

CALIFORNIA COASTAL COMMISSION

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REGULAR CALENDARSTAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-99-118

Applicant: City of Carlsbad

Description: Relocation of an existing sewer lift station 180 ft. to the south and the replacement with a new sewer lift station including an above-ground emergency generator and electrical panel with paving, landscaping, fencing and installation of a curb cut on the street frontage on an approximately 2,000 sq.ft. site.

Site: East side of Carlsbad Boulevard approximately 180ft. south of western terminus of Chinquapin Avenue, just northwest of Agua Hedionda Lagoon, Carlsbad, San Diego County.

Substantive File Documents: Certified Agua Hedionda LCP Land Use Plan

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project, subject to several special conditions. The project raises concerns relative to potential impacts to visual resources and water quality of the lagoon. To address these concerns, special conditions have been attached which will bring the proposed project into conformance with Chapter 3 policies of the Coastal Act. Specifically, Special Condition #1 requires that drought-tolerant, native landscaping (no invasive plants) be installed adjacent to the project to visually buffer it from public views and that the proposed retaining wall be painted of an earth tone color to blend in with the surrounding natural environment. Special Condition #2 addresses grading and allows for the applicant to grade during the rainy season with the incorporation of permanent erosion control devices prior to or concurrent with the commencement of construction. Special Condition #3 requires implementation of a Best Management Practices program to address water quality issues. Special Condition #4 requires the applicant to identify any sites required for the disposal of excess graded materials. Lastly, Special Condition #5 addresses construction access/staging and timing.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. 6-99-118 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Landscape/Retaining Wall Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final landscape plan. Said final plan shall be in substantial conformance with the submitted plan by Carlsbad Municipal Water District dated 4/29/99, developed in consultation with the California Department of Fish and Game and shall be revised to include the following:

- a. The installation of plant materials consisting of native, drought-tolerant, fire resistant materials. No invasive or exotic plant species used (i.e., iceplant, etc.).

The plan shall also indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features.

- b. A planting schedule that indicates all required plants shall be planted, and the irrigation system installed within 60 days of issuance of the coastal development permit.
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance.
- d. The proposed retaining wall shall be composed of colored concrete that is of an earth tone color to blend in with the natural surrounding landforms.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the 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. Grading and Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, final grading plans which shall conform to the following requirements:

- a) Temporary and permanent erosion control devices shall be installed as described below. Such devices shall be installed prior to or concurrent with on-site grading activities.
- b) All disturbed areas will be replanted immediately following grading. Prior to commencement of any grading activity, the permittee shall submit a grading schedule to the Executive Director.
- c) 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 and to facilitate incremental grading.

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

3. Water Quality/ Best Management Practices (BMPs). PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a BMP program for the proposed development. At a minimum, the program shall incorporate measures that shall reduce sediment and pollutants in runoff from the project site and shall include the following:

- a. Implementation of routine sweeping program for the driveway/turnaround area and paved pedestrian walkway of the project site as shown in Exhibit No. 2.
- b. Installation of a hydrocarbon filter inside of the curb inlet on the east side of Carlsbad Boulevard immediately west of the project site.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

4. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or amendment to this coastal development permit shall be obtained prior to disposal.

5. Construction Access/Staging Areas/Timing of Construction. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, construction access and staging plans including information regarding the timing of construction that includes the following:

- a) The plans shall indicate the locations, both on- and off-site, which will be used as staging and storage areas for materials and equipment during the construction phase of this project. No equipment or materials shall be staged on the slope adjacent to the lagoon.
- b) Access corridors and staging areas shall be located in a manner that has the least impact on public access via the maintenance of vehicular traffic flow on coastal access routes (Carlsbad Boulevard, in this instance) and pedestrian access to areas of Agua Hedionda Lagoon not directly involved in construction of the project.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment

to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the replacement of a sewer lift station that was constructed in 1959 and is subject to failure. The project involves abandonment of the existing below-ground sewer lift and the installation of a new below-ground sewer lift station 180 ft. to the south of the existing station. The new station will include an above-ground emergency generator and electrical panel. Also proposed is paving to create a maintenance-vehicle parking area, landscaping, fencing, a retaining wall and the installation of a curb cut for maintenance vehicle access from Carlsbad Boulevard. The project site consists of an unimproved area (dirt and exotic vegetation) on the east side of Carlsbad Boulevard approximately 180 ft. south of the western terminus of Chiquapin Avenue and northwest of, and adjacent to, the outer basin of Agua Hedionda Lagoon in the City of Carlsbad (reference Exhibit No. 1). The existing sewer lift station that is proposed to be replaced is located approximately 180 feet north of the project site below ground under the northbound lane of Carlsbad Boulevard. There is also an existing above ground electrical control panel located on the public sidewalk which is enclosed by a low-level retaining wall.

Grading associated with the new sewer lift station will consist of 30 cy. of cut and 50 cy. of fill with 20 cy. of material to be exported off-site. The location of the disposal of graded spoils has not been identified. Adjacent to the sewer lift station will be a paved maintenance vehicle parking and turnaround area (hammerhead) allowing for maintenance vehicles to park and then back up and turn around before exiting onto northbound Carlsbad Boulevard. The paved area footprint is approximately 1,216 sq.ft. in size. The emergency generator and electrical control panel will be located northeast of the paved area and will include a 1- 6 ft. high retaining wall. As noted on the cross-section submitted, the wall will only appear two feet above ground on its north side and six feet above ground on its south side (reference Exhibit No. 4). The wall will encircle the control panel on three sides with a gate on the remaining side (reference Exhibit No. 3). Altogether, the project site footprint including areas to be graded, is approximately 2,000 sq.ft. At its closest point, the proposed development will be approximately 45 ft. from the edge of the lagoon.

The project site is located immediately south of a hillside that slopes down towards the lagoon. The top of the hillside that immediately abuts the project site is presently vacant; however, atop the hillside slightly inland and further east is residential development all along the north bank of Agua Hedionda Lagoon. To the north and south of the project site on the east side of Carlsbad Boulevard is an improved public sidewalk, a guardrail and a chain link fence. The City also proposes to create a more formal accessway to the

lagoon where the sewer lift station will be located with the installation of signage to identify the presence of the existing public trail around the lagoon.

To the west is Carlsbad Boulevard, a public beach parking lot (Tamarack parking lot) and the beach and ocean. The parking lot is located at beach elevation while the roadbed of Carlsbad Boulevard is above-grade. Just north of the parking lot is an improved public pedestrian walkway/"boardwalk" next to the ocean that runs in a northerly direction for several blocks. To the south of the Tamarack parking lot is a jetty that lines the mouth of Agua Hedionda Lagoon where it meets the Pacific Ocean. Surrounding uses include Agua Hedionda Lagoon to the east, the Encina Power Plant to the south, public beaches to the west and residential development to the north and northeast.

As noted above, the project site is located east of Carlsbad Boulevard immediately northwest of, and adjacent to, Agua Hedionda Lagoon in the City of Carlsbad. The Commission has certified a land use plan for this LCP segment of Carlsbad. However, no implementation program has been certified. Therefore, the proposed development is within the Commission's permit jurisdiction. The standard of review for this area is the Chapter 3 policies of the Coastal Act, with the certified land use plan as guidance.

2. Resource Protection/Water Quality. The project site is located along the north shore of the outer basin of Agua Hedionda Lagoon. Coastal Act Sections 30230 and 30240 call for the preservation of environmentally sensitive habitat areas and protection against significant disruption of habitat values. Agua Hedionda, in particular, has been identified as one of 19 high priority coastal wetland acquisition areas. The following Coastal Act sections are applicable to the proposed project:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate.

Section 30231

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

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those 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 those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Upon reliance of the above-cited Coastal Act policies, the certified Agua Hedionda Lagoon Land Use Plan (LUP) contains several policies addressing the protection of environmentally sensitive resources. The policies are specific to certain areas of Agua Hedionda Lagoon, including the middle and inner basins (east of Interstate-5) that are surrounded by wetlands. The LUP does not contain any special protection for the area surrounding the outer lagoon because there are no wetlands in this area. The proposed development will be located near the outer lagoon (west of Interstate-5), which, as indicated, is not surrounded by wetlands and is not subject to special protection in the LUP. The proposed development will be 45 feet or farther from the outer lagoon and will not be in or immediately adjacent to any wetlands. As such, the proposed development will not have any direct wetland impacts.

As proposed, the new facility will be sited approximately 45 ft. from the edge of Agua Hedionda Lagoon. The applicant has indicated that two project alternatives were considered to assure that the least-environmentally damaging alternative was chosen due to the site's proximity to the lagoon. The first alternative was to leave the existing lift station in its present location. However, the existing lift station has created safety and access problems for pedestrians and cyclists because they must drive around the maintenance vehicle that is parked on the shoulder of the road which partially blocks the right northbound lane of Carlsbad Boulevard and completely blocks the pedestrian sidewalk. In addition, while maintenance vehicles park on the shoulder of the road and on the sidewalk, they are violating traffic regulations because the roadway is posted with "No Parking" signs. Thus, locating the new station in the location of the existing station would maintain an existing safety and access problem. In addition, if the existing station were to remain at its existing location it would necessitate extensive work to reconstruct it to bring it up to current required standards which would be infeasible due to excessive monetary costs to do so. In addition, it would involve hauling wastewater during the entire construction phase which would be economically infeasible (i.e., costing three to four times as much as re-locating the sewer lift station). The second alternative, which is the preferred alternative, is to locate the station to the proposed location adjacent to the lagoon. This was considered the least environmentally damaging alternative because it would have no biological or archaeological impacts.

The proposed development does have the potential impacts to adversely impact water quality of Agua Hedionda Lagoon. First, the construction work has the potential for adverse impacts related to sedimentation from grading and construction activities. As noted previously, the subject sewer lift station is proposed to be undergrounded. This will require excavation and fill, consisting of 30 cy. of cut and 50 cy. of fill with 20 cy. of materials to be exported off-site. As noted previously, the proposed location of the sewer lift station will be located upland just 45 ft. northwest of Agua Hedionda Lagoon. Although the proposed grading is minimal, there is a potential for excavated soils to be carried to the lagoon particularly during rainy weather. Second, after construction is completed, there is the potential that runoff from the site will increase in rate and volume as a result of the paved area, i.e., the concrete maintenance vehicle parking/turnaround area. In addition, runoff from the paved area could carry pollutants associated with oil and other chemicals into the lagoon. The additional sediment and pollutants entering the lagoon could be harmful to fish, birds and humans for several reasons. First, as sediment fills the lagoon, it reduces the tidal prism. A reduction in the tidal prism can adversely affect the tidal flushing that occurs in the lagoon mouth opening. That is, the smaller the tidal prism, the less tidal flushing that can occur. Tidal flushing is critical in order to maintain the biological productivity of the lagoon. Secondly, oil and other chemicals can adversely affect the health and livelihood of fish other sealife as well as bird species that use the lagoon. In addition, as noted earlier, this particular lagoon is one that permits recreational use by people and, as such, pollutants entering the water could be potentially harmful to swimmers and other recreational users of the lagoon.

Because of the potential for graded slopes to erode and produce sediment that make their way into downstream areas, the Commission typically requires that in areas that drain to lagoons, grading be prohibited during the winter rainy months. The typical rainy season restriction for grading begins October 1st and ends April 1st of any year. The City has indicated that they wish to commence work as soon as possible after the proposed project is approved. As such, it is already too late for the applicant to meet the requirements that construction occur outside of the rainy season since it is urgent that the project begin as soon as approval is obtained. The City has indicated that it is urgent that the project begin as soon as possible because the sewer lift station is older and could potentially result in a failure that could cause damage to the nearby lagoon. In addition, the City has already secured a contractor who is ready to commence immediately after approval is obtained. The City has also indicated that the amount of grading is minimal, as previously noted, and that the construction phase for the proposed project is short in nature, lasting only one week to complete. Therefore, the applicant is proposing to develop the project during the rainy season with the incorporation of temporary and permanent erosion control devices. These measures include installation of straw bale barriers which will prevent the the temporary outdoor storage of excavated materials (20 cy.) from washing away and/or being swept down towards the lagoon during rainy weather, etc. With these measures, the Commission can be assured that off-site sediment impacts associated with the proposed development will be reduced to the maximum extent feasible. To further assure that all measures are in place prior to grading, Special

Condition #2 requires use of erosion control devices to minimize soil loss from graded areas through submittal of a final grading/erosion control plan.

The applicant has indicated that in order to address the potential discharge of pollutants into the lagoon associated with the development, they propose to install a collection system that will collect the runoff from the paved area and direct it into a catch basin. The catch basin will drain into the existing storm drain system. The city proposes to install a hydrocarbon filter at the junction between the catch basin and the storm drain system in order to trap hydrocarbons and prevent them from entering the storm drain system. The hydrocarbon filter will filter the run off from the site before it goes into the existing storm drain system located within the Carlsbad Boulevard right-of-way. Although drainage from the site itself (paved areas) will consist of sheetflow it will be directed to an existing catch basin and then filtered, as described above. However, since the preliminary plans do not show the proposed hydrocarbon filter, Special Condition #3 requires implementation of best management practices including the installation of a hydrocarbon filter for the proposed project and routine sweeping of the paved parking/turnaround area and paved pedestrian access across the sewer lift station site in order to reduce sediment toward the lagoon to further assure that the water quality of the lagoon will not be adversely affected as a result of the proposed project. The applicant may add BMPs as appropriate in the final plan submitted in compliance with the condition. Special Condition #4 requires the applicant to identify the location of the graded spoils and that if the site is located within the coastal zone, a separate coastal development permit or amendment to this permit will be required.

Thus, as conditioned, to implement temporary and permanent erosion control measures and best-management practices regarding the management and reduction of urban pollution and runoff, the proposed development will not adversely impact water quality or have a significant adverse impact to adjacent downstream resources. In summary, as conditioned, the project can be found consistent with the Chapter 3 policies of the Coastal Act addressing protection of resources areas including water quality through control of runoff, etc.

3. Visual Resources. Section 30251 of Coastal Act states the following:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

In addition, upon reliance of this policy, the certified Agua Hedionda LUP states the following.

"The Agua Hedionda Plan area affords a multitude of excellent views and vistas. The lagoon itself can be viewed from most locations within the plan area, and several north shore properties provide vistas of the lagoon and ocean. Carlsbad Boulevard provides for unobstructed views of the ocean and outer lagoon....
[emphasis added]

In addition, the LCP contains the following policies addressing the protection of visual resources:

8.1 Park Avenue, Adams Avenue and Carlsbad Boulevard are designated as scenic roadways. ...Parking areas shall be screened from the street utilizing vegetation, tree forms, and berms, as appropriate.

As noted earlier, the proposed site for the sewer lift station will be located in close proximity to, and just northwest of, Agua Hedionda Lagoon on the east side of Carlsbad Boulevard. The City has indicated that the sewer lift station will be located approximately 45 feet from the edge of the lagoon at its closest point. This particular site is highly visible from Carlsbad Boulevard to both passing motorists as well as by pedestrians and bicyclists, etc. However, it is important to note that the majority of the project will be underground and the only improvements that will be located above ground are the electrical control panel, a retaining wall and fencing. Also, due to the grade separation of the roadbed of Carlsbad Boulevard and the Tamarack parking lot to the west, is unlikely that public views of the lift station site will be visible from the public parking lot or from the beach seaward of it. However, some views of the site may be visible from the jetty that lines both sides of the mouth of the lagoon where it meets the ocean, south of the parking lot.

As noted above, Carlsbad Boulevard is designated as a scenic roadway in the certified Agua Hedionda Land Use Plan. In addition, the LUP does contain policies which call for a 100 ft. buffer between new development and the lagoon in particular areas. As noted earlier, the City has indicated that at its closest point, the proposed project will be located a distance of 45 feet from the lagoon. However, the proposed replacement sewer lift station, although sited less than 100 feet away from the lagoon, should not result in any significant adverse visual impacts for several reasons. First, the sewer lift station will be located below ground with the exception of an electrical control panel which must be located above ground. The City has indicated that the electrical code requires that the control panels be located above ground. The actual vertical height of the electrical control panel is 8 ft. but it will be set 6 ft. into the slope such that from the slope to the top of the panel it will be about 1-2 ft. high. From the southern end, however, it will appear as 6 ft. above ground. However, a retaining wall is proposed on the west, north and east sides of the electrical panel which will visually screen it from public views from the scenic roadway (Carlsbad Boulevard) and from the lagoon to the east. Furthermore, the retaining wall will be sensitively designed such that it will be set into the slope of the hillside to minimize its visibility. The retaining wall will screen the electrical control

panel including the motor control center and emergency generator. In addition, the City is proposing to landscape the area which will further shield views of the project site and the retaining wall. As such, from Carlsbad Boulevard looking east, the only improvements visible will be landscaping and a small driveway/paved area. Furthermore, this is consistent with the policies of the certified LUP that call for screening of parking areas, etc. that are visible from designated scenic roadways.

In addition, as noted previously, there is an existing chain link fence on the project site. Presently, a small opening in the fence allows for pedestrian access to the lagoon. This fence will be removed as the sewer lift station will be located in the general vicinity of the existing fence. A new chain link fence will be installed on the east side of the sewer lift station and along its southern boundary. As will be discussed in the findings for public access, a formal accessway is proposed to the lagoon through the project site with installation of signage. With regard to the new fence, inasmuch as it is composed of open materials, it should not result in any adverse impacts to visual resources or public views toward the lagoon.

In addition, it should be noted that the subject site is adjacent to the hillside that forms the northern bank of the lagoon. These hillsides are natural in form and are highly visible from Carlsbad Boulevard, the beach and other nearshore areas. As such, it is important that the natural quality of these areas be preserved through the installation of native plant materials. As such, Special Condition #1 calls for submittal of final landscape plans that include the installation of native, drought-tolerant species and that no invasive or exotic plants be installed (i.e., iceplant). In addition, the condition also requires that the retaining wall proposed to be installed to hide the electrical control panel be painted of an earth tone color to blend in with the natural hillsides of the lagoon area.

Therefore, in summary, although the site will be visible from a designated scenic roadway, the proposed sewer lift station will be located below ground, and its design will include the provision of a retaining wall that will be of an earth tone color to blend in with the surrounding natural landforms and which will itself shield views of the electrical control panel, and the installation of landscaping, impacts to public views will be minimized to the maximum extent feasible. Therefore, the Commission finds the proposed project, as conditioned, consistent with 30251 of the Act.

4. Public Access. Public access along and to the waters of Agua Hedionda Lagoon is very important because of the recreational nature of the lagoon. It is the only lagoon in San Diego County where water sports are permitted, including motor and sail boating, water skiing, wind surfing, jet skiing, etc. Additionally, a public trail along the north shore of the lagoon is identified in the certified Agua Hedionda Lagoon Land Use Plan. The following Coastal Act sections are applicable to the proposed project:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

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

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby....

Pursuant to these sections of the Act, the certified Agua Hedionda Land Use Plan contains a detailed set of public access policies. These policies, state, in part:

Policy 7.6

Access to and along the north shore of the lagoon shall be made continuous, to the maximum extent feasible, and shall be provided as a condition of development for all shorefront properties. All accessways shall be designed in such a manner as to allow for reasonable use by any member of the general public, and shall be designed to accommodate bicycle as well as pedestrian use....

Policy 7.9 Access Signing

All public use areas shall be clearly identified through a uniform signing program, to be carried out by the City of Carlsbad or as a condition of individual private developments. Signs or other devices on public or private property which might deter use of public access areas shall be prohibited within the Agua Hedionda plan area.

In this particular case, the proposed development involves the abandonment of an existing sewer lift station and the construction of a new sewer lift station adjacent to

Agua Hedionda Lagoon and Carlsbad Boulevard. As noted previously, the sewer lift station will be located near an unimproved pedestrian trail that follows the perimeter of the lagoon. There is an existing chain link fence on the east side of the roadbed that has a small opening (approximately two to three feet wide) providing access to the pedestrian path. The area is used by members of the public for strolling and fishing, etc. . The area adjacent to Carlsbad Boulevard is known as the "Encina Fishing Area" pursuant to the certified LUP. Through the proposed development, the City intends to formalize and improve the entranceway into the lagoon for pedestrian access through the installation of signage that reads, "White Seabass Fish Hatchery Trail".

In addition, as noted earlier, the location of the new sewer lift station will pose less of an impediment on motorists, bicyclists and pedestrians using the northbound lanes of Carlsbad Boulevard as maintenance vehicles will no longer need to park on the shoulder of the road inhibiting access and traffic circulation at this location. As such, the proposed development will not result in any adverse impacts on public access opportunities in this area, and in fact, will result in enhancing public access opportunities through the installation of signage that will encourage the public use of this trail to gain access to the lagoon, consistent with the policies of the certified Agua Hedionda LUP which call for the provision of continuous access along the north shore of the lagoon and for the installation of access signage. In addition, through the relocation of the sewer lift station to a more accessible location, the proposed project will facilitate improved access for maintenance vehicles which will eliminate the impediment to pedestrian and vehicular access along the scenic roadway which presently occurs during maintenance operations.

Although the sewer lift station and turn-around area for maintenance vehicles will be located to the east of Carlsbad Boulevard, out of the public right-of-way, plans have not yet been submitted showing the location of access corridors and staging areas during the construction phase. Because construction of the project could have impacts on public access, Special Condition #5 is required for submittal of plans that indicate that access corridors and staging areas be located in a manner that has the least impact on public access via the maintenance of vehicular traffic flow on coastal access routes (Carlsbad Boulevard, in this instance) and pedestrian access to areas of Agua Hedionda Lagoon not directly involved in construction of the project. Therefore, inasmuch as the proposed project will result in the enhancement of public access opportunities through installation of signage to identify the location of the trail head around the lagoon and will result in improved maintenance vehicle access to the lift station without hindering pedestrian, bicycle and vehicular access along a major coastal access route, the Commission finds that the proposed project, as conditioned, can be found consistent with the applicable Coastal Act policies cited above.

5. Growth Inducement. Section 30250 (a) of the Coastal Act is applicable and states, in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close

proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

Given that the proposed development involves the relocation of an existing sewer lift station and its replacement with a new one, the question arises as to whether the project will be growth inducing. In other words, it must be determined whether or not the upgrade to the sewer lift station is being proposed to serve existing development or whether it is being proposed to accommodate new development. In this particular case, the subject development to relocate and replace an existing sewer lift station is being proposed for two reasons. First, because the existing sewer lift station was constructed in 1959, the existing equipment is old and subject to a potential pump failure. The proposed improvements include the provision of an emergency back up generator in the event a failure occurs. Secondly, due to its location within the Carlsbad Boulevard right-of-way, maintenance vehicle access to the sewer lift station is difficult and poses a safety concern. Presently, maintenance operators who must make daily checks on the sewer lift station have to pull over and park on the shoulder of the northbound lane of the road which is posted as "No Parking". In so doing, maintenance vehicle operators are violating the traffic regulations. In addition, maintenance vehicles also routinely block pedestrian and bicycle access when they park on the shoulder of the roadbed. Although there is no public parking on this side of Carlsbad Boulevard, there is a bicycle lane on both the northbound and southbound lanes of this right-of-way. The newly proposed sewer lift station will not result in any alteration or expansion of service capacity and is not proposed to accommodate new development. The proposed improvements should not have a significant overall inducement to growth; therefore, the Commission finds that the proposed project, as conditioned, is consistent with Section 30250 (a) of the Coastal Act.

6. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit 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.

The Commission has certified the Agua Hedionda Lagoon Land Use Plan; however, implementing ordinances have not yet been developed or approved by the Commission. Thus, the standard of review is Chapter 3 policies of the Coastal Act with the certified LUP used as guidance. The subject site is located within the plan area of Agua Hedionda; however, the subject site is unzoned. As conditioned, the project is consistent with the Chapter 3 policies of the Coastal Act addressing protection of scenic resources, habitat preservation and the provision of public access and also with the policies of the Agua Hedionda Land Use Plan. As such, project approval should not prejudice the ability of the City of Carlsbad to prepare a fully certifiable Local Coastal Program for its Agua Hedionda Lagoon segment.

7. 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)(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 effect which the activity may have on the environment.

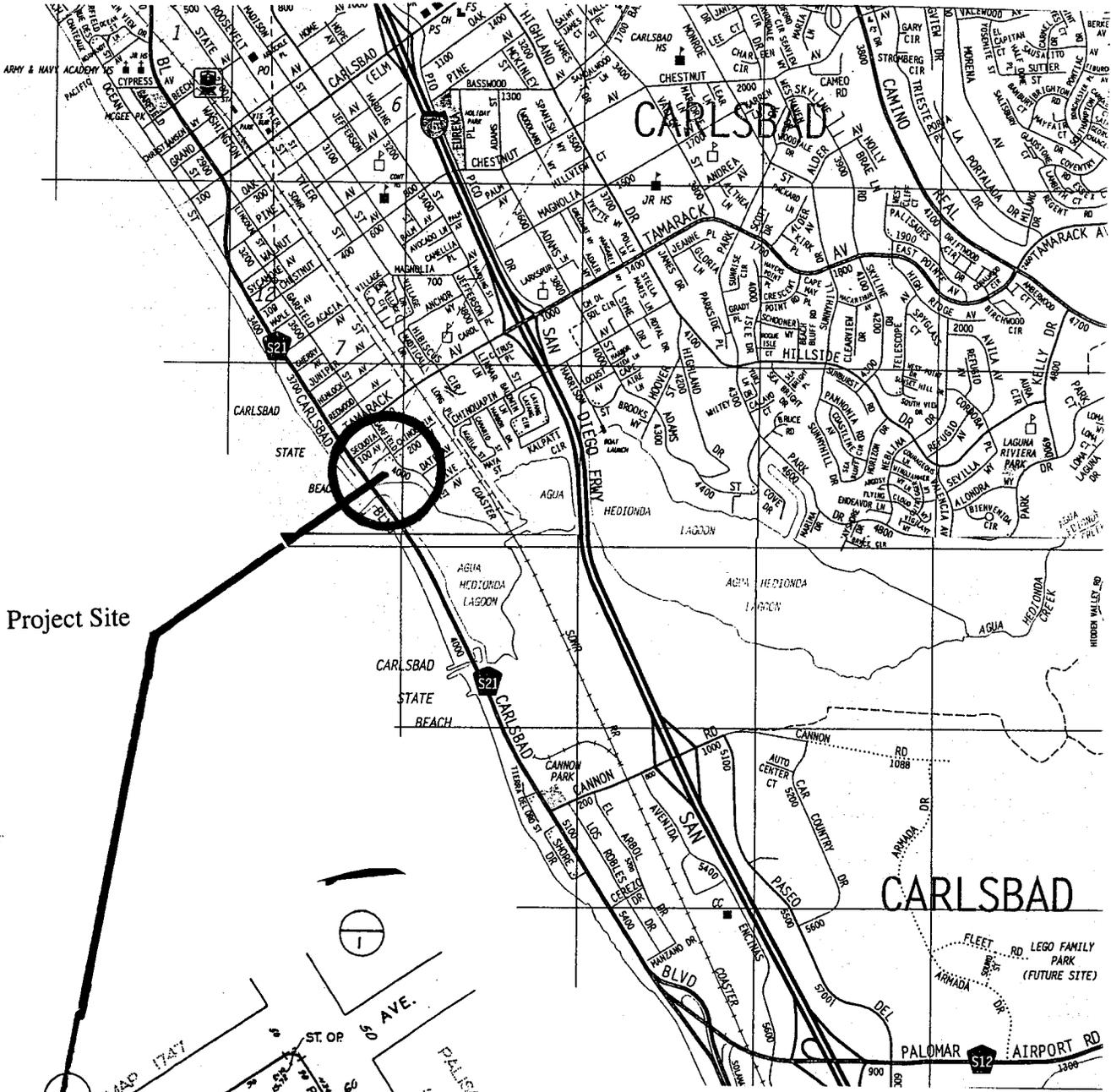
The proposed project has been conditioned in order to be found consistent with the visual and environmental resource protection policies of the Coastal Act. Mitigation measures, including conditions addressing incorporation of best management practices, landscaping and use of an earth tone color for a retaining wall near the lagoon will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact, which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

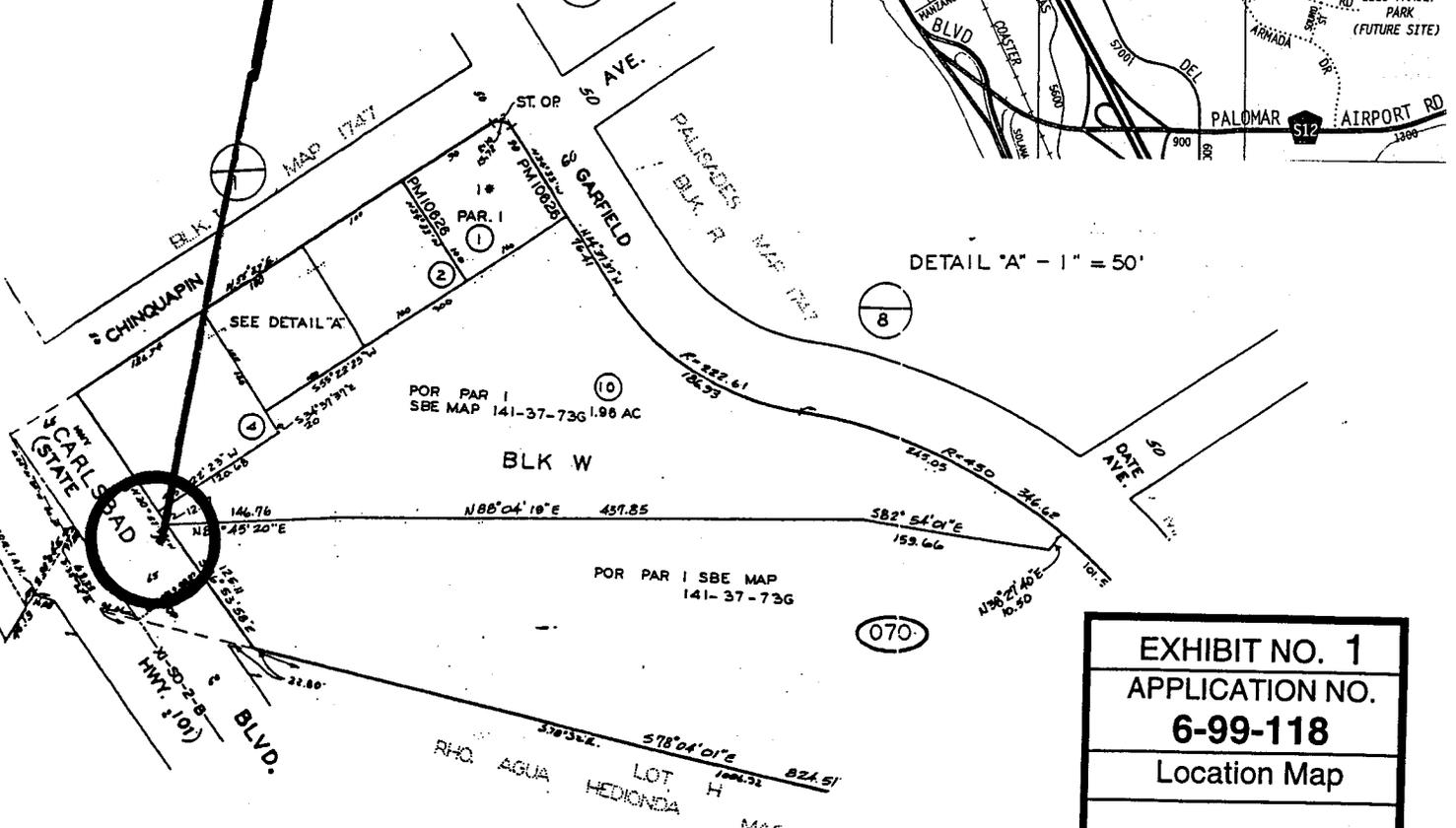
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration.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

(\\TIGERSHARK\groups\San Diego\Reports\1999\6-99-118 City of Carlsbad stfrpt.doc)



Project Site



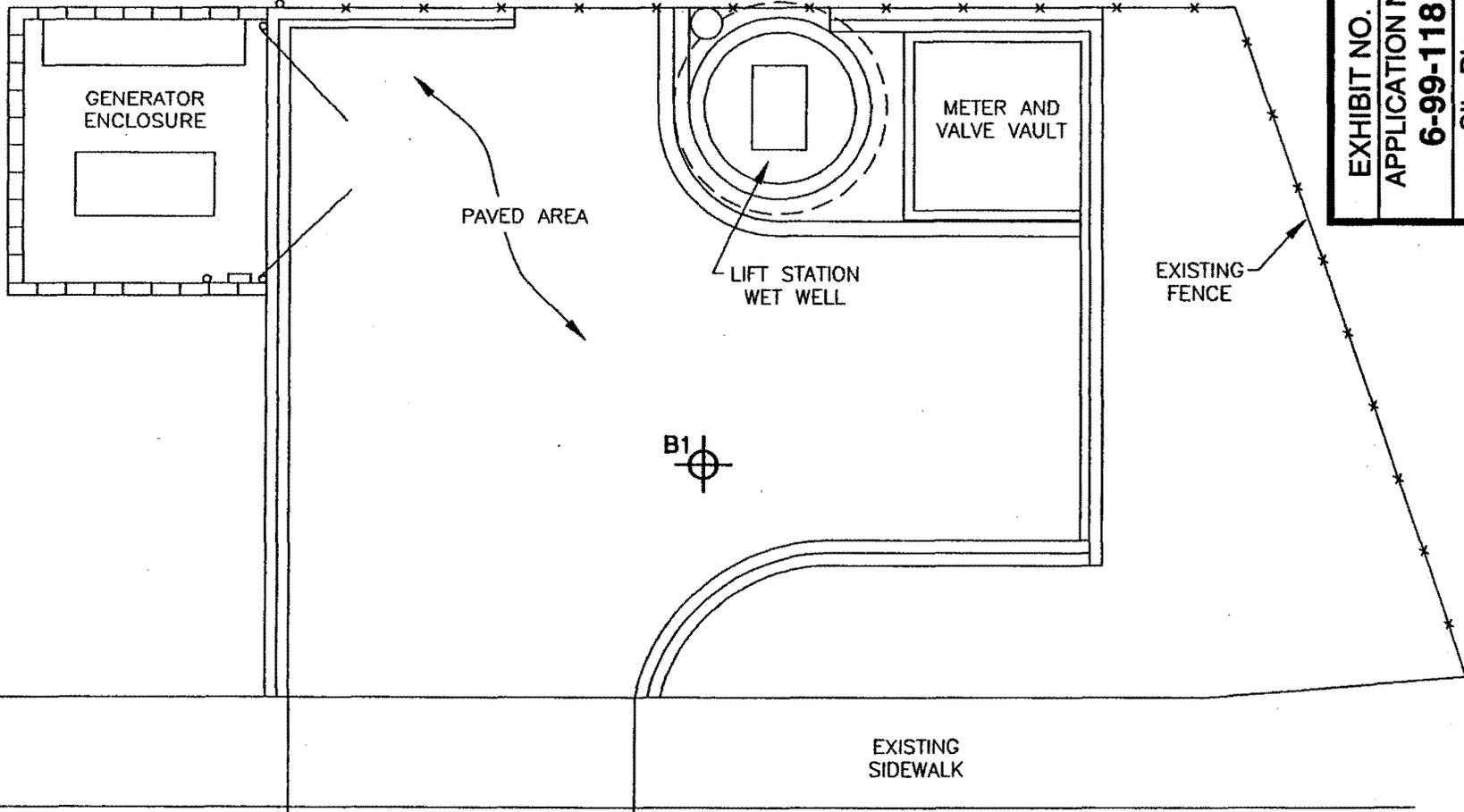
DETAIL "A" - 1" = 50'

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| EXHIBIT NO. 1 |
| APPLICATION NO. |
| 6-99-118 |
| Location Map |
| California Coastal Commission |

204
31

070

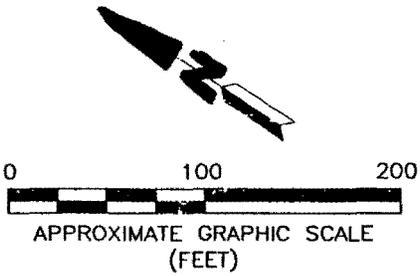
210
1



| |
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| EXHIBIT NO. 2 |
| APPLICATION NO. |
| 6-99-118 |
| Site Plan |
| California Coastal Commission |

LEGEND:

APPROXIMATE BORING LOCATION



| | |
|--|----------------|
| | |
| 5015 SHOREHAM PLACE SAN DIEGO, CALIFORNIA 92122 | |
| CHECKED BY: <i>KW</i> | FN: 5219SITE-1 |
| PROJECT NO. 51-5219-01 | DATE: 5/20/99 |

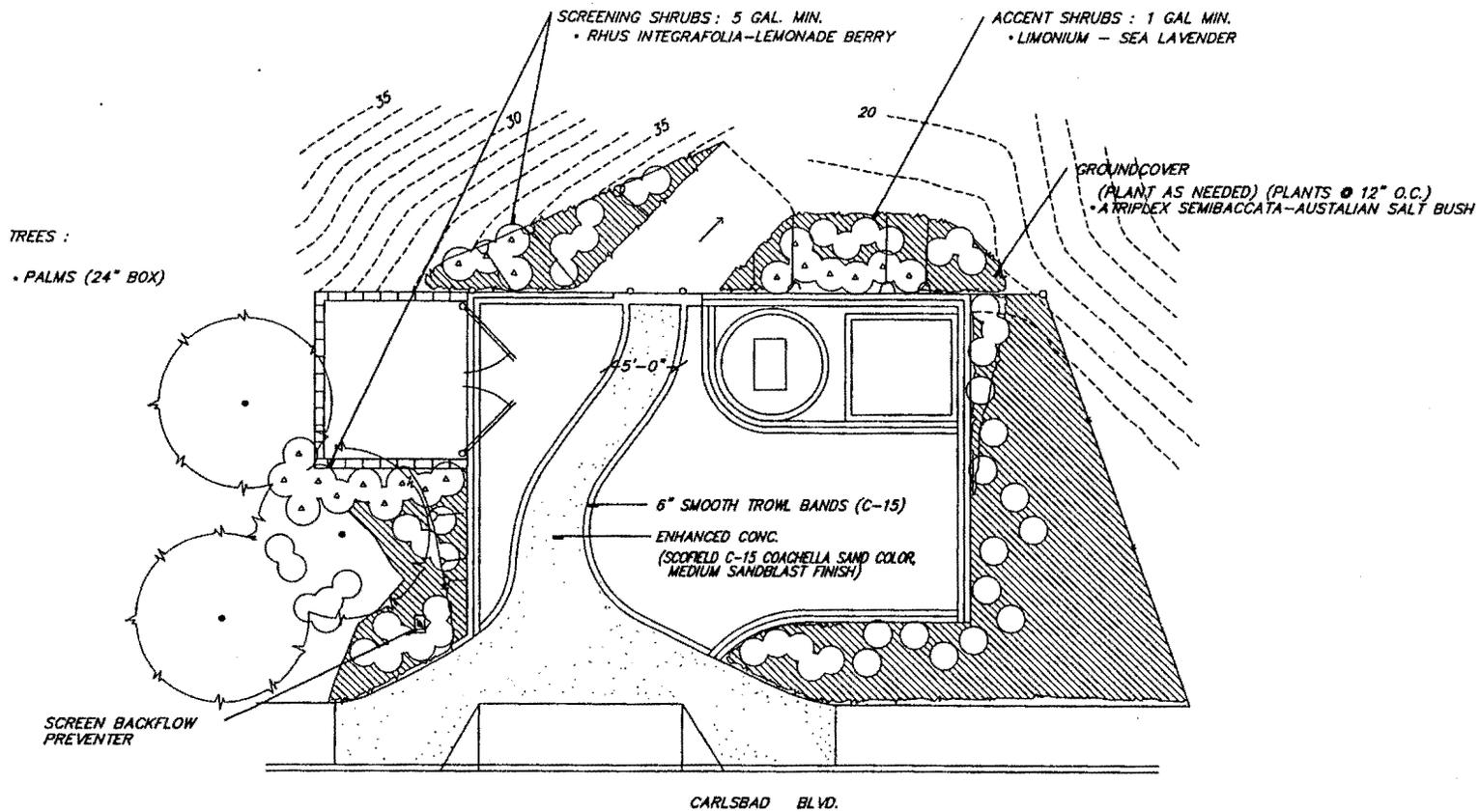
SITE PLAN

**CHINQUAPIN SEWER LIFT STATION
CARLSBAD MUNICIPAL WATER DISTRICT
CARLSBAD, CALIFORNIA**

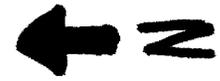
FIGURE
2

| | | |
|----------|----------------|---------|
| PLANS | BY | DATE |
| DESIGNED | RAMOY KLAASSEN | 8/17/98 |
| CHECKED | | |
| DRAWN | | |

| |
|-------------------------------|
| EXHIBIT NO. 3 |
| APPLICATION NO. |
| 6-99-118 |
| Landscape Site Plan |
| California Coastal Commission |



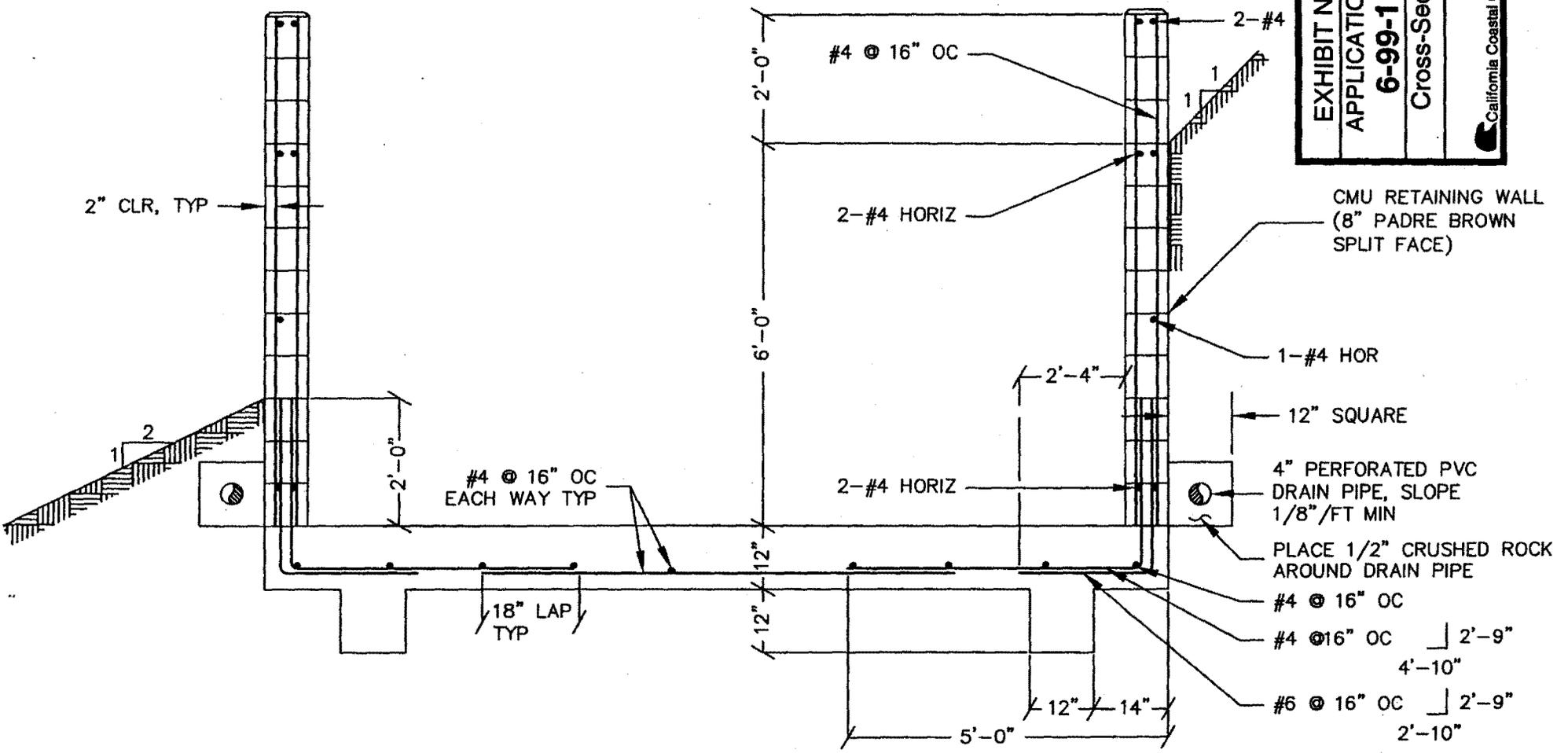
LANDSCAPE PLAN
CHINQUAPIN SEWER LIFT STATION



| | | | | | | | |
|--|---------------------------|---------------|---|-------------|---------------|-----------------|------------|
| APPROVED RECORD DRAWINGS | DISTRICT APPROVED CHANGES | | BENCHMARK | | | | |
| | Description | Approved Date | | | | | |
| District Engineer: WILLIAM E. PLUMMER 28178 RCE Date | | | AGENCY: CITY OF CARLSBAD DESIGNATION: NONE DESCRIPTION: SPIKE IN TOP OF CURB ELEVATION: 85.21 FEET, CITY DATUM LOCATION: SOUTHEASTERLY CURB RETURN OF GARFIELD STREET AND CHINQUAPIN AVENUE | | | | |
| | | | <table border="1"> <tr> <td>Drawn: R.K.</td> <td>CMWD . 97-401</td> </tr> <tr> <td>Checked: W.E.P.</td> <td>DWG 124-6A</td> </tr> </table> | Drawn: R.K. | CMWD . 97-401 | Checked: W.E.P. | DWG 124-6A |
| Drawn: R.K. | CMWD . 97-401 | | | | | | |
| Checked: W.E.P. | DWG 124-6A | | | | | | |

| | | |
|---|------------------------|-----------|
| CARLSBAD MUNICIPAL WATER DISTRICT | | L1 |
| Sheet 23 | ENGINEERING DEPARTMENT | 24 Sheets |
| CHINQUAPIN SEWER LIFT STATION, 6" FORCE MAIN AND 8" SEWER LANDSCAPE SITE PLAN | | |

| |
|------------------------------------|
| EXHIBIT NO. 4 |
| APPLICATION NO. 6-99-118 |
| Cross-Section |
| California Coastal Commission |



NOTES:

1. USE GRADE 60 REINFORCING STEEL AND CONCRETE: $f'_c=4,000$ psi
2. ELECTRICAL AND GENERATOR PAD NOT SHOWN FOR CLARITY.

SECTION A
 SCALE: 1/2"=1'-0"