the east and north of the site.

The City of Carlsbad permits grading to occur within the restricted time period provided that drainage and erosion control devices are in place. The applicant thus proposes to install temporary desiltation basins at the beginning of grading activities, along with temporary erosion control devices and installation of erosion control planting. Drainage from the subdivision will be collected in a drainage system and discharged with proper energy dissipation. Lot drainage will be directed away from new slopes. In this particular case, since the drainage from the site will discharge to Encinas Creek rather than to an ecosystem such as a lagoon, the extension of time for grading into the rainy season can be found acceptable and has been permitted in similar projects. In addition, since the extension of time to complete all grading activities requested by the applicant coincides with the time frame that USFWS would recommend that grading and construction occur, extension of the grading period should not adversely affect the sensitive wildlife habitat in the area, provided that all erosion control devices are in place well in advance of the onset of grading activities.

Regarding drainage and runoff control, the LCP addresses protection of downstream impacts to sensitive areas. It requires that runoff rates from developed sites not exceed natural runoff rates resulting from a 10 year storm of moderate intensity. Additionally, to mitigate drainage impacts from project sites, adequate devices must be installed for drainage and erosion control, and urban pollutant basins must be provided. To comply with these water quality standards, the City has required the applicant to install erosion control devices pursuant to the requirements of the Mello II LCP. Lot

drainage will be directed away from new slopes. Special Conditions #2 and #3 require the submittal of final grading, drainage, and erosion control plans designed to avoid erosion and subsequent sedimentation impacts to the sensitive resources associated with drainage from the developed site. Special Condition #3 further requires final drainage plans designed to assure no increase in the peak rate of runoff associated with the developed site when compared to undeveloped conditions. These requirements are consistent with the language contained in the Carlsbad LCP and past Commission precedent.

In order to identify staging areas and access corridors so that sensitive habitat areas are not disturbed for this purpose, Special Condition #4 requires final plans for the location of access corridors to the construction sites and staging areas. Access corridors and staging areas shall be located in a manner that has the least impact on coastal resources. No staging areas or access corridors shall be located within the environmentally sensitive habitat areas located along the Hidden Valley Road alignment.

In summary, the proposed project will avoid nearly all impacts to dual criteria slopes and the applicant has proposed a mitigation plan for the 0.12 areas of coastal sage scrub impacts that will result from construction of Street "A" and grading for Lots 15 and 16 including repair of an eroded natural slope. As such, the Commission finds the project, as conditioned, complies with the slope preservation and environmentally sensitive habitat area provisions of the Mello II LCP.

3. Agriculture. The level portions of the project site support agricultural use and the site is located in the Coastal Agricultural Overlay Zone (Site II) of the Mello II segment of the City's LCP. The soils of the site, however, are not regarded as prime Class I or II agricultural soils. The Mello II LCP requires mitigation when non-prime coastal agricultural land is converted to urban land uses. Sections 30241 and 30242 of the Coastal Act concern the protection of agricultural lands. 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.

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 in Site II of the Coastal Agricultural Overlay Zone: (1) "Prime Land Exchange"; (2) "Determination of Agricultural Feasibility"; and (3) "Agricultural Conversion Mitigation Fee".

The implementing ordinances of the LCP, as modified in 1985, contain the specific requirements for implementing the three options of the LCP. The applicant has chosen the third option for conversion which provides for the payment of an agricultural mitigation fee of between \$5,000 and \$10,000 per each net converted acre of non-prime agricultural land. The funds accrued from the mitigation fees are to be used in the restoration and enhancement of natural resources, public access opportunities, and preservation of agricultural lands in Carlsbad.

The mitigation fee requirement is triggered at the time that a coastal development permit for "urban development" is considered. Specifically, subsection 21.070-c calls for such fees to be paid "prior to the issuance of building permits for the project". As noted, the subject property is located in the Coastal Agricultural (C-A) zone and is, thus, subject to the requirements of the LCP regarding agricultural lands. The proposed use clearly constitutes an urban conversion. The City's approval requires payment of between \$5,000 to \$10,000/acre as a mitigation fee. The City will determine the exact amount of the fee prior to final approval of the tentative map. The Commission finds this option acceptable provided evidence is submitted that the fee has been paid, consistent with the provisions of the attached Special Condition #5. Only as conditioned can the Commission find the subject project and conversion of agricultural lands consistent with the agricultural policies of the certified Mello II LCP.

4. Visual Impacts. Section 30251 of the Coastal Act and the certified Mello II LCP state that new development must be sited and designed to not adversely impact scenic features. The project site is located in the southern portion of the City of Carlsbad. This area is primarily agricultural land surrounded by either existing medium density residential projects or planned medium density residential projects. Due to existing development to the west which is at a somewhat higher elevation than the subject site, the site is not visible from Interstate-5 or the beaches to the west. However, the site is visible from Palomar Airport Road to the north, which is designated as a scenic roadway in the LCP, and contains the Qualified Development Overlay zone. Through application of this overlay zone, it can be assured that future development on the site will be designed in a manner to protect the scenic views from this roadway.

When the City reviews and Commission reviews the site development plans for future development of homes on the property through a subsequent coastal development permit application, special design measures will be implemented through the overlay, which may include any of the following: reduced building height along the top of the ridgelines, varying rooflines and roof massing, increased landscape screening, earth tone roof and building wall material and colors, increased building separation, and enhanced rear building elevations for those homes that will be visible from Palomar Airport Road. Therefore, the Commission finds that the subject development is consistent with the visual resource policies of the certified Mello II LCP.

5. 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 for the proposed development, as conditioned.

The project site was rezoned from RDM-Q (Residential Density Medium with a Qualified Development overlay) to One-Family Residential with the Qualified Development overlay (R-1-7500-Q) pursuant to a LCP Amendment #2-96B to the Mello II segment of the City's certified LCP, approved by the Commission in June, 1996. The site is planned for residential uses (Residential Medium at 4-8 dwelling units per acre) in the City of Carlsbad's certified Local Coastal Program (LCP). The proposed project density, at 3.02 du/a, is consistent with these designations. As noted by the City, in this case, the new zone of R-1-7500-Q is more restrictive than the former RDM-Q zone as it contains more development standards with regard to the siting of new development on individual lots. Therefore, the Commission finds the subject proposal consistent with the certified LCP and project approval should not prejudice the City's ability to continue to implement its certified LCP.

6. California Environmental Quality Act Section 13096 of the Commission's administrative regulations requires Commission approval of the coastal development permit 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 policies of the certified LCP which address hillside development and protection of environmentally sensitive areas. Mitigation measures, including conditions addressing preservation of naturally vegetated steep slopes in open space; mitigation for coastal sage scrub and riparian impacts; grading and erosion control; drainage/runoff control; construction timing/staging and access corridors; payment of agricultural conversion fees; and, a brush management program, will minimize all adverse environmental impacts. As conditioned, the project complies with the slope preservation and environmentally sensitive habitat area provisions of the Mello II LCP. Therefore, the Commission finds that the proposed project, as conditioned, 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.

(6053R)

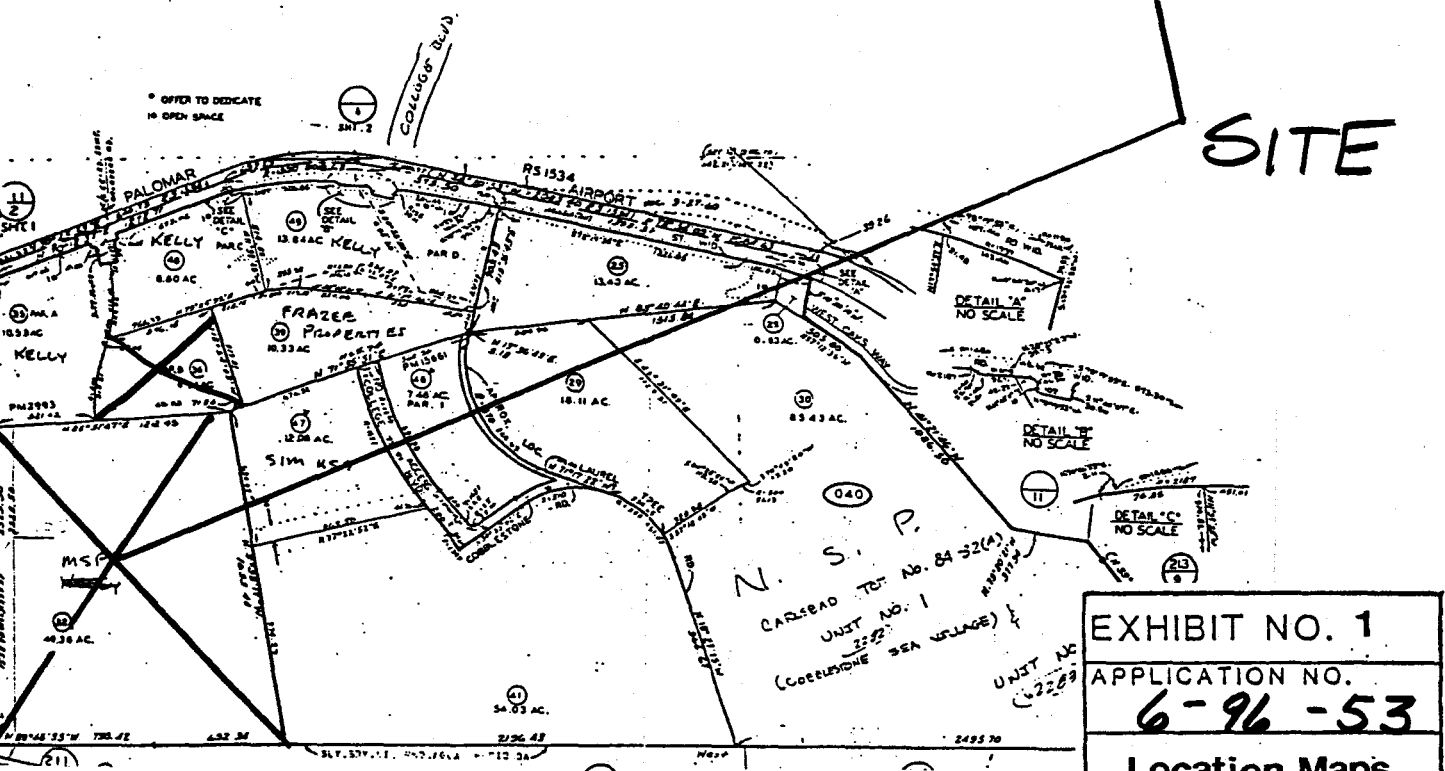
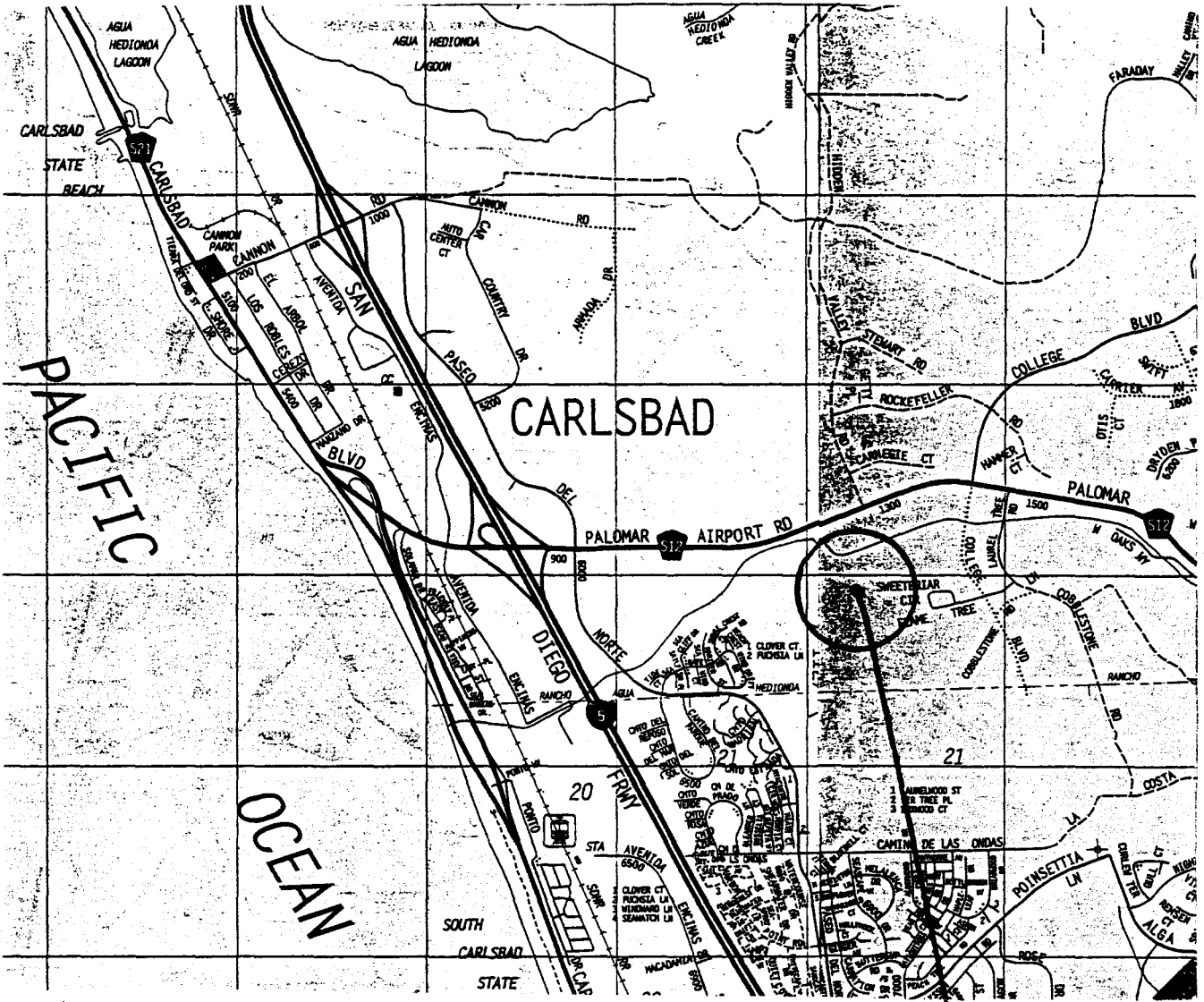


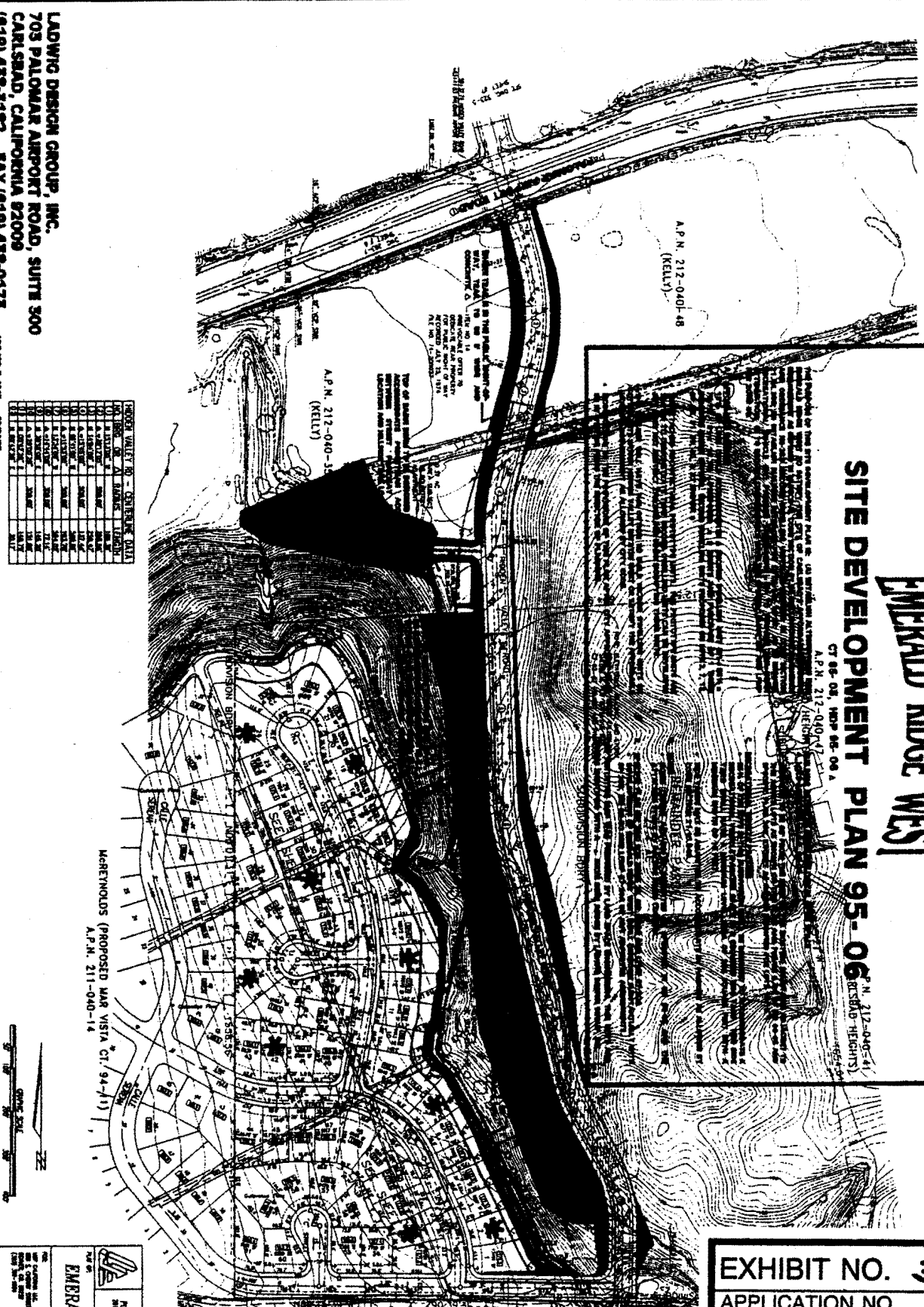
EXHIBIT NO. 1
APPLICATION NO. 6-96-53
Location Maps
California Coastal Commission

EMERALD RIDGE WEST

SITE DEVELOPMENT PLAN 95-06

A.P.N. 212-040-48
 (KELLY)

A.P.N. 212-040-48
 (KELLY)



PROPOSED VALLEY NO. - CENTERLINE DATA	NO. OF LOTS	AREA	PERCENTAGE
1	1	1.00	100.00
2	1	1.00	100.00
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LADWIG DESIGN GROUP, INC.
 703 PALOMAR AIRPORT ROAD, SUITE 300
 CARLSBAD, CALIFORNIA 92009
 (619) 439-3162 FAX (619) 439-0175

LAND USE ZONING: 1117715



MERLYNOLDS (PROPOSED MAR VISTA CT. 94-11)
 A.P.N. 211-040-14

A.P.N. 212-040-48
 (KELLY)

A.P.N. 212-040-48
 (KELLY)

FUTURE POINSETTIA COMMUNITY PARK
 A.P.N. 214-300-09
 SEE CITY OF CARLSBAD D.W.C. 511-4

EXHIBIT NO. 3
APPLICATION NO. 6-96-53
<i>Site Plan</i>
California Coastal Commission

	LAND SPACE ENGINEERING Planning - Civil Engineering - Surveying 20100 Camino del Rio South, Suite 200 San Diego, CA 92108 Tel: (619) 591-1111 Fax: (619) 591-1112
	TRADING NAME EMERALD RIDGE - WEST CARLSBAD, CALIFORNIA
DATE: 06/11/96 DRAWN BY: [Name] CHECKED BY: [Name]	SCALE: AS SHOWN SHEET NO. 1 OF 1

LANDSCAPE CONCEPT PLAN EMERALD RIDGE WEST

Owner/Architect: JWC Company, LLC

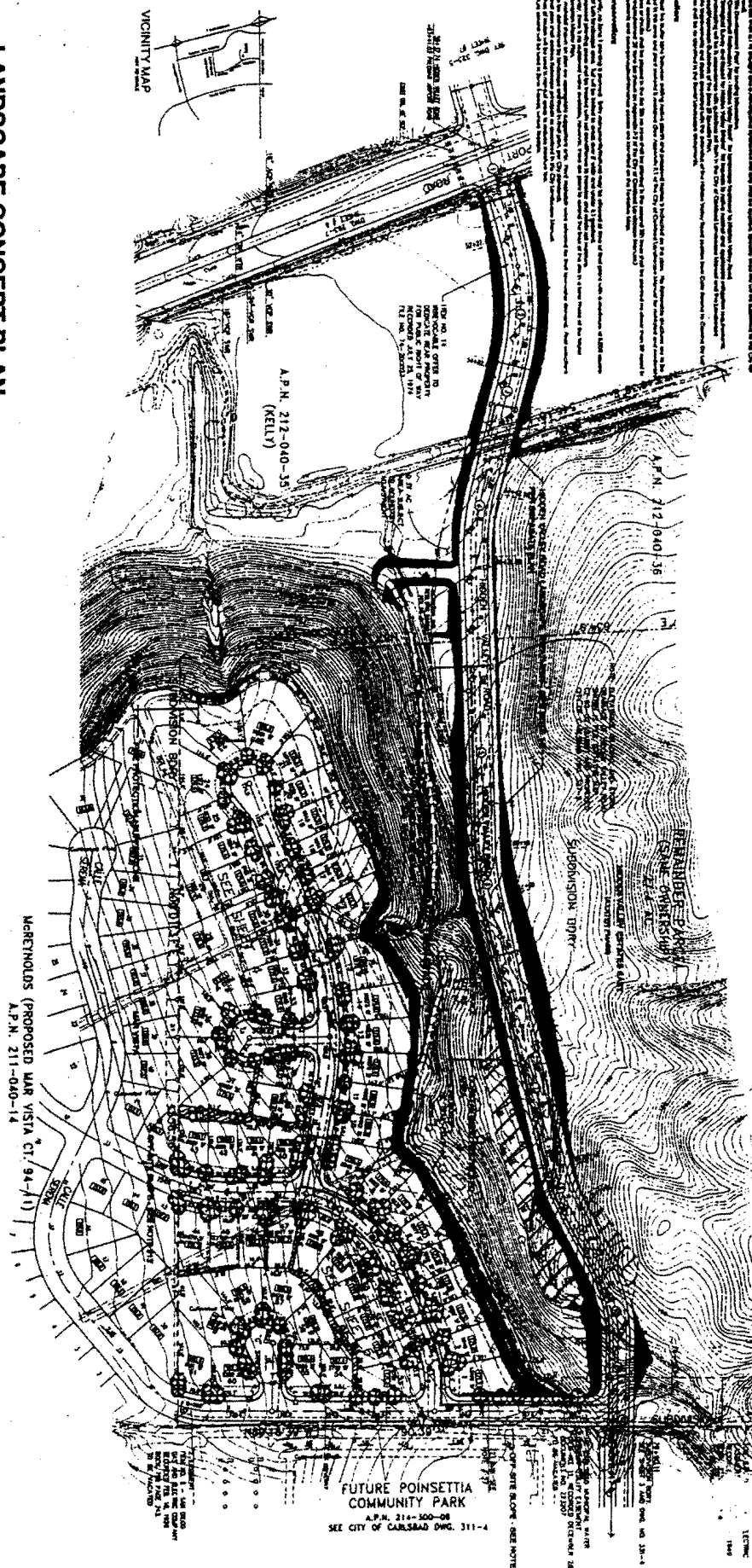


EXHIBIT NO. 4
 APPLICATION NO.
 6-96-53
 CONCEPTUAL LANDSCAPE PLAN
 California Coastal Commission

02-02



PLANT PALETTE

Planting Schedule: 10/15/02
 Planting Method: 10/15/02
 Planting Location: 10/15/02
 Planting Quantity: 10/15/02



Planting Schedule: 10/15/02
 Planting Method: 10/15/02
 Planting Location: 10/15/02
 Planting Quantity: 10/15/02

1. General Notes
2. Planting Schedule
3. Planting Method
4. Planting Location
5. Planting Quantity
6. Planting Species
7. Planting Size
8. Planting Spacing
9. Planting Orientation
10. Planting Maintenance
11. Planting Replacement
12. Planting Removal
13. Planting Disposal
14. Planting Storage
15. Planting Transportation
16. Planting Installation
17. Planting Inspection
18. Planting Acceptance
19. Planting Warranty
20. Planting Liability

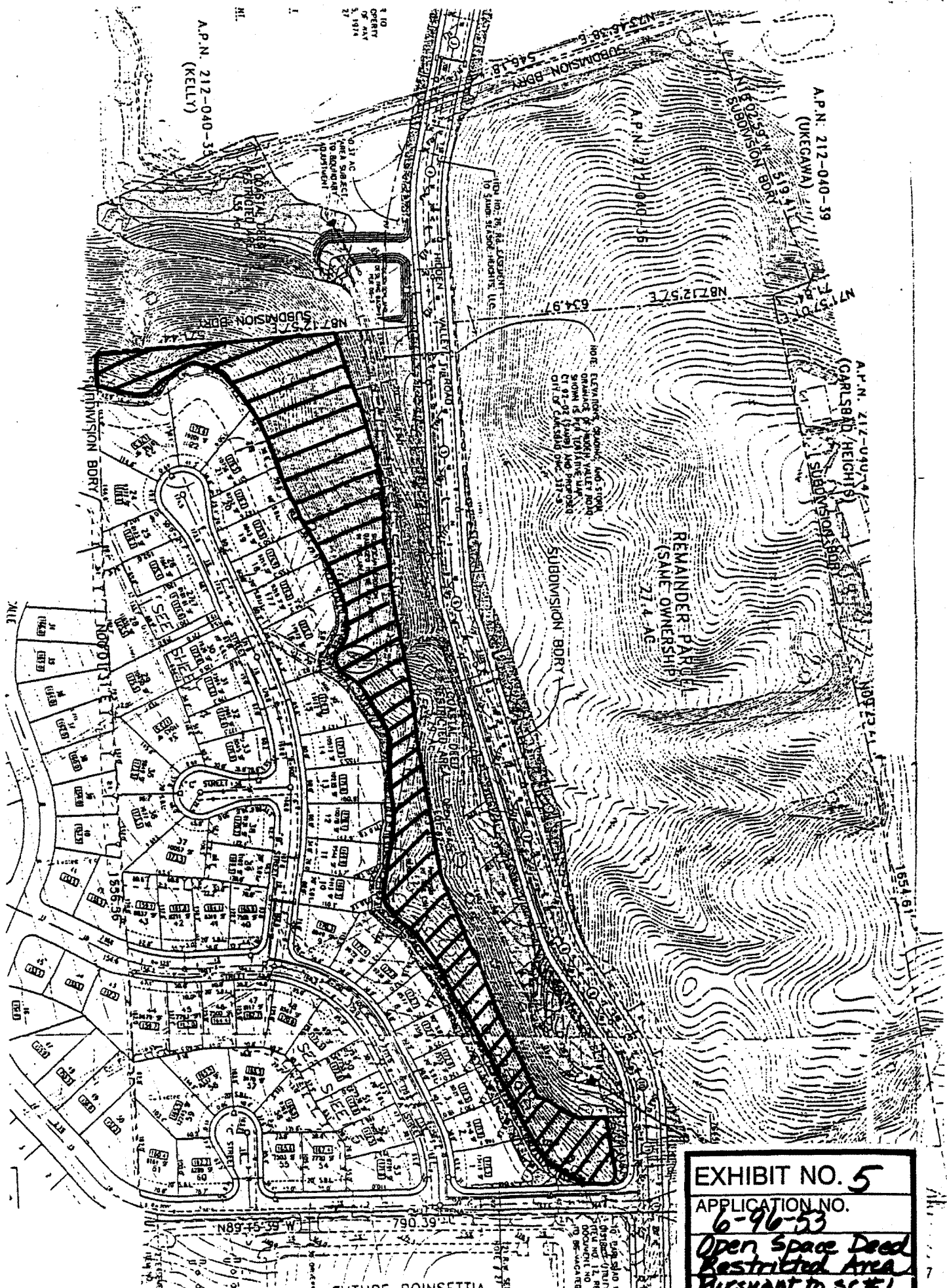


EXHIBIT NO. 5
 APPLICATION NO.
 6-96-53
*Open Space Deed
 Restricted Area
 Pursuant to SC#1*
 California Coastal Commission

EMERALD RIDGE WEST

CT-95-03

11-9-00

6-96-CR

6-11-17

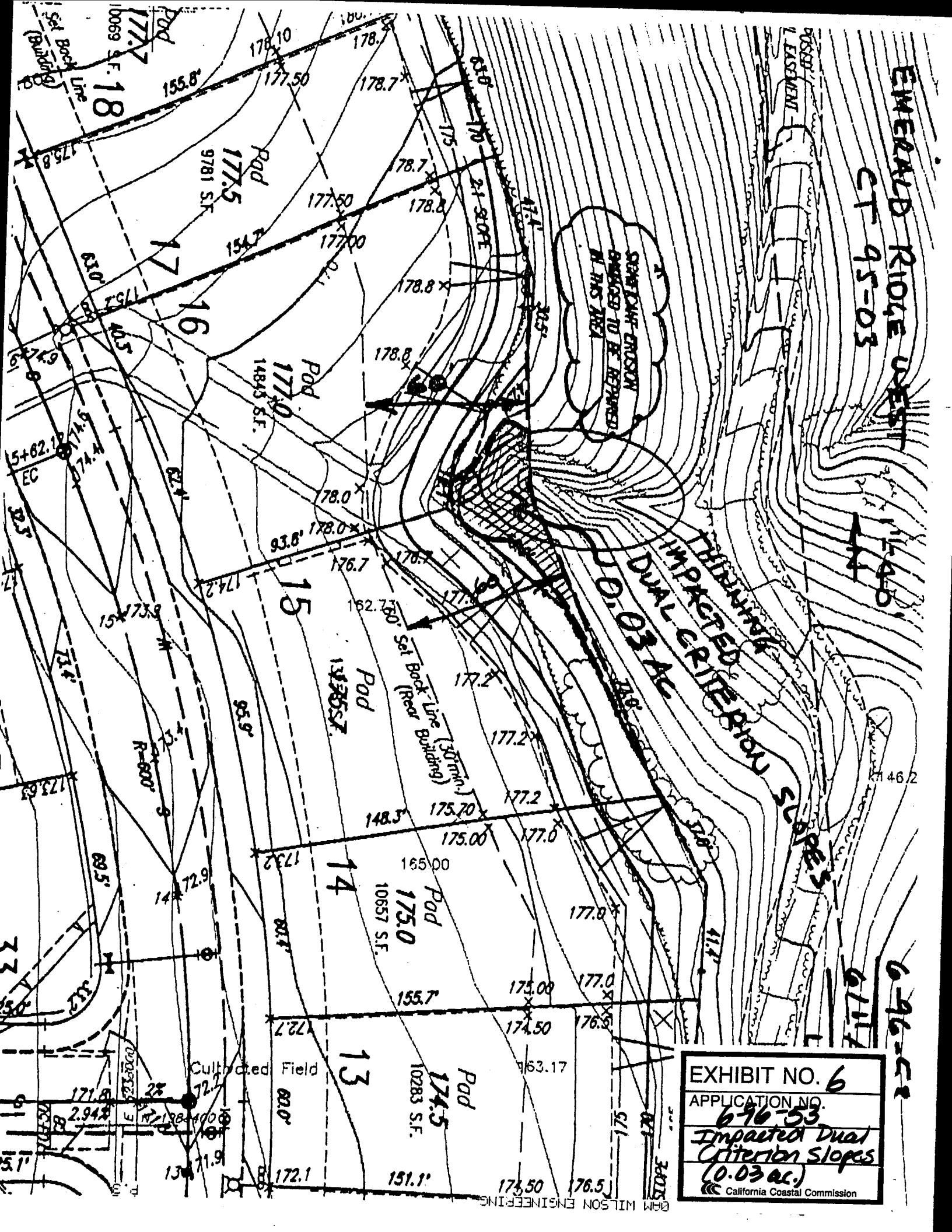


EXHIBIT NO. 6
APPLICATION NO. 6-96-53
Impacted Dual Criterion Slopes (0.03 ac.)
California Coastal Commission