

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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Staff: WNP-SD  
Staff Report: 9/17/97  
Hearing Date: 10/7-10/97

**WED 9a**

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-97-10

Applicant: City of Carlsbad

Agent: Betty Dehoney

Description: Construction of Phase I of Reach 1 of Cannon Road, running from the west rim of Macario Canyon (Station 65.00) to Lego Drive (Station 36.67), about .6 of a mile. The project involves 64,775 cubic yards of cut grading, 157,080 cubic yards fill, and the import of 92,305 cubic yards. The project also proposes to grade within the rainy season (between October 1 and March 31) from approximately October 22, 1997 to November 30, 1997 for this season only.

Plan Designation  
Zoning

Open Space  
P-U, E-A

Site: Easterly extension of Cannon Road, east of Interstate 5 and South of Agua Hedionda Lagoon, Carlsbad, San Diego County. APN 211-010-11, 23 and 212-010-11 and 14.

Substantive File Documents: City of Carlsbad Certified Agua Hedionda Segment Land Use Plan; CDP #6-84-617; "Cannon Road: Reach 1 Final Environmental Impact Report" (City of Carlsbad EIR 87-2, March 21, 1989); CDP #6-89-195.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff recommends approval of the project, subject to special conditions requiring submittal of revegetation plans, erosion control plans and final staging plans. The revegetation plan will assure the Commission that impacts to coastal sage scrub and southern maritime chaparral resulting from road construction will be mitigated consistent with resource agency approvals and past Commission action. Staff recommends approval of the proposed grading and installation of permanent erosion control measures until November 30, 1997 because completion of the entire Cannon Road project (Reaches I and II) cannot be done within one season based on the presence of two federally listed endangered avian species, the California Gnatcatcher and the Least Bell's vireo, which occur along different segments of Cannon Road. The erosion control plans will ensure that grading will not result in any sedimentation impacts to the downstream sensitive resources of Agua Hedionda Lagoon or Macario Canyon. The staging area plans will ensure that construction corridors and staging areas shall be located in a manner that has the least impact on biological resources of the area.

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 will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revegetation Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed revegetation plan indicating the type, size, extent and location of all plant materials, any proposed irrigation system and other landscape features to revegetate all disturbed or manufactured steep slope areas. Drought tolerant native plants compatible with adjacent natural vegetation shall be utilized to the maximum extent feasible to re-establish the area consistent with its present character. Said plan shall be reviewed and approved in writing by the Executive Director in consultation with the Department of Fish and Game.

2. Grading and Erosion Control. The applicant shall comply with the following conditions related to grading and erosion control:

A. Prior to the issuance of the permit, the applicant shall submit final grading plans in substantial conformance with the submitted plans. This coastal development permit approves a one-time grading season encroachment until November 30, 1997.

B. All permanent run off and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

C. All areas disturbed but not completed during the construction period shall be stabilized in advance of November 30, 1997. 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.

The applicant shall undertake the development in accordance with the approved grading and erosion control plan. Any variation from the schedule shall be reviewed as an amendment to this coastal development permit.

3. Staging Areas. Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director, for review and written approval, detailed plans incorporated into the construction bid documents, for the location of haul roads, construction corridors and staging areas. Construction corridors and staging areas shall be located in a manner that has the least impact on biological resources of the area (i.e., coastal sage scrub and southern maritime chaparral) and shall be limited to existing disturbed areas and roadways to the greatest extent feasible. Encroachment into environmentally sensitive habitat areas outside the construction corridor shall not be permitted.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Development Description and History. On November 17, 1990, the Commission approved CDP #6-89-195 for the construction of Reach I of Cannon Road, a City of Carlsbad circulation element "Major Road." Reach I was approved at 1.25 miles long from Paseo Del Norte, east of Interstate Highway 5, to the eastern side of Macario Canyon. The roadway was approved as a four-lane major arterial, with a 102-foot wide right of way. Macario Canyon was approved to be crossed by a bridge of about 500 feet in length.

Cannon Road Reach I is located south of Agua Hedionda Lagoon between I-5 and El Camino Real. The roadway is proposed to cross the mesa top above the lagoon. This area is currently primarily developed with agricultural fields. As originally approved, from the mesa top, the road would bridge Macario Canyon, an area containing a well-developed riparian area and some coastal brackish marsh, and terminate on the eastern canyon rim.

Design and planning for Cannon Road Reaches I and II were both initiated prior to 1985. Both private development and public works approaches to constructing the road were initiated. Due to the economic downturn in the late 1980s and early 1990s, both projects were postponed. As noted, Reach I of the Cannon Road alignment as approved in CDP #6-89-195 ran from the east side of Macario Canyon west approximately 1.25 miles to Paseo Del Norte. Since that time, Cannon Road has been extended from Paseo Del Norte to Lego Drive with the development of Carlsbad Ranch, a multiple use project, including Legoland, on 447 acres near Cannon Road's intersection with I-5. Reach II of Cannon Road includes approval of the roadway from the eastern edge of Macario Canyon eastward to El Camino Real about 5,600 lineal feet. The alignment of Cannon Road Reach II was approved by the Commission in its approval of the Kelly Ranch Master Plan (CDP #6-84-617), another mixed use project on 433 acres located east of Agua Hedionda Lagoon. However, the California Department of Fish and Game and Army Corp of Engineers permits for Reach II have expired and a new coastal development permit for that road extension will also be required.

The Commission approved CDP #6-89-195 subject to special conditions requiring the submittal of a detailed biological mitigation and monitoring plan detailing the type, amount and location of mitigation for all brackish marsh impacts and establishing a monitoring program to measure the success of the mitigation, special provisions for the protection of least Bell's vireo nesting habitat during the nesting season, submittal of runoff and erosion control plans, submittal of slope revegetation plans and submittal of a staging plan for construction equipment and materials. CDP #6-89-195 also approved the removal of 3.4 acres of mixed chaparral and 2.4 acres of coastal sage scrub vegetation. However, the permit expired and the City has resubmitted the project, in part, under the subject application.

The Commission found in CDP #6-89-195 that the proposed alignment represented the least environmentally-damaging alternative to construct Reach I. This alternative was selected based on an alignment study approved by the Commission and incorporated into the Agua Hedionda Land Use Plan as Policy 5.8. Three other road alignments were considered in addition to the approved alignment. The approved alignment was found the most reasonable and least environmentally disruptive alternative when considering visual quality, grading, service capacity, cost, land use and property conflicts. No change to the previously approved alignment is proposed with this request.

The subject application proposes to phase CDP #6-97-10 to allow the Commission to approve a portion of Cannon Road Reach I without wetland, riparian and endangered species impacts associated with what the Commission approved in CDP #6-89-195. A mitigation plan for the wetland and riparian impacts themselves has been accepted by the resource agencies for both Reach I and Reach II. Additionally, the Commission approved a mitigation plan for those impacts in CDP #6-89-195. However, wetland and riparian impacts are still an issue insofar as those habitats provide living area to two endangered avian species and mitigation requirements for impacts to bird species is yet to be resolved. Currently, the City is working with the resource agencies on providing adequate mitigation for adverse impacts to least Bell's vireo and southwestern willow flycatcher, both on the federal endangered species list, who reside in wetland and riparian habitat areas adjacent to Macario Canyon and along Reach II of Cannon Road. The stakeholders have been unable to agree on an acceptable mitigation plan to mitigate the impacts of the bridge and road construction work on the endangered birds; and, as a result, the construction of the bridge crossing Macario Canyon and construction of Reach II have been put on hold. Phase II of the Reach I segment would include crossing Macario Canyon with the bridge.

The subject application removes the crossing of Macario Canyon with the bridge from the Commission's review, by proposing grading only to create the road alignment that would stop at the western edge of Macario Canyon. The City is proposing the phasing of the permit to allow more time to resolve the endangered species issue and mitigation needs. However, with this application, 3.1 acres of southern maritime chaparral and approximately 1.9 acres of coastal sage scrub vegetation would be impacted. As noted, CDP #6-89-195 approved the removal of 3.1 acres of mixed chaparral and 2.4 acres of coastal sage scrub vegetation. About .5 of an acre of coastal sage scrub

located on the western side of Macario Canyon in the proposed location of a bridge abutment associated with the bridge crossing would be impacted in Phase II of the Reach I project.

The proposed project also includes a request to grade within the rainy season from approximately October 22, 1997 to November 30, 1997. The rainy season is defined in the Agua Hedionda LUP as being from October 1 to March 31 of any given year. Both the grading of the road and installation of the required erosion control measures would occur after the October 1 deadline as proposed in the applicant's tentative schedule. The proposed project would install temporary erosion control devices in the period between October 15 and November 15 of this year; permanent erosion control devices would be installed at the completion of grading to assure protection of downstream resources throughout the rainy season.

While the City acknowledges the grading restriction, due to the relative narrow construction window resulting from the application of rainy season grading restrictions and California gnatcatcher nesting season grading prohibitions (February 15 to September 15), the City has decided to ask the Commission for relief from the rainy season restriction. Because of the narrow construction window, the City indicates that it would take several years to complete the project which makes it unfeasible. Additionally, the City has the opportunity to obtain excavated earth from Legoland, located within 1/2 mile of the project site. This earth would be used as fill to construct Phase I of Reach I of Cannon Road.

2. Environmentally Sensitive Habitat Areas. Section 30231 of the Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Finally, Section 30253 of the Act states, in part:

New development shall: [...]

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

A. Encroachment in Habitat Areas.

In its initial action on the project, the Commission considered the wide range of issues relative to both the fill of wetlands and other environmentally sensitive habitat areas, and the disruption of habitat values of upland areas that are also home to vegetation that is sensitive or of limited distribution. As mitigation for the impacts to wetland areas, the Commission's approval required the submittal of a mitigation plan or design which creates habitat in exchange for habitat areas filled to implement the project.

The City has requested that the permit for the proposed development be phased. This would allow the Commission to review the project absent the wetland impacts the Commission considered in the previous approval, prior to the issuance of the permit for the remainder of the project (i.e. bridge, Reach II). The proposal further requests the ability to accept graded materials generated during grading of the adjacent Legoland project.

Since the time of the Commission's original approval for Reach I and subsequent extensions of the permit, the listing of a number of sensitive plants and animals (least Bell's vireo, California gnatcatcher, southwestern willow flycatcher, arroyo southwestern toad and Pacific little pocket mouse) has brought into question whether the approved alignment is the least environmentally-damaging alternative. As a result, the U.S. Army Corps of Engineers (ACOE) and the U.S. Fish and Wildlife Service (USFWS) determined that new studies were necessary regarding the project which has resulted in the need for new approvals. Existing approvals for Reach I and Reach II by the California Department of Fish and Game (CDFG) and the Army Corps of Engineers (ACOE) have expired.

As part of its permit review, the ACOE has asked the USFWS to prepare a Biological Opinion regarding the impact of both Reach I and Reach II on the previously mentioned endangered species. The draft Biological Opinion identifies mitigation measures that can be implemented to mitigate adverse impacts to most significantly California gnatcatchers in the vicinity of Macario Canyon and least Bell's vireo and southwestern willow flycatchers in riparian and wetland habitat adjacent to Macario Canyon and along the Reach II alignment. None of the mitigation measures include changing the approved alignment of either Reach I or Reach II, and no changes to the alignment are expected to occur as part of the ACOE permit. The CDFG has also indicated that no change in the alignment of Cannon Road will be recommended in its new streambed alteration agreement. Other alignments near the proposed alignment were considered but dismissed because resource and endangered species impacts

associated with those alignments were not significantly less than the proposed alignment. That is, moving the road's alignment around impacted a number of environmentally sensitive plants or animals so that no clearly superior environmentally preferred alignment emerged to replace the proposed alignment. Consequently, the resource agencies agree there are no alternative alignments that are significantly better than the previously approved alignment with respect to protecting sensitive plants and animals. Thus, the Commission finds this action presents no prejudice in establishing the final alignment of Cannon Road given these considerations.

In response to addressing the proposed upland impacts of the project, the City has received a Habitat Loss Permit to "take" 2.4 acres of coastal sage scrub and 3.1 acres of southern maritime chaparral. The permit was received in response to the CDFG's Natural Community Conservation Planning (NCCP) effort. With the approval, DFG has found the project consistent with the NCCP Conservation Guidelines and the 4(d) rule and, by extension, the City's draft Habitat Management Plan (HMP) whose purpose is to preserve coastal sage scrub and other sensitive habitats within the City as part of the NCCP program. In the 4(d) approval, mitigation of 2.4 acres of coastal sage scrub at a 2:1 ratio was approved to be mitigated off-site through the purchase of mitigation credits from Carlsbad Highlands, a mitigation bank. Mitigation at a 2:1 ratio was approved for impacts to 3.1 acres of southern maritime chaparral to be mitigated through the purchase of mitigation credits from the Manchester Avenue Conservation Bank or the purchase of southern maritime chaparral within the City of Carlsbad. The USFWS has extended the time period for the purchase of southern maritime chaparral until February 1998 in the hopes that in-kind mitigation could be found in the City.

The above identified impacts to coastal sage scrub and southern maritime chaparral represent the entirety of impacts to those habitats for both Reaches I and II. As noted, approximately .5 acres of impact to coastal sage scrub associated with construction of a bridge embankment over Macario Canyon would occur in Phase II of Cannon Road Reach I and therefore is not technically before the Commission at this time but this impact was accounted for in the City's 4(d) approval. In CDP #6-89-195, the Commission found that although the placement of fill or other grading would ordinarily not be allowed to occur on the steeply-sloping, vegetated sides of Macario Canyon, the exemptions from such a restriction are provided for circulation element roads in the City's LCP documents and as such could be accepted if mitigated.

Additionally, these impacts are acceptable due to the previously mentioned NCCP effort. Cannon Road is identified in the City's draft HMP as being in lands adjacent to Core Area 4. This core area supports regionally and locally important acreage of saltmarsh, freshwater marsh and coastal sage scrub. Major patches of coastal sage scrub are also present, as are smaller patches of grassland, southern maritime chaparral, southern mixed chaparral and coastal sage/chaparral.

The wetland habitats support critical populations of saltmarsh skipper butterfly, light footed clapper rail, western snowy plover, California least tern, least Bell's vireo and Belding's savannah sparrow. The upland habitats support the California gnatcatcher.

The following are comments by the City of Carlsbad:

The draft HMP will state that existing and planned roads shall be designed to minimize impacts to sensitive habitats and wildlife movement. Roads in the preserve shall be limited to those identified in the circulation element of the general plan and necessary maintenance/emergency roads. Roads shall be designed to minimize habitat fragmentation and disruption of wildlife movement and breeding areas. Bridges or structures providing wildlife undercrossings shall be used where feasible instead of culverts for significant riparian crossings and regional wildlife corridors.

Cannon Road as designed conforms to the standards described in the draft HMP. It has been designed to minimize impacts to sensitive species. The alternative alignments have been extensively analyzed, and the selected alignment has been found to be least environmentally damaging. A bridge is being provided to facilitate wildlife movement between Macario Canyon and Agua Hedionda Lagoon. A second bridge is being provided where Cannon Road will intersect with El Camino Real to facilitate wildlife movement between Core Area 4 and habitat areas to the east. Various measures will be used to minimize noise and other indirect impacts to least Bell's vireos and other species using the wetland habitat. Impacts to the California gnatcatcher have been reduced to the minimum, and mitigation has been provided pursuant to a 4(d) permit which has been approved by the USFWS and CDFG.

In addition to the project design features, the City will be carrying out significant management of the adjacent lagoon area to ensure the continued benefit of the habitat for least Bell's vireo and other species. The City will be directly funding management costs and a portion of the perpetual management costs. The City will also be working with the wildlife agencies and private property owners to seek the remainder of funding needed for perpetual management.

In conclusion, Cannon Road is fully consistent with the draft HMP and all applicable wildlife regulations. The mitigation and management actions which the City will be taking will ensure that the adjacent wetland and upland habitat areas experience no net loss of habitat function and value over time.

It should be noted the draft HMP has not been submitted to the resource agencies for approval to date. However, based on the preceding comments, the Commission finds that approval of Cannon Road can be found consistent with the statewide NCCP process and the impacts to environmentally sensitive habitats, such as coastal sage scrub and southern maritime chaparral, can be accepted. The Commission also notes that Cannon Road is an important east/west arterial that will promote public access to the shoreline of Carlsbad and enhance regional mobility for coastal visitors. Even within identified preserve areas where little or no development is planned, it may be impossible to avoid the completion of major circulation element roads, such as Cannon Road in this instance.



CDP #6-89-195 required the revegetation of coastal sage scrub and chaparral areas disturbed by grading to realize no net loss of habitat values and to partially mitigate the visual impact of the grading. The Commission finds that is again appropriate to require revegetation of those sensitive habitat areas that would be disturbed by construction of Cannon Road. As noted, the Agua Hedionda LUP allows for resource impacts associated with construction of Cannon Road as long as they are adequately mitigated. For that reason, Special Condition #1 requires a revegetation plan must be provided that indicates all disturbed or manufactured steep slope areas shall be revegetated with native plants compatible with adjacent natural vegetation to re-establish the area consistent with its present character.

In addition to curtailing the impacts to the maximum extent feasible, the Commission notes that the City's proposal to mitigate sensitive habitat impacts at those ratios approved in the 4(d) permit will protect habitat values consistent with applicable Chapter 3 policies and the certified land use plan. This mitigation exceeds what the Commission approved in CDP #6-89-195, although it is being provided off-site and outside the coastal zone for the sage scrub impacts. As a whole, however, the resource impacts of this circulation element road completion represent the least environmentally-damaging design, and they have been limited and suitably mitigated in conjunction with the creation of the City's Habitat Management Plan efforts.

#### B. Rainy Season Grading

Regarding the request to grade within the rainy season, the City has submitted a grading and erosion control plan for the subject proposal to prevent erosion and subsequent sediment transport into sensitive resource areas, particularly during the winter rainy season. In this location, Cannon Road is located less than 1000 feet south of Agua Hedionda Lagoon at contours averaging about 150 above mean sea level. This area drains to the south shore of the lagoon. The City proposes to provide two phases of erosion control for the construction of Cannon Road. The first phase is the temporary erosion control measures to be implemented during the construction of Cannon Road. The second phase is the erosion control measures implemented once the road is graded.

The City has submitted a detailed grading and erosion control schedule for the proposed project. The proposed grading will take three weeks to complete. The construction of the storm drain system for the street will take two weeks. According to the City, starting the construction immediately after the Commission hearing will take the operation into mid-November when all erosion control devices will be installed.

Historically, the Commission has allowed grading to occur only until November 15 if mass grading has been completed prior to October 1 and the site has been secured with temporary and permanent erosion control measures so that no off-site erosion would take place to sensitive resources located downstream. The mass grading of Cannon Road would not occur until mid-October which is inconsistent with the Commission's rainy season policy. However, while the grading would not occur at Cannon Road until mid-October, staff recommends the Commission approve the project noting that, because of restrictions placed on

the time in which grading can occur by the resource agencies (because of California Gnatcatcher and least Bell's Vireo nesting seasons), it would take at least two full seasons to grade the road. This result would make the Cannon Road project prohibitively expensive and time-consuming. Based on the City's efforts to secure the site with an extensive erosion control program which will limit any downstream impacts to sensitive resources located within Agua Hedionda Lagoon and Macario Canyon from occurring and based on the assurance that grading can be completed by November 30, the Commission can support the Cannon Road project.

The first phase of erosion control will begin with the placement of a silt fence around the project anywhere there is the potential for runoff. Clearing and grubbing and the removal and recompaction of unsuitable soils will be accomplished the first week of construction. The canyon (deep) storm drain will be constructed immediately following the compaction of the unsuitable material. Temporary desiltation basins will be constructed as part of the removal and recompaction operation within the limits of grading to capture and desilt surface runoff. As the project is graded, temporary swales and/or gravel bags will be used to divert surface flows to the temporary desiltation basins throughout the construction of the project whenever there is threat of rainfall. Haybales will be incorporated as necessary to provide additional erosion control. The City will have all removable protective erosion control measures in place at the end of each working day when the five (5) day rain probability forecast exceeds forty percent (40%). Historically, the rainfall in October and November is less than what occurs in January and February. The City, by Code, requires any grading operations beginning after November 16 to have all erosion control measures installed prior to the start of grading. Silt and debris will be removed after each event. The storm drain system for the roadway will be constructed with the completion of the road.

The second phase of erosion control will be the permanent erosion control devices. These include maintaining the silt fence until the slope planting is established, slope planting and matting, the use of gravel bags and depressions at the storm drain inlets to desilt the surface runoff. Hecrete check dams will be constructed to slow surface flows and limit the amount of erosion. Hecrete is a hybrid Portland cement concrete product; it is a nonstructural concrete composition for the construction of temporary, environmentally safe structures for erosion and storm water control, backfill and nonstructural grout. The submitted grading schedule indicates the last permanent erosion protection provision that will occur is the construction of the storm drain that drains the roadway which will be completed on November 30, 1997. The plan also indicates maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Special Condition #2 requires that prior to the issuance of the permit, the applicant shall submit final grading plans in substantial conformance with the submitted plans, that all permanent run off and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities, and that all areas disturbed but not completed during the construction period shall be stabilized in advance of November 30, 1997. 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. Any variation from the schedule shall be reviewed as an amendment to this coastal development permit.

The project also raises the potential for impacts associated with the construction materials and equipment. Inappropriate access and haul routes, inappropriate storage of equipment, construction materials or stockpiled soils all could result in damage to coastal sage scrub and southern maritime chaparral. For this reason, Special Condition #3 has been proposed. It requires that a plan and construction bid documents identifying all construction staging sites and haul routes be submitted for the Executive Director's review and approval after determining that no impacts to sensitive resources will result beyond those associated with the road construction itself.

Given this special condition, the potential impacts to environmentally sensitive habitat areas will be reduced to the maximum extent feasible. Therefore, the Commission finds that the subject permit, as conditioned, is consistent with Sections 30231 and 30253 of the Act.

3. Local Coastal Planning. Section 30604 (a) also requires that a coastal development permit amendment shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. As noted above, the project lies in the areas under the jurisdiction of the certified Agua Hedionda Land Use Plan which was prepared by the City and approved by the Commission, and which has been subject to several LUP amendments.

The proposal for the construction of the Cannon Road project has been reviewed by the Commission in several separate formal actions. First, the Commission denied certification of the Agua Hedionda LUP as submitted, based, in part, upon the originally proposed alignment's impacts upon the sensitive resources of Agua Hedionda Lagoon. In response to this denial, a negotiating committee comprised of Commission members, City officials and members of both City and Commission staff was formed to identify a conceptual alignment for Cannon Road, as well as address other remaining issues resulting from the denial of the LUP.

Second, the conceptual alignment agreed upon by the negotiating committee was included in the City's LUP resubmittal (subsequently certified by the Commission), along with design criteria and mitigation policies to be applied to the roadway project. The policies regarding mitigation are included in Policy 5.8 of the certified LUP.

The proposed project would allow the phasing of the permit to allow grading of a portion of Reach I to proceed prior to the completion of all the other special conditions and prior to the transmittal of the permit for the major portion of the project. The phasing of the permit will not reduce the level of mitigation required or result in any conflicts with the certified LUP. In fact, more mitigation is proposed for impacts to coastal sage scrub and

southern maritime chaparral as a result of recent permit approvals received by the City in connection with the State Department of Fish and Game's NCCP process. Therefore, the Commission finds that the subject development, as conditioned, is consistent with the certified Agua Hedionda LUP and Chapter 3 policies.

4. 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 resource protection policies of the Coastal Act. The attached mitigation measures 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, as conditioned to mitigate the identified impacts, 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:

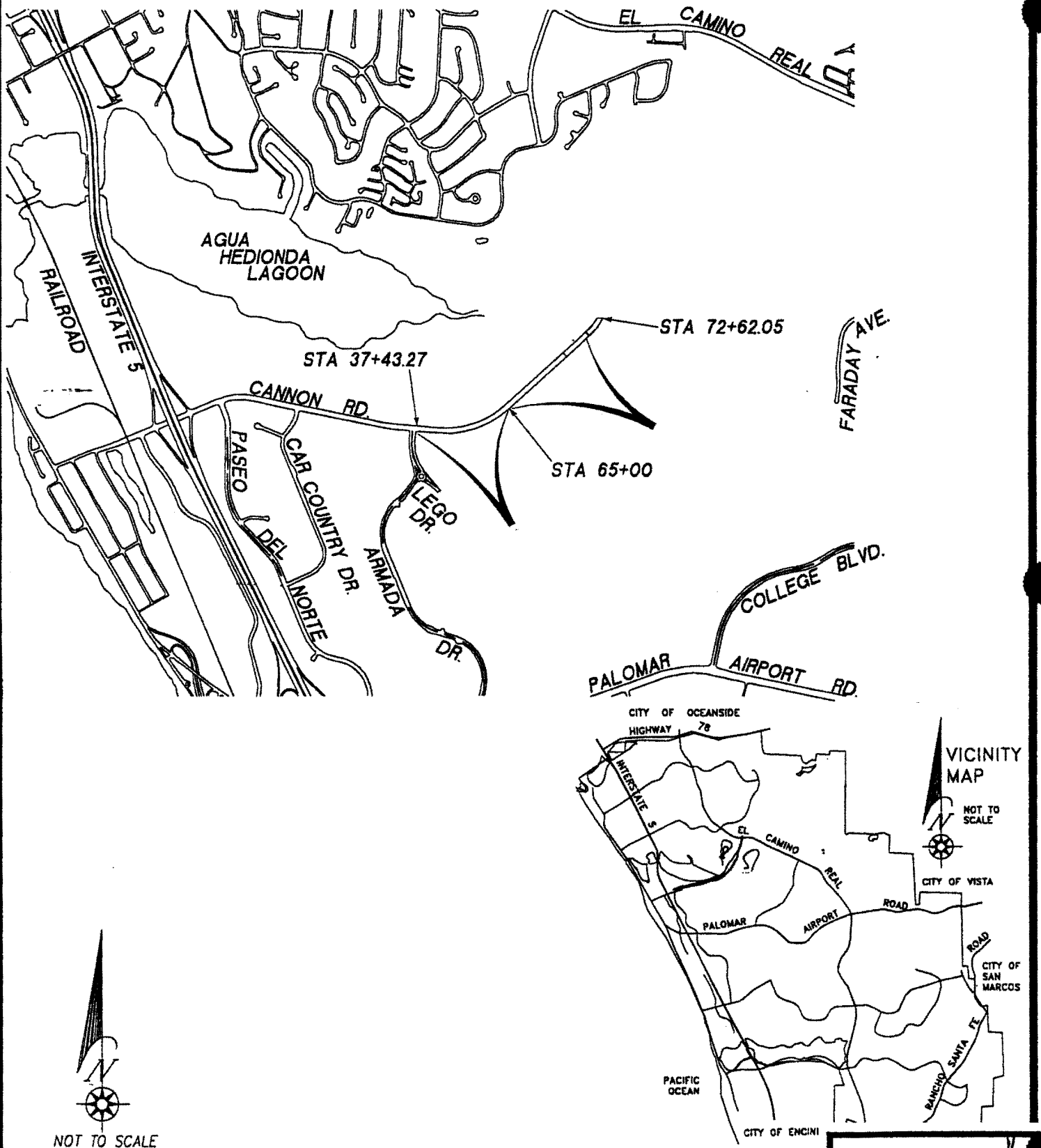
1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. 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.

(7010R)

Wed 9a

# LOCATION MAP



PROJECT NAME

CANNON ROAD WEST  
REACH 1

PRC  
NU  
3

EXHIBIT NO.

APPLICATION NO.

6-99-10  
Location

# EROSION CONTROL OF CANNON ROAD WEST

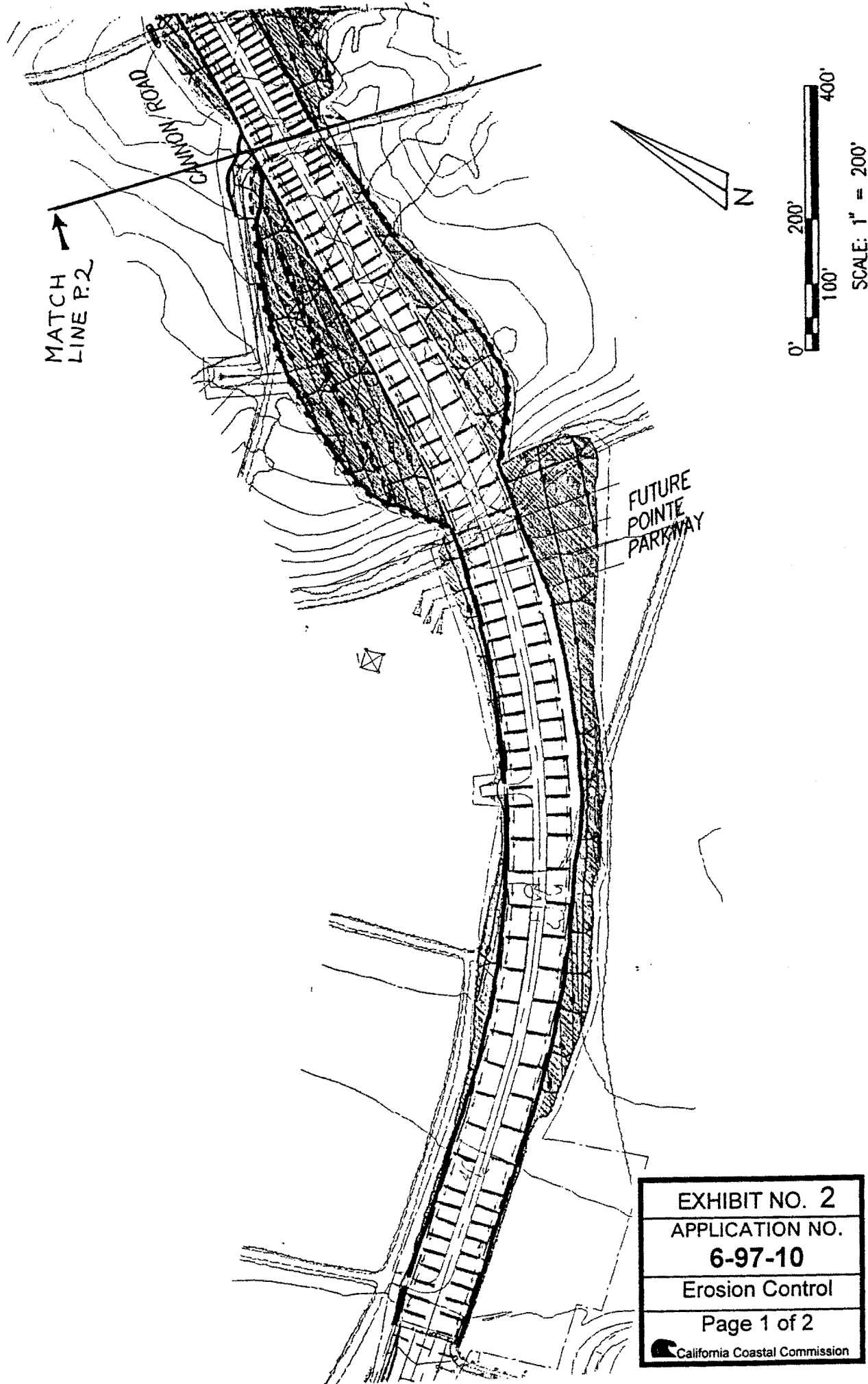


EXHIBIT NO. 2

APPLICATION NO.

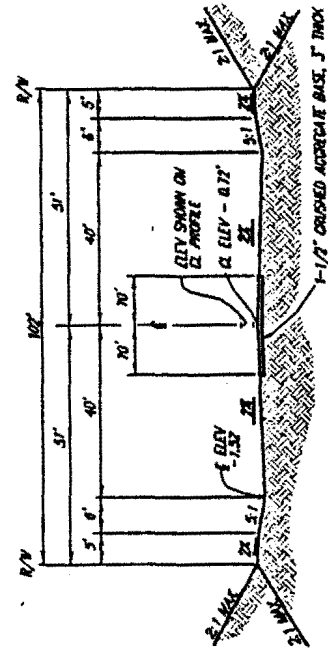
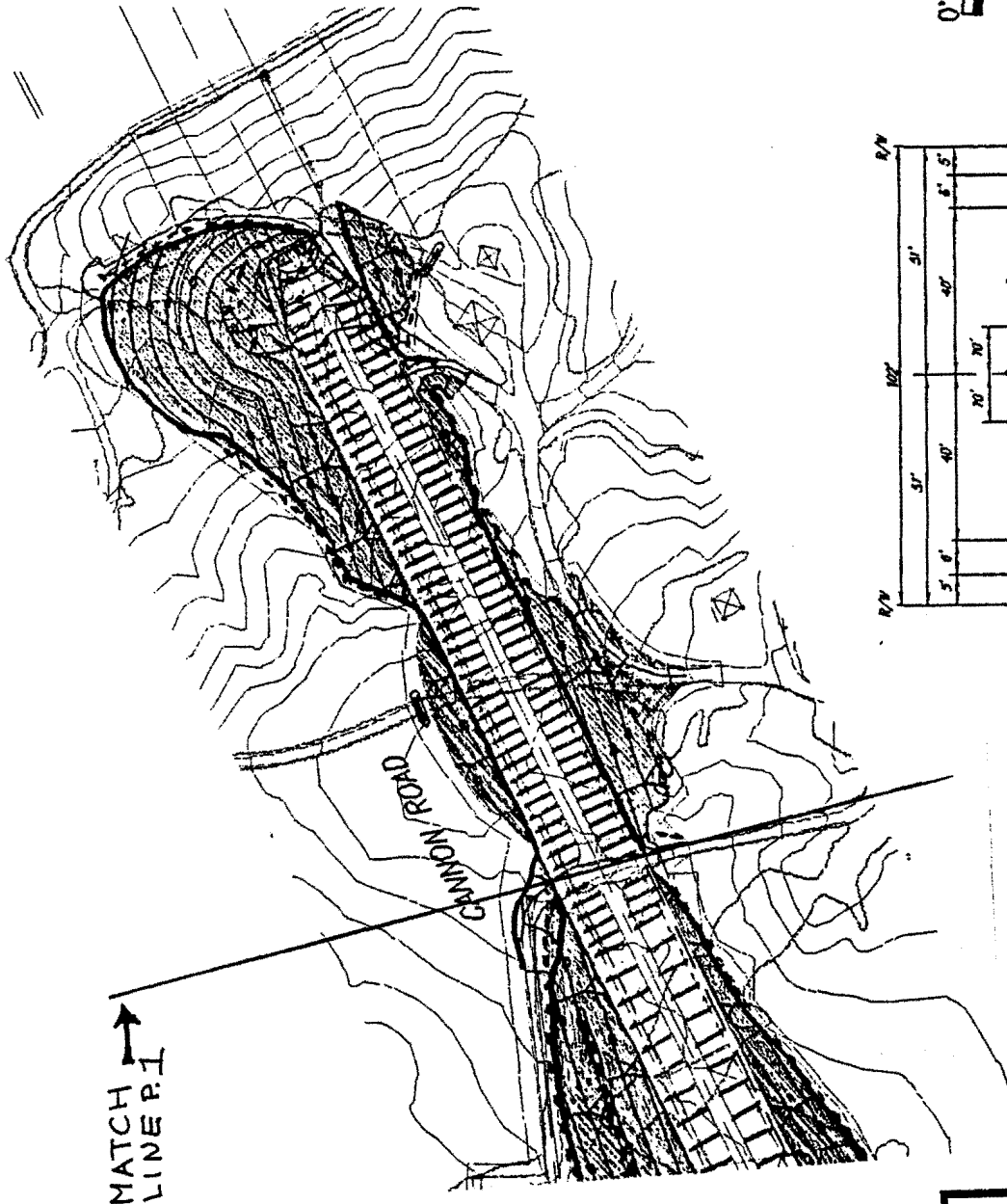
6-97-10

Erosion Control

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California Coastal Commission

# EROSION CONTROL OF CANNON ROAD WEST

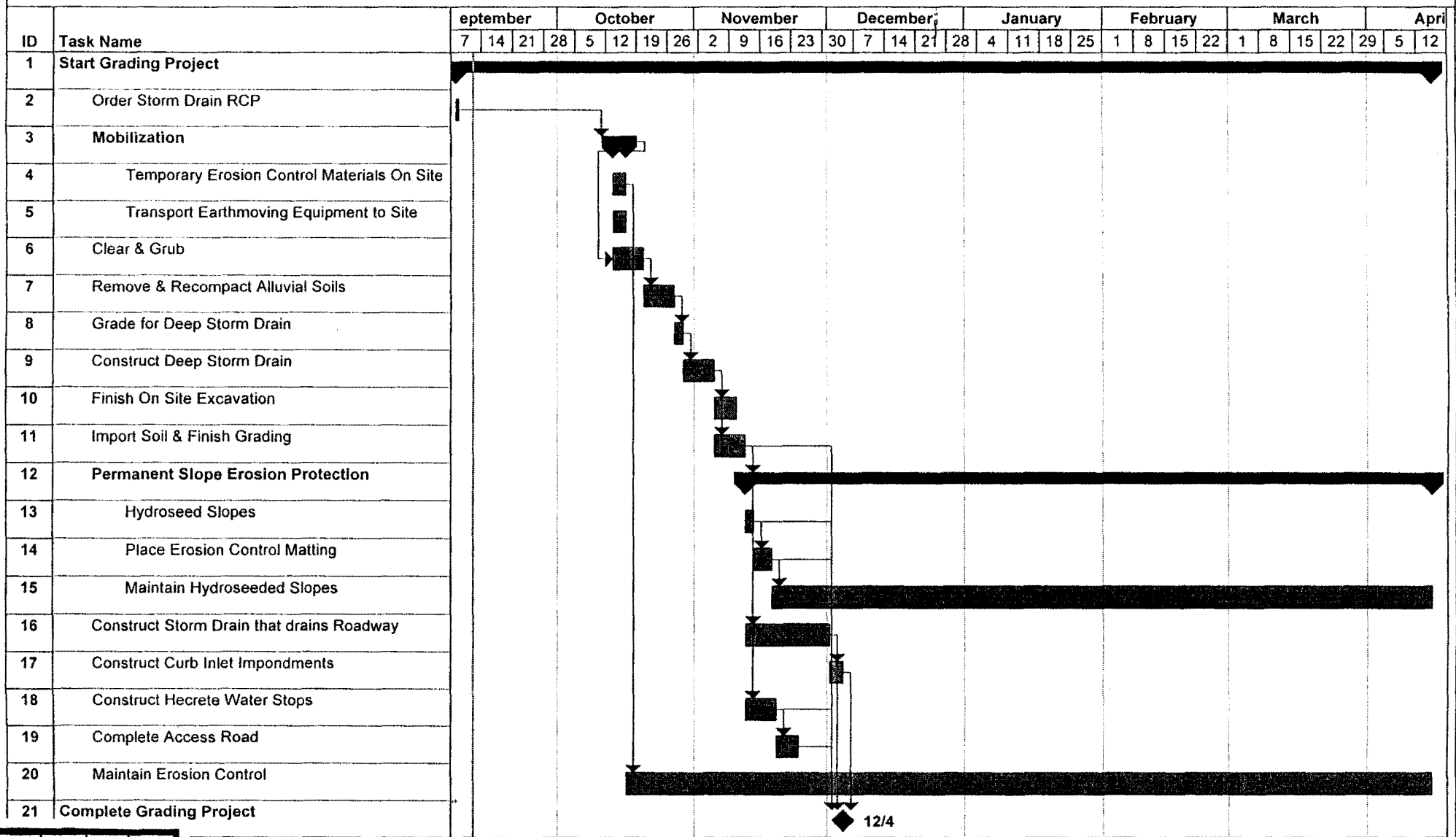


TYPICAL SECTION  
CANNON ROAD

EXHIBIT NO. 3
APPLICATION NO.
6-97-10
Erosion Control
Page 2 of 2
California Coastal Commission

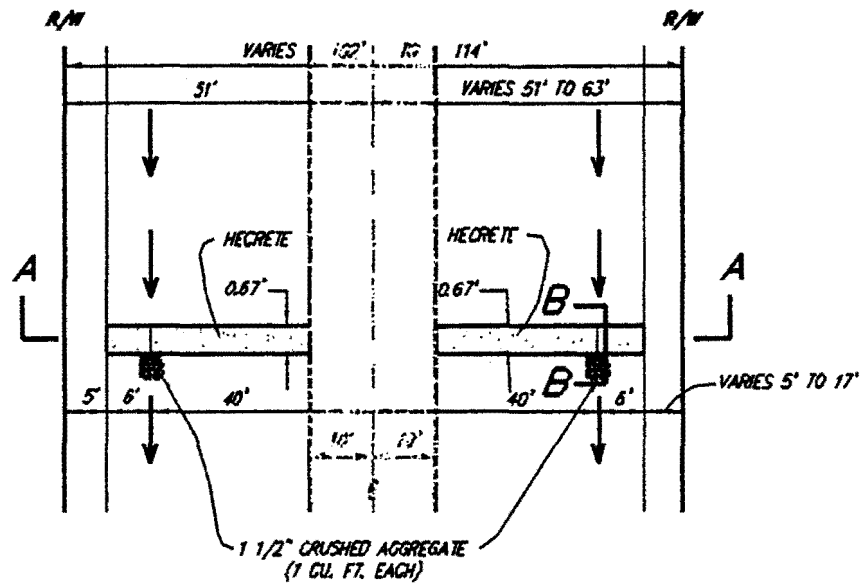


# Project #3184 Reach 1 Cannon Road Grading

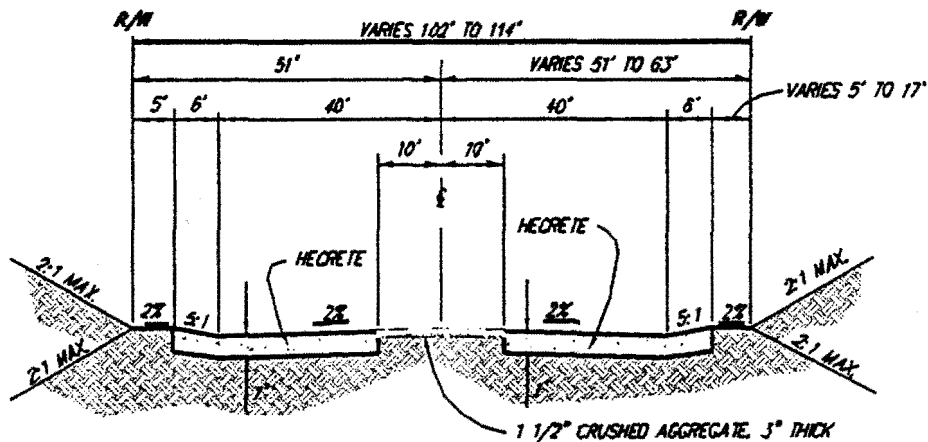


Task		Summary		Rolled Up Progress	
Progress		Rolled Up Task			
Milestone		Rolled Up Milestone			

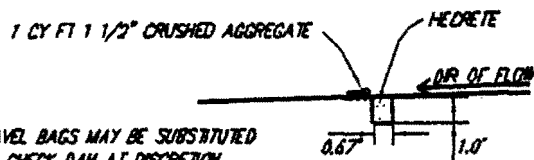
EXHIBIT NO. 4  
APPLICATION NO. 0-97-10  
Schedule



PLAN VIEW



SECTION A - A  
(LOOKING EAST)



SECTION B - B

### HECRETE CHECK DAM DETAIL

NO SCALE

#### HECRETE SPECIFICATIONS

##### COMPONENTS

PORTLAND CEMENT CONCRETE COMPONENTS WITH ENVIRONMENTALLY SAFE ADMIXTURE TO ENHANCE EROSION RESISTANCE.

##### F<sub>c</sub> (28 DAY)

100 TO 400 PSI

STRENGTH CAN BE VARIED BY SPECIFIC REQUEST OF THE ENGINEER. SPECIFIED STRENGTH SHALL BE ASSURED PER 28 DAY ASTM STANDARD TESTS. JTR CONSTRUCTION SERVICES MAKE NO OTHER WARRANTY OF STRENGTH OR SUITABILITY FOR A PARTICULAR PURPOSE.

##### SLUMP

FORMED AND EXTRUDED APPLICATIONS- 1/2" TO 2"  
POURED APPLICATIONS- 6"

EXHIBIT NO. 5

APPLICATION NO.

6-97-10

Erosion Control

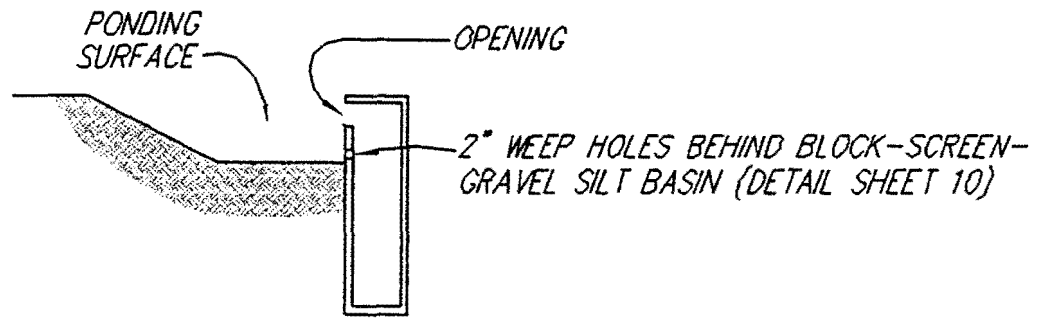
California Coastal Commission

Corliss

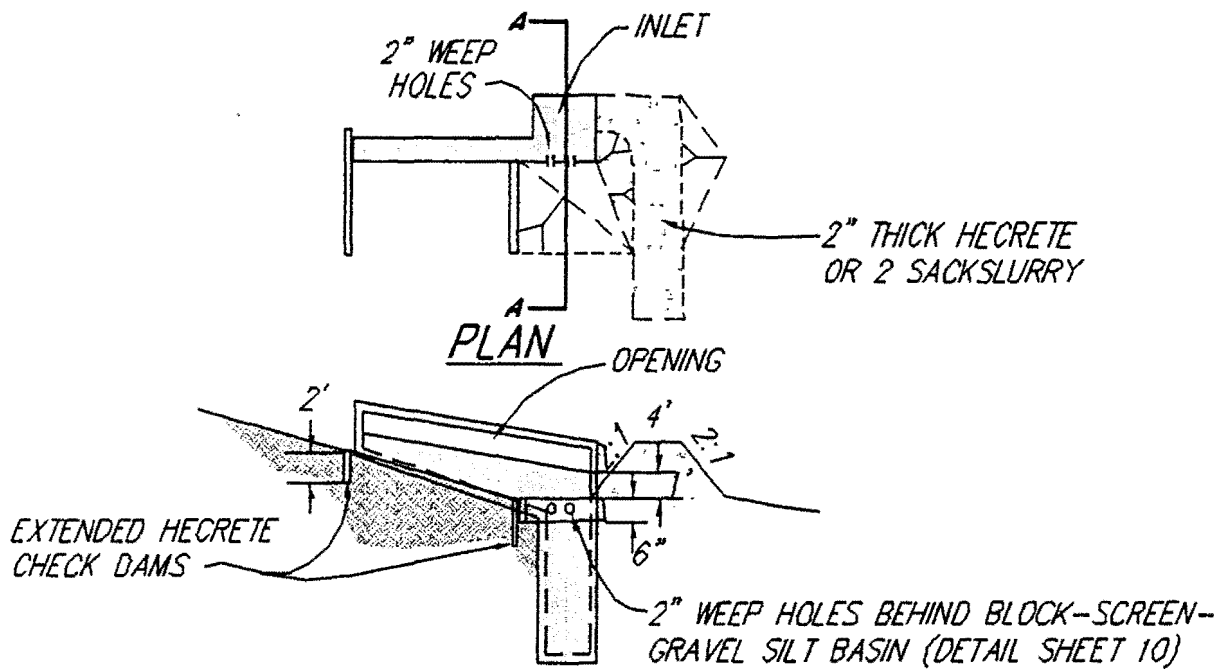
700-931-7700

Fax: 760-931-8680

Surveying




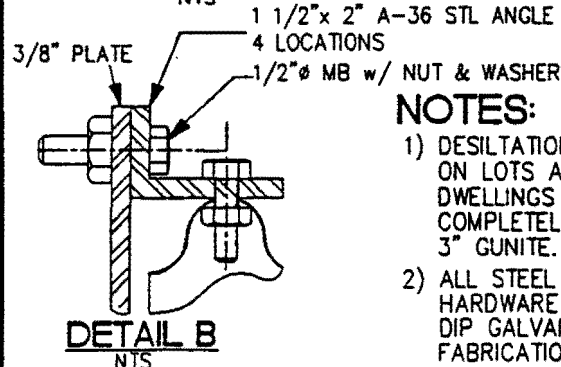
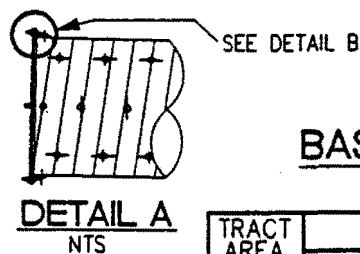
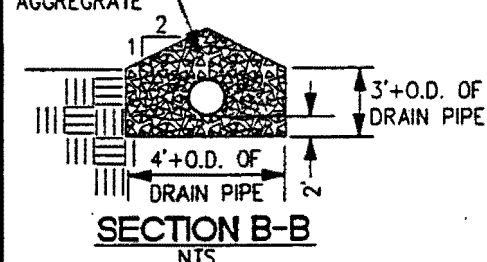
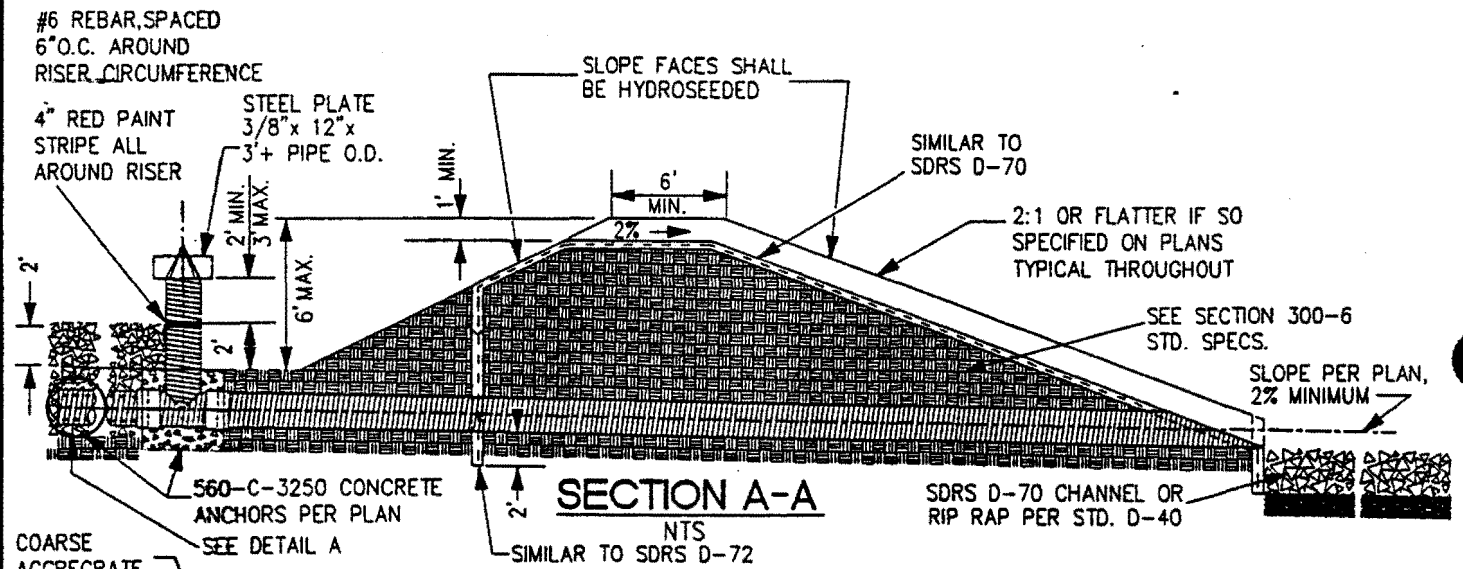
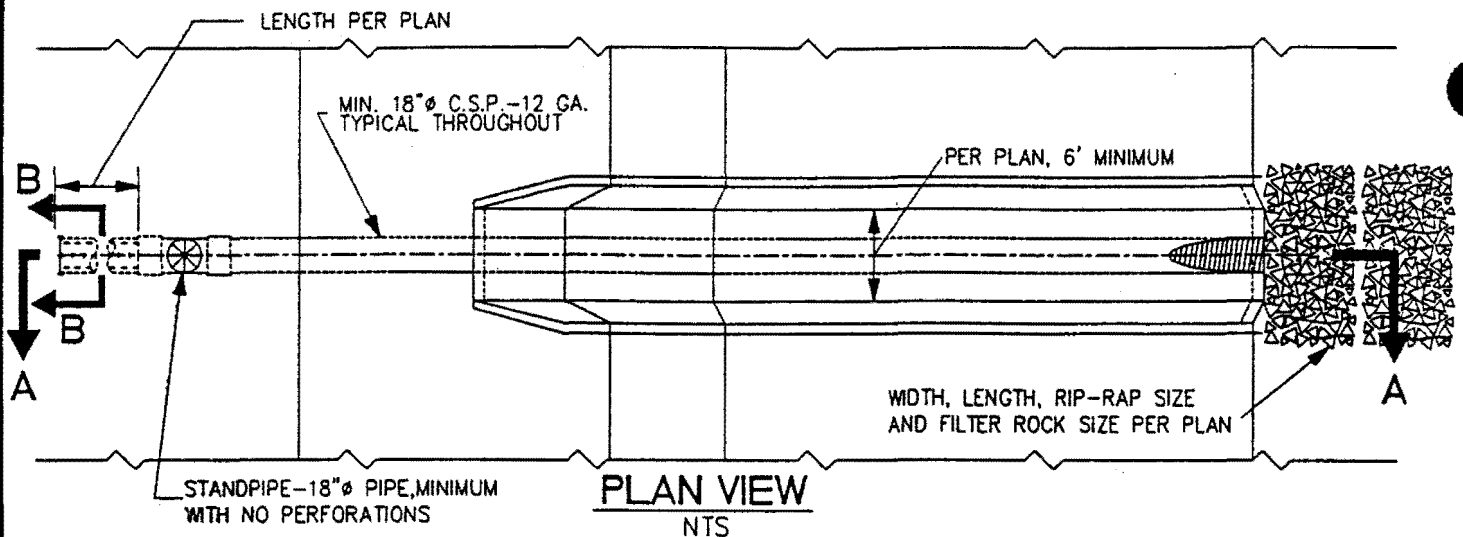
### SECTION A-A



### PROFILE

## EROSION CONTROL DETAIL AT CURB INLET N.T.S.

EXHIBIT NO. 6		<div style="font-size: 2em; font-weight: bold;">7</div> <div style="text-align: center;">J T S</div> <div>Engineering Drawing Issuing Sizing</div>
APPLICATION NO. 6-97-10		
- Erosion Control		
Carl  California Coastal Commission	Fax: 760-931-8680	



### NOTES:

- DESILTATION BASINS BUILT ON LOTS ADJACENT TO DWELLINGS SHALL BE COMPLETELY LINED WITH 3" GUNITE.
- ALL STEEL PIPE AND HARDWARE TO BE HOT DIP GALVANIZED AFTER FABRICATION.

### BASIN CAPACITY TABLE ( IN CUBIC YARDS)

TRACT AREA (ACRES)	AVERAGE SLOPES					
	2%	5%	8%	10%	12%	15%
10	270	350	370	400	450	500
15	400	420	460	600	675	750
20	540	700	740	800	900	1000
40	1080	1400	1480	1600	1800	2000
80	2160	2800	2960	3200	3600	4000
100	2700	3500	3700	4000	4500	5000
150	4000	4200				
200	5400	7000				

EXHIBIT NO. 7

APPLICATION NO.

6-97-10  
Erosion Control

California Coastal Commission

REV. APPROVED DATE

CITY OF CARLSBAD

TEMPORARY  
DESILTATION BASIN OUTLET  
AND CAPACITY TABLE