

salt marsh and riparian resources from allowing the grading operation to be conducted during the rainy season. Special Conditions addressing the submittal of final grading plans and prior conditions of approval are attached.

Substantive File Documents: Certified City of Carlsbad Local Coastal Program East Baticuitos Lagoon/Hunt Properties Segment; Carlsbad LCPA 1-96F; Green Valley Master Plan (reduced project alternative) dated January 23, 1996

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, on the grounds that the development, as amended and 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. Special Conditions.

The permit amendment is subject to the following conditions:

1. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans that are in substantial conformance with the plans dated 8/23/99 submitted with this application. The plans shall include the following:

- a. All grading activity shall be prohibited between January 1, 2000 and August 30, 2000.
- b. All permanent and temporary erosion control measures shall be developed and installed prior to or concurrent with any on-site grading activities. Sediment basins (debris basins, desilting basins, or silt traps) shall be installed in conjunction with the initial grading operation and maintained throughout the development process as necessary to remove sediment from runoff waters draining from the land undergoing development.
- c. Areas disturbed but not completed prior to January 1, 2000, shall be suitably prepared to prevent soil loss during the rainy season. All graded slopes shall be stabilized prior to January 1, 2000 by means of native vegetation. The use of vegetation as a means to control site erosion shall be accomplished pursuant to

- plans and specifications prepared by a licensed landscape architect or other qualified professional.
- d. Temporary erosion control measures shall include the use of berms, interceptor ditches, sandbagging, hay bales, filtered inlets, debris basins, silt traps, or other similar means.
 - e. A construction monitor shall be present on-site during all grading activities to assure that the required erosion control devices are properly installed and functioning adequately.

The permittee shall undertake development in accordance with the approved grading plans. Any proposed changes to the approved grading plans shall be reported to the Executive Director. No changes to the grading plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Prior Conditions of Approval. All other terms and conditions of Coastal Development Permit #6-96-18 not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. In May, 1996, the Commission approved both the Green Valley Master Plan (as an LCP amendment) and the companion coastal development permit for the subject 11-lot subdivision of a 281.2 acre site in the East Batiquitos Lagoon/Hunt Properties Segment of Carlsbad. The Commission's approval included thirteen special conditions addressing the project's consistency with the certified Carlsbad LCP. The project included the grading of future building pads, installation of drainage facilities, construction of two bridges across Encinitas Creek and the construction of on-site public trails and wetland mitigation areas. It also included off-site improvements to widen El Camino Real by adding an additional southbound traffic lane, a bike lane, sidewalk, etc. At this time, nearly all of the on-site grading has occurred and the drainage facilities have been installed.

The original permit included the demolition of an existing structure known as the "Red Barn," which is located on a portion of Lot 11 of the approved subdivision. The current permittee has decided not to demolish the structure, which has some local historic significance, and to instead donate it to the Batiquitos Lagoon Foundation for use as a public information center. They are currently processing permits through the City of Carlsbad for a permanent relocation site, but anticipate a six to nine month period before all approvals are received. Thus the current amendment proposal would allow temporary storage of the Red Barn on another area of the subject site. The proposed interim relocation site is an already disturbed and graded pad in an area designated for future

residential development. The only local approval (non-discretionary) required for the interim relocation is a house-moving permit, which the applicant expects to receive no later than mid-November. The proposed amendment request would also modify Special Condition #4 of the original permit to extend the grading season from October 1st to December 31st of this year only.

2. Environmentally Sensitive Habitats. The following policies of the East Batiquitos Lagoon/Hunt Properties Land Use Plan are pertinent to the subject amendment request, and state, in part:

Policy D.3.c.

Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.

Policy D.3.d.

The appropriate erosion control measures shall be installed prior to onsite grading.

The proposed interim storage location for the Red Barn does not raise any concerns under these policies. The temporary relocation site is on a portion of Lot 7, which is designated for future residential development. The area has already been graded and disturbed and is not visible from any public areas. The barn will remain there for up to one year, while the applicant completes permit processing for the permanent relocation site, which is within the City of Carlsbad's coastal development permit jurisdiction area.

The proposed mitigation site where, under this amendment request, grading would occur during the rainy season, is adjacent to an existing riparian corridor/stream. There is also some salt marsh vegetation present along portions of the riparian corridor. The grading and preparation of a mitigation site in this location was approved under the original permit, and no modifications to the restoration plan are proposed. The only request before the Commission, other than on-site storage of the Red Barn, is to allow grading of the mitigation site during the rainy season.

The applicant is under a number of time constraints associated with the removal of the Red Barn and restoration of the approved mitigation area on Lot 11. The approved permit is conditioned to prohibit grading between October 1 and April 1 of each year, consistent with the grading season restrictions in the certified Carlsbad LCP, which are designed to protect downstream resources from runoff and sedimentation. In addition, the applicant is constrained from grading during the nesting season of the California gnatcatcher and least Bell's Vireo, which occupy nearby and adjacent areas of the overall property; the combined breeding seasons run from February 15 through August 30. The applicant cannot begin grading the mitigation site until the Red Barn has been removed, and will not receive permission for that action until past October 1 and possibly as late as

November 15. Finally, although the conditions of the Commission's approval of the subdivision did not set a time deadline for completion of the mitigation site, the terms of the permit issued by the Army Corps of Engineers (ACOE) did include deadlines for various mitigation components. Although the project is behind schedule at this time, the ACOE representative maintains the applicant is not out of compliance with the ACOE permit, since the delays are considered reasonable in light of the scope of the project. However, the ACOE representative further advised that failure to complete the mitigation site by the end of December may result in the applicant being out of compliance with the permit.

Thus, the applicant is requesting a one-time extension of the grading season until December 31, 1999. This would allow grading activities to continue into the rainy season in order to lower and grade the mitigation site and complete the restoration project before the next breeding season begins. The actual grading is anticipated to take approximately three weeks to complete. To assure that grading during the rainy season does not result in adverse impacts to adjacent wetland resources, the applicant is proposing a detailed erosion control plan and an on-site construction monitor during all grading activities. These precautions are consistent with advice received by Commission staff from the California Department of Fish and Game (CDFG). In addition, the applicant has proposed a detailed construction schedule, which indicates that grading activity should actually be completed by December 12, even if the City's approval to move the Red Barn is not received until mid-November. However, since unexpected delays can occur due to weather events at this time of year, the amendment request would permit grading up to December 31, allowing a two-week cushion to accommodate unforeseen delays.

The Commission finds that the amendment, since it includes adequate erosion controls and an on-site monitor, is consistent with the cited resource protection policies of the Carlsbad LCP. In addition, the consulted resource agencies (CDFG and ACOE) have indicated that grading into the rainy season to restore the mitigation site is acceptable, with the inclusion of the proposed erosion controls and construction monitoring. Special Condition #1 states that grading may only occur up to December 31, 1999 and requires that the applicant submit final grading and erosion control plans in substantial conformance with the submitted plans. The plans shall document that all permanent run off and erosion control devices are developed and installed prior to or concurrent with any on-site grading activities, will address the presence of a construction monitor, and will provide that all areas disturbed but not completed during the construction period shall be stabilized. 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. Given the proposal by the applicant and the special conditions, potential impacts to adjacent and downstream environmentally sensitive habitat areas is reduced to the maximum extent feasible. Therefore, the Commission approves the amendment request.

3. 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.

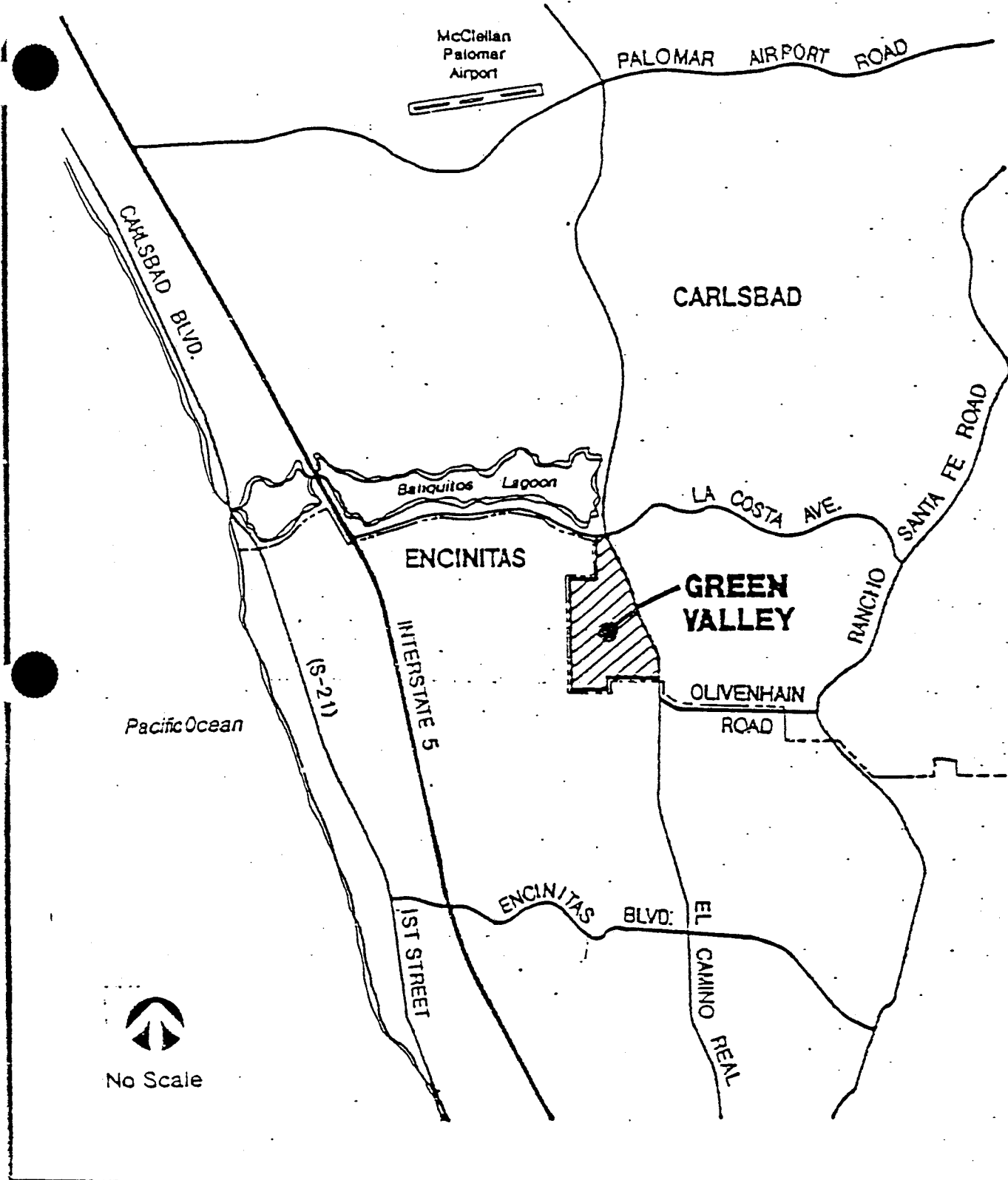
The subject property is located within the area governed by the East Batiquitos Lagoon/Hunt Properties LCP segment.

The East Batiquitos Lagoon/Hunt Properties Land Use Plan segment was approved, with suggested modifications, by the Commission in 1988. Subsequently, the suggested modifications were accepted. The Green Valley Master Plan, which implements that land use plan, was submitted for Commission review concurrent with the subject original permit; both items were approved by the Commission in May, 1996. The proposed amendment does not modify the approved permit in any significant way, since it only addresses temporary on-site storage of a structure originally proposed for demolition and extension of the grading season to allow preparation of an on-site wetlands mitigation area. Thus, the Commission finds the subject amendment request consistent with all applicable policies of the certified City of Carlsbad East Batiquitos Lagoon/Hunt Properties LCP segment.


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, or permit amendments, to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project, because it includes erosion controls and a construction monitor, will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the habitat preservation and erosion control policies of the Coastal Act as well as with the East Batiquitos Lagoon/Hunt Properties segment of the City's LCP. There are no feasible alternatives or additional mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed amendment, 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.

6-96-18-A2




 No Scale

EXHIBIT NO. 1
APPLICATION NO.
6-96-18-A2
Vicinity MAP
 California Coastal Commission

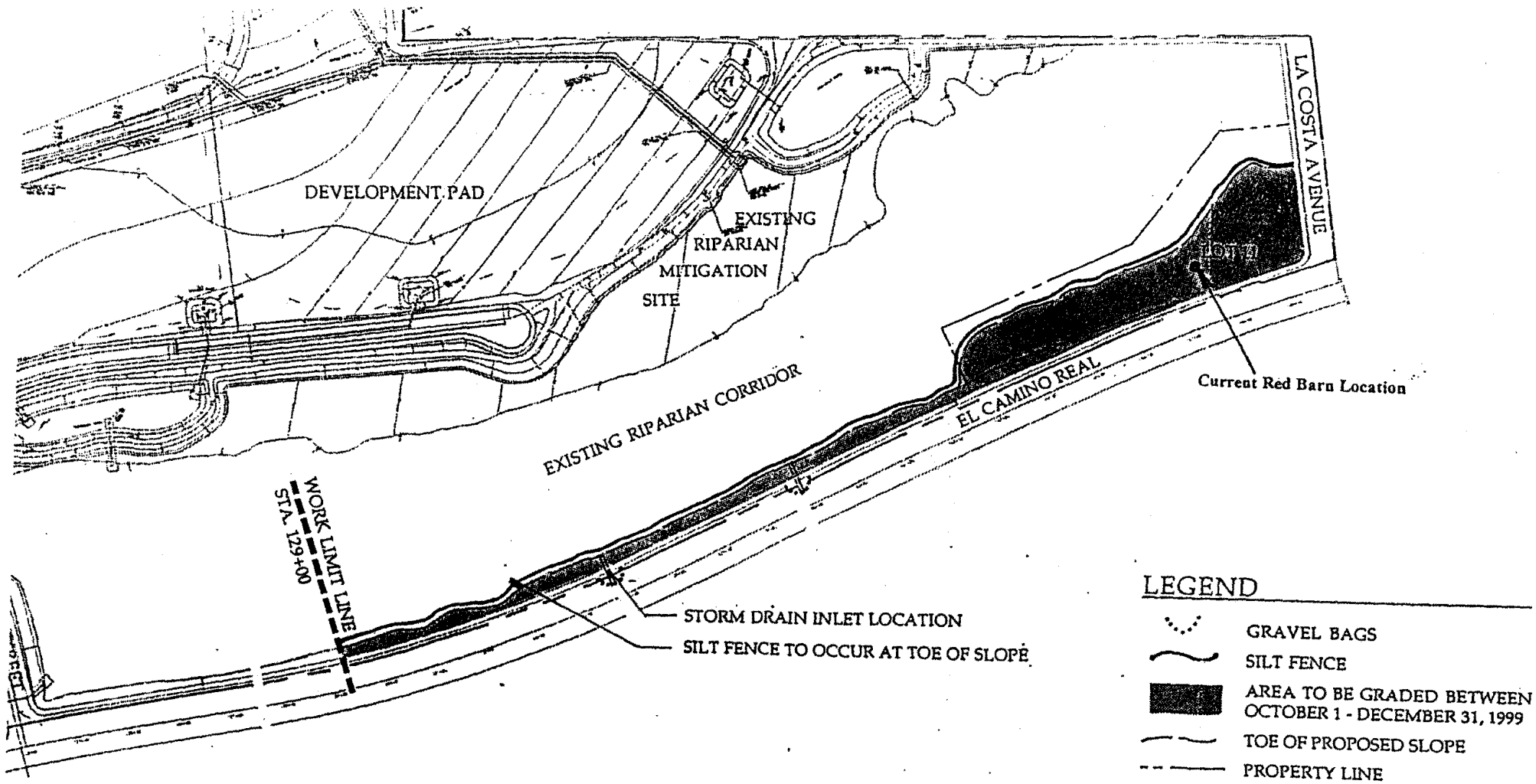


EXHIBIT NO. 2
 APPLICATION NO.
 6-96-18-A2
 Site Plan of
 Mitigation Area



6-96-18-A2

6-96-18-A2

Red Barn Interim Storage Location

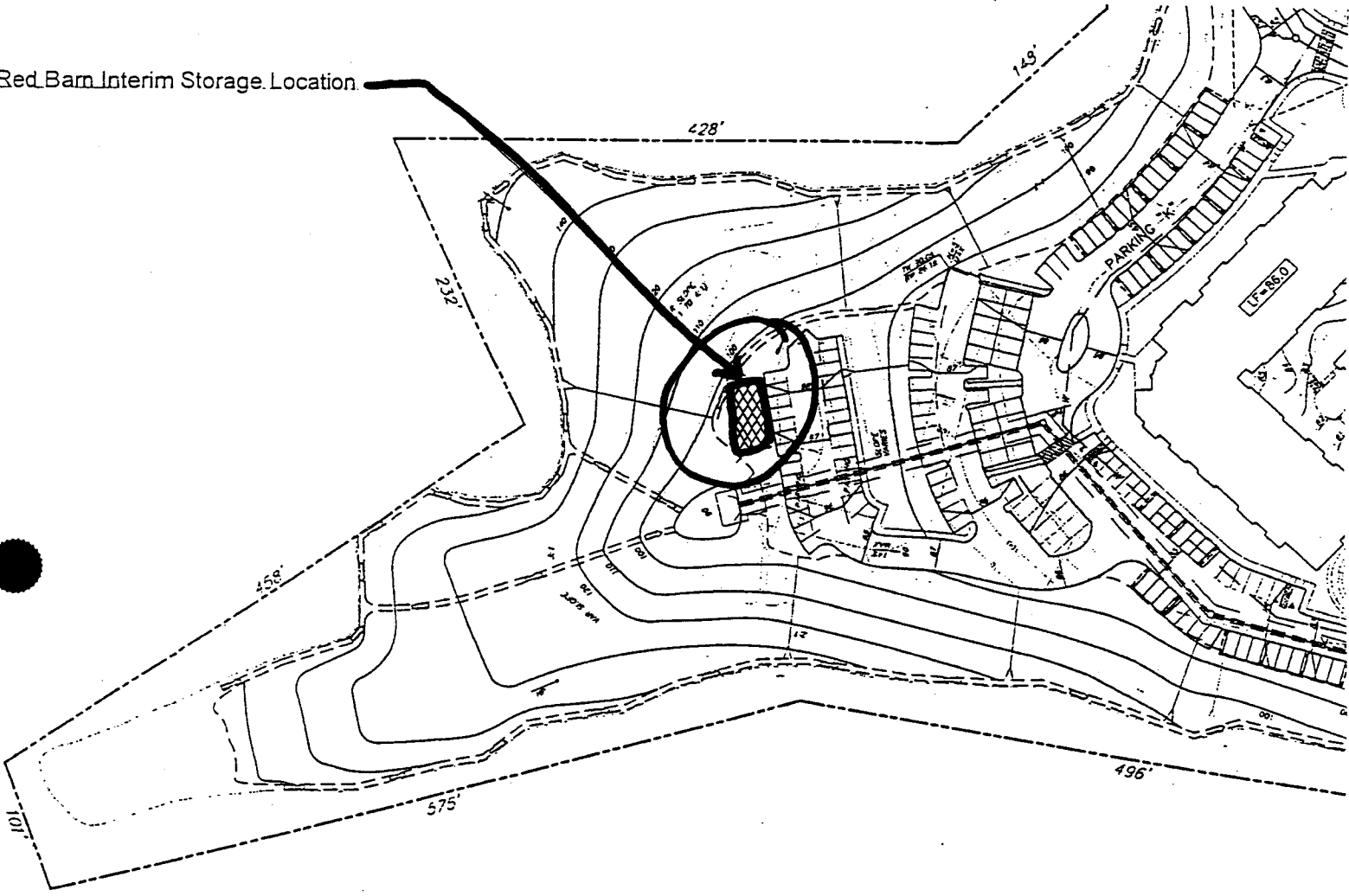


EXHIBIT NO. 3
APPLICATION NO. 6-96-18-A2
Red Barn
California Coastal Commission Storage Site

6-96-18-A2

LA COSTA GLEN - GREEN VALLEY
1999 WINTER GRADING SCHEDULE

FIGURE 4

	Activity Name	Start Date	Finish Date	Dur.	Oct '99			Nov '99			Dec '99									
					26	31	01	07	14	21	28	05	12	19	26	02	09			
1	Install perimeter silt fencing, gravel bags, straw bales	11/1/99	11/15/99	14.00																
2	Mobilize equipment	11/16/99	11/20/99	4.00																
3	Remove Red Bam	11/17/99	11/24/99	7.00																
4	Clear, grub and prep.	11/20/99	11/26/99	6.00																
5	Excavate soil - Transfer to El Camino Real	11/27/99	12/11/99	14.00																
6	Begin installation of environmental mitigation program	12/12/99																		
					26	31	01	07	14	21	28	05	12	19	26	02	09			

Sept 17, 1999

EXHIBIT NO. 4
APPLICATION NO. 6-96-18-A2
Construction Schedule
California Coastal Commission