

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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Staff: GDC-SD
Staff Report: October 31, 2000
Hearing Date: November 13-17, 2000

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Encinitas

DECISION: Approved With Conditions

APPEAL NO.: A-6-ENC-00-86

REGULAR CDP: A-6-ENC-00-86 and 6-00-54

APPLICANT: Community Services Department, City of Encinitas

PROJECT DESCRIPTION: Construction of a public park that includes three soccer playing fields, parking lot/drop off area, picnic areas, a playground, restroom, two stream crossings, walking trail and vehicle access road.

PROJECT LOCATION: On an undisturbed 18.9 acre vacant site lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south, City of Encinitas, San Diego County APN's: 262-073-03 & 25

APPELLANTS: Commissioners Sara Wan and Christine Kehoe, Tinker Mills, Robert Nanninga and Jeffrey Fernald

STAFF NOTES:

Following the filing of the appeals to the Coastal Commission, the applicant waived its rights to a hearing within the prescribed 49 days of filing in order to facilitate the hearing of both substantial issue and, potentially, the de novo agenda items at the same Commission hearing. In addition, the subject staff recommendation includes both the Substantial Issue and De Novo Staff Reports (if Substantial Issue is found). The De Novo staff report has been combined with the staff report for CDP #6-00-54 for those portions of the proposed development which may lie within the Commission's original jurisdiction area.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed. Specifically, the local government decision, which involves impacts to .02 to .04 acre of riparian wetlands and approximately 250 sq. ft. of saltwater marsh habitat, the alteration of approximately 300 lineal feet of the banks of Lux Canyon Creek, lack of an open space easement to protect the wetlands and wetlands buffer adjacent to Lux Canyon Creek and removal of approximately 1.9 acre of environmentally sensitive habitat, raises substantial issues relating the wetland, stream, environmentally sensitive habitat protection, and traffic policies of the Certified LCP.

Commission staff recommends denial of the application on de novo and for those portions which may lie within the Commission's original jurisdiction (CDP #6-00-54) because the development constitutes an intensity of use that will result in adverse impacts to environmentally sensitive habitat areas. This intensity and resulting adverse impacts cause the proposed project to be inconsistent with the certified LCP. For those portions within the Commission's original jurisdiction the intensity and resulting adverse impacts are inconsistent with Chapter 3 policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Encinitas Local Coastal Program (LCP); Appeal Applications; Final EIR City of Encinitas Sports Complex SCH No. 96081042 dated June 1998; Addendum to Final EIR dated October 1999; MUP/CDP/EIA 96-127; City of Encinitas Resolutions Nos. PC 2000-16 and 2000-39; City of Encinitas Agenda Reports dated 3/23/00, 4/26/00 and 5/24/00.

I. Appellants Contend That:

The appellants contend that the City's decision is inconsistent with several provisions of the City's LCP related to protection of environmentally sensitive habitat areas, wetlands, streams, visual resources and traffic circulation. In particular, the appellants allege that the development is inconsistent with the LCP provisions that (1) limit the fill of wetlands to specific uses and only if there is no less environmentally damaging alternative, (2) require that all on-site wetlands and buffer areas be protected by the application of an open space easement, (3) limit the alteration of streams to specific uses with appropriate mitigation, (4) require preservation of San Elijo Lagoon and its adjacent upland areas by prohibiting activities that adversely affect wetlands or wildlife habitat, (5) require the acquisition or preservation of undeveloped riparian corridors that drain into San Elijo Lagoon as open space areas, (6) require preservation of coastal sage scrub habitat, (7) require maintenance and enhancement of scenic highways/visual corridor viewsheds, and

(8) establish the goal that transportation system be sensitive and compatible with surrounding community character.

II. Local Government Action.

The Coastal Development Permit was approved by the Encinitas Planning Commission on March 23, 2000. Several special conditions were attached that address protection of alkali marsh and its surrounding buffer, lighting, vegetation clearing and grading during gnatcatcher breeding season, mitigation for impacts to gnatcatcher foraging habitat, use of BMP's relating to use of pesticides, fertilizers and other chemicals, and erosion control measures to mitigate for drainage impacts to San Elijo Lagoon. The Coastal Development Permit was appealed to the City Council on April 7, 2000. On June 6, 2000 the City Council approved the proposed development.

III. Appeal Procedures.

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

IV. Staff Recommendation On Substantial Issue.

MOTION: *I move that the Commission determine that Appeal No. A-6-ENC-00-86 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION:

Staff recommends a NO vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-6-ENC-00-86 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

1. Project Description. The coastal permit approved by the City of Encinitas allows for the construction of a public park that includes three soccer playing fields, parking lot/drop off area, picnic areas, a playground, restroom, two stream crossings, walking trail and vehicle access road. The City's approval includes measures that prohibit nighttime lighting of the park or use of the eastern portions of the park from March 1st to

June 30th of each year. In addition, the City's approval involves impacts to approximately 1.9 acres of gnatcatcher foraging habitat (Isocoma Scrub), approximately .02-.04 acre of riparian wetlands and approximately 250 sq. ft. of saltwater marsh habitat on an approximately 18.9 acre site. Impacts to the wetlands resources will occur from installation of approximately 300 lineal feet of bank stabilization along and within Lux Canyon Creek, construction of a vehicle access crossing over Lux Canyon Creek and an access road across the property. The site is located on an undisturbed vacant parcel lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south. Lux Canyon Creek flows from north to south through the western portion of the lot. The western portion of the site is zoned rural residential (RR) and the east portion is zoned Ecological Resource/Open Space/Parks (ER/OS/PK). Public recreational uses are permitted within the RR zone upon issuance of a Major Use Permit.

Because the site is located between the first public road and San Elijo Lagoon, the development approved by the City lies within the Coastal Commission appeals jurisdiction. The standard of review is consistency with the certified City of Encinitas Local Coastal Program and the public access and recreation policies of the Coastal Act. In addition, a small portion of the development site is located within the Commission's area of original jurisdiction and the City has submitted a separate coastal development permit application for any development that may occur in that area.

2. Wetlands. The appellants contend that approval of the project by the City is inconsistent with provisions of the City's certified LCP pertaining to permitted uses within wetlands and the requirement of a conservation easement to protect the existing wetlands and the wetland buffers. The City's LCP includes several provisions pertaining to the protection of wetlands. The following are relevant to the subject appeal. Resource Management Policy 10.6 on Page RM-18/19 of the certified LUP states:

The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. There shall be no net loss of wetland acreage or resource value as a result of land use or development, and the City's goal is to realize a net gain in acreage and value whenever possible.

Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

- a. Incidental public service projects.
- b. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- c. Restoration purposes.
- d. Nature study, aquaculture, or other similar resource dependent activities.

Identification of wetland acreage and resource value shall precede any consideration of use or development on sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the area of, or reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal E.P.A. 404(b)(1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland intrusion or impact shall be preferred over alternatives which involve intrusion or impact. Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through the creation of new wetland of the same type lost, at a ratio determined by regulatory agencies with authority over wetland resources, but in any case at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.

The City shall also control use and development in surrounding area of influence to wetlands with the application of buffer zones. At a minimum, 100-foot wide buffers shall be provided upland of salt-water wetlands, and 50-foot wide buffers shall be provided upland of riparian wetlands. Unless otherwise specified in this plan, use and development within buffer areas shall be limited to minor passive recreational uses with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area when feasible.

All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device.

In addition, RM Policy 10.10 which addresses the need to protect San Elijo and Batiquitos Lagoons as well as their tributaries is applicable and states, in part:

... Adequate buffer zones should be utilized when development occurs adjacent to the floodplain and sensitive habitat; 100 foot wide buffers should be provided adjacent to all identified wetlands, and 50 foot wide buffers should be provided adjacent to riparian areas. In some cases, smaller buffers may be appropriate, when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc., show that a smaller buffer would provide adequate protection; and when the Department of Fish and Game has been consulted and their comments have been accorded great weight.

In addition, Section 30.34.040(B)(3)(b) of the City's Implementation Plan is applicable:

In all areas, a buffer of 100 feet in width shall be maintained around all identified coastal lagoon wetland areas. A buffer of 100 feet in width shall be maintained around all other wetland areas, except riparian wetland areas which shall require a minimum 50 foot wide buffer, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the wetland. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service, Army Corps or Engineers shall be consulted in such buffer determinations. (Ord. 97-17)

Lux Canyon Creek which runs north/south through the western portion of the development site contains sensitive riparian habitat. The applicant's biology report prepared for the EIR (June 1998) describes Lux Canyon Creek as containing approximately .39 acre of southern willow scrub and approximately .67 acre of unvegetated channel. The proposed project involves impacts to approximately .02 - .04 wetlands habitat through the installation of pedestrian/vehicle access crossing over Lux Canyon Creek. Portions of the approximately 300 lineal feet of bank improvement along Lux Creek may also impact wetlands. In addition, approximately 250 sq. ft. of saltwater marsh habitat (alkali marsh) located on the southeast portion of the site is proposed to be impacted through the construction of a vehicle access road. As cited above, RM Policy 10.6 prohibits impacts to wetlands except for four permitted uses: incidental public service projects, mineral extractions, restoration and nature study or other resource dependent activity. The construction of a public park involving stream crossings and bank stabilization is not a permitted use. In addition, it appears that the proposed development could be designed to avoid these impacts through the elimination of one of the crossings, the vehicle access road and all of the bank improvements. The appellants have therefore raised substantial issues regarding the consistency of the proposed development with the certified LCP requirements pertaining to permitted uses within wetlands.

The City's approval also includes a 50 foot wide buffer surrounding the riparian wetlands of Lux Canyon Creek as well as a buffer surrounding the saltwater wetlands located on the southeast corner of the subject site. However, in the case of the saltwater wetlands, the buffer is not 100 feet wide as required by the LCP and is largely manufactured, not natural. In the case of the proposed development, the natural buffer between the proposed development area and the saltwater wetlands ranges from 0 to approximately 80 feet. An approximately 50 to 60 foot-wide, 6 foot-high manufactured landscaped berm is proposed upland of the saltwater wetlands. As a result, a total buffer (natural + manufactured) ranging from 50 to 150 feet will separate the proposed development from the saltwater wetlands. However the proposed manufactured buffer provides less protection than would a 100 foot-wide buffer as planned for in the LCP since the transitional habitat area for species accessing the lagoon is significantly lessened and the water quality function of filtering polluted runoff is eliminated or significantly reduced. As cited above, Section 30.34.040(B)(3)(b) of the City's Implementation Plan requires that:

In all areas, a buffer of 100 feet in width shall be maintained around all identified coastal lagoon wetland areas. [emphasis added]

The subject site is located immediately adjacent to San Elijo Lagoon and the site's saltwater marsh habitat (Alkali meadow) is contiguous with wetland habitat within the lagoon. The above cited section of the LCP only permits a lessening of the buffer if the saltwater wetlands occurs in "other wetlands areas", i.e., other non-coastal lagoon wetland areas, and if it can be demonstrated to protect the resources and if the Department of Fish and Game (DFG) concurs. In addition, RM Policy 10.6 requires that a minimum buffer of 100 feet be provided upland of saltwater wetlands, although RM Policy 10.10 allows for a reduction of the buffer width under some circumstances. In this case, although the DFG and U.S. Fish and Wildlife Service (FWS) have concurred with the proposed buffer design and width, the lack of any natural buffer adjacent to portions of the saltwater marsh raises substantial issue concerning the development's conformity with RM Policy 10.6 and Section 30.34.040(B)(3)(b) of the City's LCP.

The City's approval also included a requirement for a dedicated open space easement to protect the saltwater marsh and its buffer area as required by RM Policy 10.6. However, such an easement was not applied over the riparian wetlands or its buffer areas. As cited above, RM Policy 10.6 requires all wetlands and buffers to be protected with the application of open space easement or other protective device. Therefore, the City's failure to require an open space easement surrounding the riparian wetlands and its buffer raises a substantial issue regarding the consistency of the proposed development with RM Policy 10.6 of the LCP.

In summary, the proposed fill of wetlands, insufficient buffer surrounding saltwater wetlands and failure to protect wetlands and buffers with an open space easement raise substantial issues relating to the project's conformity with the resource protection policies of the certified LCP.

3. Alteration of Stream. The appellants contend that the proposed alteration of Lux Canyon Creek involving approximately 300 lineal feet of bank stabilization is not an permitted use allowed under the LCP. Land Use (LU) Policy 8.2 of the LUP limits channelizations or substantial alteration of streams:

Development within coastal and floodplain areas identified in the Land Use and Resource Management Elements must be limited, designed to minimize hazards associated with development in these areas, and to preserve area resources. Within the floodway, channelizations, dams, or other substantial alterations or rivers or streams shall incorporate the best mitigation measures feasible, and be limited to necessary water supply projects, flood control projects where no feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, and other development where the primary function is the improvement of fish and wildlife habitat. . . .

Section 30.34.040(B)(1)(b) of the City's Implementation Plan contains similar language limiting the channelization or alteration of streams to water projects, flood control necessary to protect existing development and fish and wildlife improvement projects.

In addition, Section 30.34.040(B)(1)(c) requires that:

c. Any development which involves the channelization or substantial alteration of rivers or streams shall comply with all of the following;

- (1) Incorporate into the project design and mitigation measures, all relevant findings of hydrological studies for the watershed of the affected stream. Such findings include but are not limited to erosional characteristics, flow velocities, and sediment transport.
- (2) Incorporate mitigation measures designed to assure that there will be no increase in the peak runoff rate from the developed site as compared to the greatest discharge that would occur from the existing undeveloped site as a result of the intensity of rainfall expected during a six-hour period once every ten years.
- (3) Minimize stream scour, avoid increases in and reduce, where feasible, the transport of stream sediment to downstream wetlands and other environmentally sensitive habitat areas. Acceptable techniques to control stream sediment include but are not limited to the planting of riparian vegetation in and near the stream.
- (4) If channelization is determined to be necessary, the floodway of the stream shall accommodate 100-year floods. To the extent feasible, all

artificial channels shall consist of natural bottoms and sides and be designed and sized to accommodate existing riparian vegetation. Such vegetation shall be maintained at specified levels compatible with the design capacity of the channel.

The proposed development includes the widening of Lux Canyon Creek on the west side and approximately 300 lineal feet of bank stabilization consisting of 8 to 24 inch diameter stone. The purpose of the creek widening and bank stabilization is to prevent erosion to the stream's banks and to protect users of the proposed pedestrian/vehicle access crossing. The Final EIR for the subject project identifies that:

The potential for block slumping along the banks of Lux Canyon Creek is moderate to high. The risk of bank failure or washout caused by periodic flow events poses a threat to people using the proposed crossing.

(Page 72, Section 4.4a, Final EIR City of Encinitas Sports Complex SCH No. 96081042 dated June 1998)

The appellants contend that the proposed stream widening and bank improvements are inconsistent with the stream protection policies of the LCP. As cited above, LUP Policy 8.2 limits alteration of streams to water supply projects, flood control projects necessary for public safety or to protect existing development and developments that improve fish and wildlife habitat. The proposed bank stabilization to protect a proposed pedestrian/vehicle crossing is inconsistent with above cited LCP requirements identifying permitted uses. In addition, Section 30.34.040(B)(1)(c) requires that any substantial alteration of stream incorporate mitigation measures as cited above that are designed to control erosion, sediment runoff and runoff rates. The project as approved by the City, fails to include a hydrological study documenting the effects of the proposed channel alteration including whether such alteration would accommodate 100 year floods or minimize the transport of resulting sediment. In addition, the City's approval does not include mitigation measures to prevent an increase of peak runoff that might occur during an intense six-hour, ten year rain. Therefore, the proposed alteration of Lux Canyon Creek raises substantial issues as its conformity with the LCP.

4. Preservation of San Elijo Lagoon/Riparian Corridors. The appellants contend that the City's approval raises substantial issue regarding its consistency with the LCP policies regarding preservation and protection of San Elijo Lagoon's upland areas and Lux Canyon Creek (which may serve as a riparian corridor to the lagoon). RM (Resource Management) Policy 10.9 of the certified LUP provides that:

The City will encourage the preservation of and the function of San Elijo Lagoon and Batiquitos Lagoon and their adjacent uplands as viable wetlands, ecosystems and habitat for resident and migratory wildlife, by prohibiting actions (subject to the detailed provisions of RM policy 10.6) which:

- involve wetland fill and increased sedimentation into the wetlands;

- adversely decrease stream flow into the wetlands
- reduce tidal interchange;
- reduce internal water circulation; or
- adversely affect existing wildlife habitats.

In addition, RM policy 10.10 of the LUP states in part:

The City will encourage and cooperate with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and restoration of wetlands resources at San Elijo Lagoon, (and where it applies Batiquitos Lagoon) Escondido and Encinitas Creeks and their significant upstream feeder creeks, according to the following guidelines:

[. . .]

- Wildlife corridors between the wetland shoreline and important upland areas and upstream riparian areas should be maintained and enhanced;

[. . .]

Finally, RM Policy 10.4 of the LUP states, in part, that:

The City will develop a program to acquire or preserve the entire undeveloped riparian corridor within the City that drains into the San Elijo Lagoon and Batiquitos Lagoon. . . .

The appellants contend that the proposed development which involves the alteration of a stream, construction of soccer fields, and other park improvements located immediately upland of San Elijo Lagoon will adversely affect wildlife habitat and wetland resources. As proposed, the development will impact approximately .02 - .04 of riparian wetlands, involves approximately 50,000 cubic yards of grading and does not protect the Lux Canyon Creek riparian corridor as undeveloped open space. As cited above, RM policy 10.9 requires the City to prohibit unpermitted fill of wetlands, increased sediments into wetlands, or adverse impacts to wildlife in the upland areas adjacent to San Elijo Lagoon. In addition, the intent of RM Policy 10.4 is that undeveloped riparian corridors be protected from development and preserved in open space. Lux Canyon Creek which traverses through the subject property is a riparian corridor containing wetlands and wildlife habitat. The proposed soccer field/park development does not adequately protect wetlands or wildlife corridors and does not adequately maintain upland riparian areas around the lagoon as provided by RM Policies 10.4, 10.9 and 10.10. The proposed development will also result in wetland fill and adverse effects on existing wildlife habitat despite RM Policy 10.9's prohibition against these activities. As such, the proposed project raises substantial issues of inconsistency with the certified LCP relating to the preservation of the upland resources adjacent to San Elijo Lagoon.

5. Environmentally Sensitive Habitat Areas/Wildlife. The appellants contend that the proposed development as approved by the City fails to preserve and protect or minimize impacts to environmentally sensitive habitat or wildlife as is required by the LCP. Resource Management (RM) Goal 10 of the certified LUP states, in part:

The City will preserve the integrity, function, productivity, and long term viability of the environmentally sensitive habitats throughout the City, including . . . lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats.

In addition, RM Policy 10.5 of the certified LUP states, in part;

The City will control development design on Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation. The following guidelines will be used to evaluate projects for approval:

[. . .]

- where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them; . . .
- conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity.

[. . .]

- preservation of rare and endangered species on site rather than by transplantation off site.

In addition, all new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the Statewide Natural Communities Conservation Plan (NCCP) Act. Compliance with these goals shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

In addition, as cited previously, RM Policy 10.9 of the certified LUP requires that the City protect San Elijo Lagoon and its adjacent uplands as "viable wetlands, ecosystems and habitat for resident and migratory wildlife, by prohibiting actions" that:

[. . .]

- adversely affect existing wildlife habitats.

The project as approved by the City will result in the removal of approximately 1.9 acres of Isocoma scrub due to vegetation clearing and grading in order to construct the proposed park and soccer fields. Isocoma scrub, a variant of Coastal Sage Scrub, is identified by the Department of Fish and Game as California gnatcatcher foraging habitat. The California gnatcatcher is a Federally listed endangered species. The Department of Fish and Game has also identified that a pair of gnatcatchers have been observed on the site for several years. In addition to the removal of the gnatcatcher foraging habitat, the appellants have also identified three additional elements of the project which may adversely affect the site's environmentally sensitive habitat. First, the applicants contend that although nighttime field lighting which could adversely affect wildlife is not currently proposed, the proposed project could be revised in the future to include night lighting. Secondly, the appellants contend that the landscaping proposed adjacent to the saltwater marsh is not "indigenous to alkaline marsh". Thirdly, the appellants contend that the split rail fencing proposed to separate the development from the wetland buffer would be inadequate to inhibit park visitors from entering into the lagoon and its sensitive habitat.

The appellants contend that removal of Isocoma scrub, nighttime field lighting, inappropriate landscaping and the design of fencing are inconsistent with the LCP provisions that require preservation of environmentally sensitive and wildlife habitat. Specifically, as cited above, Goal 10 of the Resource Management Element of the LUP requires that the City preserve the function and viability of environmentally sensitive habitat including coastal sage scrub. In addition, RM Policy 10.5 mandates the preservation of rare and endangered species and sensitive habitat and requires that the project be designed consistent with preservation goals and requirements of the Statewide Natural Communities Conservation Plan (NCCP) Act. Although the proposed development has involved input from both DFG and the U.S. Fish and Wildlife Service, the proposal will result in the removal of approximately 1.9 acres of environmentally sensitive habitat. While the proposed landscaping and fence design surrounding the wetlands buffer may be inconsistent with the LCP, the removal of approximately 1.9 acre of environmentally sensitive habitat and nighttime lighting of the park facilities does not adequately protect environmentally sensitive and wildlife habitat. Therefore, the proposed development raises substantial issues of inconsistency with the certified LCP policies related to environmentally sensitive habitat.

6. Protection of Viewsheds. The appellants contend that the City's approval is inconsistent with the LCP policies which require that development located within designated view corridors/viewsheds be subject to design review standards. Policy 4.6 requires that:

The City will maintain and enhance the scenic highway/visual corridor viewsheds.

In addition, RM Policy 4.7 requires:

The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

- [...]
- Manchester Avenue from San Elijo Ave. to Encinitas Blvd.
- [...]

In addition, RM Policy 4.9 states, in part:

It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

[...]

- Building and vegetation setbacks, scenic easements, height and bulk restrictions should be used to maintain existing view and vistas from the roadway.

[...]

- Where possible, development . . . shall leave lagoon areas and floodplains open, and shall be sited to provide unobstructed view corridors for the nearest scenic highway.

The project site is located on the east and south sides of Manchester Avenue, a designated scenic highway and is, therefore, located within the Scenic View Corridor. The appellants contend that the proposed sports complex that includes a 137 spaced parking lot, three soccer fields and a manufactured 6 foot-high berm will adversely affect the public's ability to view the resources of San Elijo Lagoon as seen from Manchester Avenue. Based on a review of the project's various elements, it does not appear that public views of the lagoon will be blocked by the proposed development. In addition, although soccer fields and wetlands buffers (that may extend up to six feet in height) will be visible from the south side of Manchester Avenue, east of its intersection with El Camino Real, Manchester Avenue at this location is at a higher elevation than the project site and the project site itself slopes gently downward from Manchester Avenue. However, existing open space views across to San Elijo Lagoon from Manchester Avenue will be substantially altered with the installation of the park facilities and its effects will be most pronounced on days when the soccer fields are fully occupied with players and spectators. In addition, views from Manchester Avenue south of its intersection with El Camino Real toward the lagoon will be altered with the installation of the parking lot, driveway and restroom facilities. Therefore, views across the site at

this location will be more adversely affected than currently exists. Therefore, the City's approval raises substantial issues relating to RM Policies 4.6, 4.7 and 4.9 of the LCP.

7. Intensity of Development/Traffic Impacts. The appellants contend that approval of such an intense project by the City will result in traffic hazards and congestion. The certified City of Encinitas Local Coastal Program (LCP) designates the subject site as Rural Residential. On Page LU-33, the certified LUP summarizes the intent of this plan designation, in part:

This category will permit the development of single-family homes on large lots ranging in size from 2 to 8 acres....Lower density development provided for in this category is important so that sensitive areas of the City can be preserved, as well as ensuring that areas subject to environmental constraints are developed in a safe and rational manner. The actual density of development will depend on local topography and other development constraints or significant resources that might be present.

In addition, Goal 1 of the Circulation Policy of the certified LUP states the following:

Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.

Additionally, Circulation Policy 2.22 of the certified LUP is applicable and states, in part:

To avoid impacts of the expansion and improvement of Manchester Avenue on the San Elijo Lagoon and its environmental resources, right-of-way dedication and widening shall occur to the north, away from the lagoon, rather than toward the lagoon; and the use of fill shall be prohibited....

Because the proposed development site is located between the sea and the first public roadway, the public access and recreation policies of the Coastal Act are also applicable. Section 30252 of the Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast . . .

The proposed approximately 18.9 acre development site is primarily zoned Rural Residential with a split density allowance of 0.26 – 0.50 du/ac and 0.00 - .25 du/ac. The majority of the site has a density designation of 0.26 – 0.50 du/ac. A small eastern portion of the site is designated Ecological Resource/Open Space/Parks. The Final EIR for the subject property identifies that development of the site as designated and zoned (Rural Residential) would result in a maximum of seven to nine residential units. The Final EIR indicates that this alternative "would be 70 to 80 percent less [intense] than the proposed project". (This comment from the EIR related to a soccer field complex consisting of four fields. However, the three soccer fields approved by the City would continue to represent a significant increase of development intensity over that which

would occur with residential development, especially considering the estimated 780 ADT's that would result from the subject development as opposed to the traffic generation of seven to nine residences.) As noted, the subject site is zoned and planned for rural residential development. The City authorized the proposed soccer park through the issuance of a major use permit.

The proposed development also involves the construction of a 137-space, decomposed granite parking lot to be located on the northwest corner of the site adjacent to Manchester Avenue on the west. Access to the park complex parking lot will be via a right turn in/right turn out driveway off of Manchester Avenue, west of the subject site. Southbound motorists from Manchester Avenue to the project site will need to make a U-turn at the Manchester/MiraCosta College intersection approximately $\frac{1}{4}$ mile southwest of the project site in order to enter the site. Alternatively, motorists leaving the project site who wish to access the Interstate 5 onramp located southwest of the project site will need to make a U-turn at the Manchester Avenue/El Camino Real intersection located approximately 400 to 500 feet north of the site's proposed driveway. Manchester Avenue at this location is currently a two-lane road operating at Level of Service (LOS) F, a deficit level of service.

However, the widening of Manchester at this location to a 4-lane roadway is currently underway such that the Final EIR identifies its future LOS as B. The Final EIR also identifies that when the proposed sports complex is fully occupied approximately 780 Average Daily Trips (ADT's) will result. The appellants contend that the added traffic volume resulting from this intense development, along with the right turn restrictions would result in traffic congestion and hazards, inconsistent with the above cited policies. In order to make the U-turn at El Camino Real and Manchester Avenue, drivers will need to quickly move over two lanes and watch for approaching motorists coming from a curved section of Manchester Avenue to the south. In addition, if a number of vehicles are waiting to make a U-turn at this intersection, it is likely they could impede through traffic from Manchester Avenue to El Camino Real resulting in traffic delays and safety concerns. The appellants contend that this will especially be a problem following afternoon practices which end during peak evening "rush hour".

The proposed development which will result in a significantly greater number of ADT's occurring on Manchester Avenue than would occur with the development of seven to nine residences, raises concerns that the cumulative impact of the proposed development would result in pressure to widen Manchester Avenue at Interstate 5 toward San Elijo Lagoon. Such a widening would be inconsistent with Circulation Policy 2.22 of the LCP which prohibits expansion into the lagoon.

As described above, the appellants' contentions raise concerns about the project's consistency with traffic and circulation policies of the certified LCP. In addition, since Manchester Avenue at this location is major access route for visitors wishing to access the trails within San Elijo Lagoon, the City's approval raises concerns involving project's consistency with Section 30252 of the Coastal Act relating to public access. Therefore,

the City's approval raises substantial issue with the certified LCP and the Coastal Act pertaining to the intensity of the development as it relates to traffic, public access and the potential need to widen Manchester Avenue toward the lagoon.

In summary, the proposed sports park complex will involve direct impacts to approximately .02 -.04 of riparian wetlands, approximately 250 sq. ft. of saltwater marsh and approximately 1.9 acres of the Isocoma scrub which is foraging habitat for the endangered california gnatcatcher. The proposal also does not include the protection of the riparian wetlands and their associated buffers through the application of an open space easement and may adversely affect public views of San Elijo Lagoon from Manchester Avenue, adversely affect traffic as it relates to the need to widen Manchester toward San Elijo lagoon and impede public access to the lagoon. Because each of these impacts appear to be inconsistent with the previously cited LCP Policies, the Commission finds that a substantial issue exists with respect to the project's consistency with the City's certified Local Coastal Program and the public access and recreation policies of the Coastal Act.

STAFF RECOMMENDATION ON THE COASTAL PERMIT:

STAFF NOTES:

The De Novo staff report has been combined with the staff report for CDP #6-00-54, an application for those portions of the proposed development that might extend into the Commission's original jurisdiction area. The standard of review for the De Novo portion of the report is the City's certified LCP and the public access and recreation policies of the Coastal Act. The standard of review for the regular coastal development permit are Chapter 3 policies of the Coastal Act with the certified LCP used as guidance.

SUMMARY OF STAFF RECOMMENDATION:

Commission staff recommends denial of the application on de novo and for those portions that might extend into the Commission's original jurisdiction (CDP #6-00-54) because the development constitutes an intensity of use that will result in adverse impacts to environmentally sensitive habitat areas and is greater than the intensity of use envisioned by the underlying LCP land use designation of Rural Residential. In particular this intensity will result in adverse impacts to 1.9 acres of Isocoma scrub (California gnatcatcher habitat), saltwater marsh (because inadequate buffers and BMP's are proposed adjacent to the marsh) and to San Elijo Lagoon (because the associated traffic impacts may result in the need to widen Manchester Avenue toward the lagoon). Staff is also recommending denial because the proposal involves the unnecessary alteration of a stream and grading of the site during the rainy season which are prohibited by the LCP.

This intensity and resulting adverse impacts cause the proposed project to be inconsistent with the certified LCP. For those portions within the Commission's original jurisdiction the intensity and resulting adverse impacts are inconsistent with Chapter 3 policies of the Coastal Act.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Encinitas Local Coastal Program (LCP); Appeal Applications; Final EIR City of Encinitas Sports Complex SCH No. 96081042 dated June 1998; Addendum to Final EIR dated October 1999; MUP/CDP/EIA 96-127; City of Encinitas Resolutions Nos. PC 2000-16 and 2000-39; City of Encinitas Agenda Reports dated 3/23/00, 4/26/00 and 5/24/00; Letter from FWS and DFG to City of Encinitas, dated February 16, 2000; "Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan", by Dudek and Associates, dated August 2000; Memorandum to City of Encinitas from Dudek & Associates, dated September 12, 2000; CDP Nos. A-6-ENC-98-158/Encinitas Country Day School; 6-81-292/Greek Orthodox Church, 6-83-314/Manchester Estates, 6-84-578/Mira Costa College, 6-87-671/Caltrans (I-5 offramp) and 6-98-15/Manchester Road Widening.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit Nos. A-6-ENC-00-86 and 6-00-54 for the development proposed by the applicant.*

STAFF RECOMMENDATION OF DENIAL:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY THE PERMIT:

The Commission hereby denies a coastal development permit for the proposed development on the ground that the development will not be in conformity with the adopted Local Coastal Program or Chapter 3 policies of the Coastal Act. Approval of the permit would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the development on the environment.

II. Findings and Declarations.:

1. Project Description. The development as approved by the City of Encinitas included the construction of a public park that includes three soccer playing fields, parking lot/drop off area, picnic areas, a playground, restroom, two stream crossings, channelization of stream banks, walking trail and vehicle access road involving direct impacts to approximately .02 -.04 of riparian wetlands, approximately 250 sq. ft. of saltwater marsh and approximately 1.9 acres of the Isocoma scrub which is foraging habitat for the endangered california gnatcatcher. Following the appeal to the Coastal Commission, the applicant revised the project in order to potentially lessen any adverse effects. In particular, the applicant eliminated one of the stream crossings, reduced the amount of bank channelization in the stream and eliminated a portion of the vehicle access road. As a result, the current proposal does not include the fill of wetlands but continues to include impacts to 1.9 acres of Isocoma scrub habitat. The proposed development (as revised by the applicant) involves the construction of a public park that includes three soccer playing fields, an 137 spaced parking lot/drop off area, picnic areas, a playground, restroom, one stream crossing, walking trail and vehicle access road. Soccer activities will generally occur from August through December of each year with practice on weekday afternoons and games on Saturdays. As conditioned by the City, the east side of park (east of Lux Canyon Creek) will be closed during March 1st to June 30th of each year to allow for a rehabilitation period for the soccer fields and activity on the west side of the park during this time will be limited to passive recreation. In addition, should the endangered Least Bell's Vireo be identified as present on the site during the March 1st to June 30th period, the entire park will closed. The City's approval also prohibits the installation of lighting of the park or playing fields such that most use will occur during daylight hours.

The site is located on an undisturbed vacant parcel lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south. Lux Canyon Creek flows from north to south through the western portion of the lot. The western portion of the site is zoned rural residential (RR) and the east portion is zoned Ecological Resource/Open Space/Parks (ER/OS/PK). Public recreational uses are permitted within the RR zone upon issuance of a Major Use Permit.

Because the site is located between the first public road and San Elijo Lagoon, the development approved by the City lies within the Coastal Commission appeals jurisdiction. The standard of review is consistency with the certified City of Encinitas Local Coastal Program (LCP) and the public access and recreation policies of the Coastal Act. In addition, a small portion of the property located in the southeast corner lies within the Commission's area of original jurisdiction since it is an area identified as within Public Trust Lands (see Exhibit #4). This portion of the property contains Alkali marsh and Isocoma scrub which is being retained as open space and not directly impacted by development; although a proposed landscaped berm is proposed immediately adjacent to it. Since the Commission would have required this portion of the property to be

retained in open space as a condition of approval (if the recommendation had been for approval) and to ensure that the Commission reviews any development that may extend into the Commission's area of original jurisdiction, the subject application includes both the De Novo review (CDP A-6-ENC-00-86) and a regular coastal development permit request (CDP No. 6-00-54). However, the standard of review for the area within the Commission's area of original jurisdiction is Chapter 3 Policies of the Coastal Act, with the City's LCP used as guidance.

2. Wetlands/Buffers. The City's LCP includes several provisions pertaining to the protection of wetlands. The following are relevant to the subject development. Resource Management (RM) Policy 10.6 on Page RM-18/19 of the certified LUP states:

The City shall preserve and protect wetlands within the City's planning area. "Wetlands" shall be defined and delineated consistent with the definitions of the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, the Coastal Act and the Coastal Commission Regulations, as applicable, and shall include, but not be limited to, all lands which are transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. There shall be no net loss of wetland acreage or resource value as a result of land use or development, and the City's goal is to realize a net gain in acreage and value whenever possible.

Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

- a. Incidental public service projects.
- b. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- c. Restoration purposes.
- d. Nature study, aquaculture, or other similar resource dependent activities.

Identification of wetland acreage and resource value shall precede any consideration of use or development on sites where wetlands are present or suspected. With the exception of development for the primary purpose of the improvement of wetland resource value, all public and private use and development proposals which would intrude into, reduce the area of, or reduce the resource value of wetlands shall be subject to alternatives and mitigation analyses consistent with Federal E.P.A. 404(b)(1) findings and procedures under the U.S. Army Corps permit process. Practicable project and site development alternatives which involve no wetland

intrusion or impact shall be preferred over alternatives which involve intrusion or impact. Wetland mitigation, replacement or compensation shall not be used to offset impacts or intrusion avoidable through other practicable project or site development alternatives. When wetland intrusion or impact is unavoidable, replacement of the lost wetland shall be required through the creation of new wetland of the same type lost, at a ratio determined by regulatory agencies with authority over wetland resources, but in any case at a ratio of greater than one acre provided for each acre impacted so as to result in a net gain. Replacement of wetland on-site or adjacent, within the same wetland system, shall be given preference over replacement off-site or within a different system.

The City shall also control use and development in surrounding area of influence to wetlands with the application of buffer zones. At a minimum, 100-foot wide buffers shall be provided upland of salt-water wetlands, and 50-foot wide buffers shall be provided upland of riparian wetlands. Unless otherwise specified in this plan, use and development within buffer areas shall be limited to minor passive recreational uses with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area when feasible.

All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device.

Section 30.34.040(B)(3)(a) of the City's Implementation Plan contains similar language as above, limiting wetland fill to projects involving nature study, restoration, incidental public services and mineral extraction.

In addition, RM Policy 10.10 of the LUP is applicable and states, in part:

The City will encourage and cooperate with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and restoration of wetlands resources at San Elijo Lagoon (and where it applies, Batiquitos Lagoon) Escondido and Encinitas Creeks and their significant upstream feeder creeks, according to the following guidelines:

[...]

- Wildlife corridors between wetland shoreline and important upland areas and upstream riparian areas should be maintained and enhanced;
- Adequate buffer zones should be utilized when development occurs adjacent to the floodplain and sensitive habitat; 100 foot wide buffers should be provided adjacent to all identified wetlands, and 50 foot wide buffers should be provided adjacent to riparian areas. In some cases, smaller buffers may be appropriate,

when conditions of the site as demonstrated in a site specific biological survey, the nature of the proposed development, etc., show that a smaller buffer would provide adequate protection; and when the Department of Fish and Game has been consulted and their comments have been accorded great weight.

- [. . .]

In addition, Section 30.34.040(B)(3)(b) of the City's Implementation Plan is applicable:

In all areas, a buffer of 100 feet in width shall be maintained around all identified coastal lagoon wetland areas. A buffer of 100 feet in width shall be maintained around all other wetland areas, except riparian wetland areas which shall require a minimum 50 foot wide buffer, unless the applicant demonstrates that a buffer of lesser width will protect the resources of the wetland, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigations (such as planting of vegetation or construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the wetland. Maps and supplemental information submitted as part of the application shall be used to determine the specific boundaries of the wetland and buffer. The California Department of Fish and Game and the U.S. Fish and Wildlife Service, Army Corps or Engineers shall be consulted in such buffer determinations. (Ord. 97-17)

Finally, for those portions of the subject development request that may lie within the Commission's area of original jurisdiction, Section 30231 of the Coastal Act is applicable:

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.

The subject development site lies immediately adjacent to and north of San Elijo Lagoon, an environmentally sensitive habitat area and Regional Park that is managed jointly by the California Department of Fish and Game and the San Diego County Parks and Recreation Department. In addition, San Elijo Lagoon is one of the 19 priority wetlands listed by the State Department of Fish and Game for acquisition. The lagoon provides habitat for at least five State or Federal-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican and the western snowy plover. As such, the potential adverse impacts on sensitive resources as a result of activity in the lagoon could be significant. The subject

site contains a variety of environmentally sensitive habitat. The EIR prepared for the proposal identifies 3.23 acres of Isocoma Scrub, 1.97 acre of Alkali Marsh and 12.60 acre of ruderal habitat. In addition, Lux Canyon Creek, which runs north/south through the western portion of the development site, contains sensitive riparian habitat.

In addition to the proposed soccer fields and park facilities, the applicants propose to enhance and restore the riparian habitat within Lux Canyon Creek. The applicant's biology report prepared for the EIR (June 1998) describes Lux Canyon Creek as containing approximately .39 acre of southern willow scrub and approximately .67 acre of unvegetated channel. The applicant has recently performed a site inspection of the area and determined that "the portion of creek south of the water utility line, on the west side of the creek, that was previously mapped as unvegetated channel, has since recovered to young, high quality, southern willow scrub habitat with a freshwater marsh component." In addition, "[T]he previously unvegetated portion of the channel bottom located immediately north of the 30" water pipeline has since revegetated with a mix of non-native and native species." ("Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan", by Dudek and Associates, dated August 2000). Thus, Lux Canyon Creek through the subject property serves as a natural and expanding riparian corridor connecting to San Elijo Lagoon and the vacant property to the north.

As proposed, the subject development will avoid all direct wetland impacts and includes provisions for removal of exotics from within the existing riparian corridor, creating approximately 0.17 acre of new wetland habitat and restoring approximately 0.07 acre of southern willow scrub. The area proposed for the approximately .17 acre of wetlands creation is currently identified a "ruderal upland" by the applicant's biology report. In addition, the applicant proposes to protect the existing and proposed wetlands habitat areas by the use of a 50 foot-wide buffer on each side of Lux Canyon Creek to separate the proposed development from the wetlands resources. The buffer area which is described by the applicant's restoration and enhancement plan as containing "ruderal habitat" will be planted and seeded with coastal sage scrub and isocoma scrub species. Several picnic tables will be placed in the upper half of the buffer overlooking Lux Canyon Creek. In addition, the applicants are proposing the 50 foot-wide buffers and wetlands be further protected through the application of an open space deed restriction. The proposed 50 foot-wide buffer separating the proposed park development from Lux Canyon Creek and the proposed open space deed restriction are consistent with the requirements for wetlands protection outlined in RM Policy 10.6 and Section 30.34.040(B)(3)(b) of the City's Implementation Plan.

However, the applicant's proposal to reduce the required 100 foot-wide buffer adjacent to saltwater marsh is not consistent with the LCP. The east and southeast sides of the subject site contains approximately 2 acres of saltwater wetlands (alkali marsh) that extends from the northeast corner of the subject site south to the property line adjacent to San Elijo Lagoon. A recent vegetation survey performed by the applicant identifies that this saltwater wetlands generally ends at the property line (Memorandum to City of Encinitas from Dudek & Associates, dated September 12, 2000). In addition, it identifies

that the vegetation within the San Elijo Lagoon on this southeast corner consists of Isocoma Scrub with patches of disturbed wetlands and Alkali marsh. Although the RM Policy 10.6 of the LUP requires an 100 foot-wide buffer, the applicant is proposing an approximately 50 to 60 foot-wide, 6 foot-high manufactured landscaped berm upland of the saltwater wetlands. The natural buffer between the proposed development area and the saltwater wetlands ranges from 0 to approximately 80 feet. As a result, a total buffer (natural + manufactured) ranging from 50 to 150 feet will separate the proposed soccer fields from the saltwater wetlands. However, Section 30.34.040(B)(3)(b) of the IP requires that "a buffer of 100 feet in width shall be maintained around all identified coastal lagoon wetland areas", which in this case would apply to the wetlands surrounding San Elijo Lagoon. The LCP only allows for a reduced buffer in non-lagoon wetlands areas and only after it has been demonstrated, with consultation with the Resource agencies, that a lesser buffer would be protective of the resources.

In April 1998, the applicants met with representatives of the resource agencies including the Service, DFG, County of San Diego, San Elijo Lagoon Conservancy and Coastal Commission staff to discuss the proposed development including the need for adequate wetlands buffer. As a result of their consultation, the applicants designed an approximately 50 to 60 foot-wide, 6 foot-high manufactured landscaped berm upland of the saltwater wetlands located on the southeastern corner of the property. A portion of the berm will be placed immediately adjacent to the saltwater marsh and other portions will involve the removal of existing Isocoma scrub, an environmentally sensitive habitat (See Exhibit #3). The berm is proposed to be planted with alkali meadow and coastal sage scrub species. Therefore, the reduced saltwater wetlands buffer will be largely manufactured, not natural, and itself will remove existing native upland habitat (Isocoma scrub).

Buffer areas are very important surrounding wetland resources as they provide physical space between development and environmentally sensitive habitat contained in the wetlands. This intervening space acts as a distance barrier between human activity and the resource, as well as a transitional habitat area for species that use the area. It also functions as a percolating medium where the water from the adjacent development site is allowed an area to absorb into the ground. For these reasons, there is less of a chance that impacts from adjacent development (i.e., runoff and siltation associated with grading and site preparation, construction debris, debris generated by residential use, etc.) will result in adverse damage to the sensitive wetlands. In this particular case, the entire subject site currently serves as buffer between existing development and the environmentally sensitive habitat within San Elijo Lagoon Ecological Reserve and Regional Park. When the proposed soccer fields are in use, there will be large numbers of people in close proximity to the wetlands and it is likely that soccer balls will be kicked into this buffer/wetlands area with eventual retrieval attempts. Thus, a sufficient buffer is very important to protect the wetland resources. In addition, as designed, the proposed artificial berm/buffer will not serve to filter any polluted runoff that exits the soccer fields site before draining into the adjacent saltwater marsh. The site plan identifies that all runoff from the soccer fields east of Lux Canyon Creek will be directed toward drains

which are proposed under the proposed berm with drainage from the soccer fields, in some cases, directed into the adjacent alkali marsh. A minimum 100 foot-wide natural buffer would more effectively treat the runoff from the soccer fields before it drains into the saltwater marsh. The Commission's ecologist/wetlands coordinator has reviewed the proposed development and is concerned that the proposed buffer is not sufficient to protect the adjacent alkali marsh. Therefore, in this case, although designed in consultation with other resources agencies, the Commission finds the proposed buffer will not effectively protect the existing saltwater marsh.

As previously described, a portion of the subject development site is identified as potential Public Trust Lands and therefore lies within the Commission's area of original jurisdiction. This area contains the saltwater marsh (Alkali Marsh) which the artificial berm/buffer is proposed to protect. As previously described, the proposal also involves the placement of drains under the berm to allow for drainage of the proposed soccer fields and which would bypass the artificial berm. As cited above, one purpose of wetlands buffers is to absorb and treat polluted runoff before it enters environmentally sensitive habitat areas. Because the proposed development does not include a 100 foot-wide buffer surrounding the saltwater wetlands, an effective buffer to treat runoff is not provided. Therefore, the proposed development which may lie within the Commission's original jurisdiction is inconsistent with Section 30231 which requires the protection of "biological productivity and the quality of coastal waters, streams, wetlands, . . ." and which requires the maintenance of natural vegetative buffers.

In addition, the applicants have recently identified the presence of a small patch of saltwater marsh in the southwestern corner of the proposed development site (Memorandum to City of Encinitas from Dudek & Associates, dated September 12, 2000). At this location, the applicants are proposing a 50 foot wide natural buffer that is proposed to be enhanced with plantings of coastal sage scrub species. However, as previously described, the LCP requires that saltwater wetlands be protected with a 100 foot-wide buffer.

Alternatives to the proposed development that might accommodate the required 100 foot-wide buffer might include a public park with a fewer number of soccer fields, a park without soccer fields or residential development as planned for in the LCP.

In summary, the proposed development, while avoiding fill of wetlands, provides insufficient wetlands buffers to protect the saltwater marsh habitat complex of San Elijo Lagoon from the impacts of the proposed development. Therefore, the Commission finds that the proposed development is inconsistent with Section 30.34.040(B)(3)(b) of the City's Implementation Plan of the certified LCP and must be denied. In addition, development that lies within the area of the Commission's original jurisdiction is inconsistent with Section 30231 of the Coastal Act and must be denied.

3. Environmentally Sensitive Habitat Areas/Wildlife. Resource Management (RM)
Goal 10 of the certified LUP is applicable to the proposed development and states, in part:

The City will preserve the integrity, function, productivity, and long term viability of the environmentally sensitive habitats throughout the City, including . . . lagoons and their up-lands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats.

RM Policy 10.4 of the LUP states, in part:

The City will develop a program to acquire or preserve the entire undeveloped riparian corridor within the City that drains into the San Elijo Lagoon and Batiquitos Lagoon.

In addition, RM Policy 10.5 of the certified LUP states:

The City will control development design on Coastal Mixed Chaparral and Coastal Sage Scrub environmentally sensitive habitats by including all parcels containing concentrations of these habitats within the Special Study Overlay designation. The following guidelines will be used to evaluate projects for approval:

- conservation of as much existing contiguous area of Coastal Mixed Chaparral or Coastal Sage Scrub as feasible while protecting the remaining areas from highly impacting uses;
- minimize fragmentation or separation of existing contiguous natural areas;
- connection of existing natural areas with each other or other open space areas adjacent to maintain local wildlife movement corridors;
- maintenance of the broadest possible configuration of natural habitat area to aid dispersal of organisms within the habitat;
- where appropriate, based on community character and design, clustering of residential or other uses near the edges of the natural areas rather than dispersing such uses within the natural areas.
- where significant, yet isolated habitat areas exist, development shall be designed to preserve and protect them;
- conservation of the widest variety of physical and vegetational conditions on site to maintain the highest habitat diversity;.

- design of development, with adjacent uses given consideration, to maximize conformance with these guidelines, and;
- preservation of rare and endangered species on site rather than by transplantation off site.

In addition, all new development shall be designed to be consistent with multi-species and multi-habitat preservation goals and requirements as established in the Statewide Natural Communities Conservation Plan (NCCP) Act. Compliance with these goals shall be implemented in consultation with the United States Fish and Wildlife Service and California Department of Fish and Game.

In addition, as cited previously, RM Policy 10.9 of the certified LUP requires, in part, that the City protect San Elijo Lagoon and its adjacent uplands as "viable wetlands, ecosystems and habitat for resident and migratory wildlife, by prohibiting actions" that:

[...]

- adversely affect existing wildlife habitats.

In addition, RM Policy 10.10 is applicable and states, in part:

The City will encourage and cooperate with other responsible agencies to plan and implement an integrated management plan for the long-term conservation and wetlands resources at San Elijo Lagoon, (and where it applies Batiquitos Lagoon) Escondido and Encinitas Creeks and their significant upstream feeder creeks, according to the following guidelines:

[...]

- The plan should be implemented in phases so that discreet physical alterations can be performed as funds become available, and so that the effects of changes can be evaluated at each stage, and recognizing the experimental basis of wetland manipulations;
- Wildlife corridors between wetland shoreline and important upland areas and upstream riparian areas should be maintained and enhanced;

[...]

- Plans should attempt to optimize the habitat for species already known to use the wetlands, as well as certain "featured" species recognized as depleted, rare or endangered (California Least Tern, Belding's Savannah Sparrow, Snowy Plover, and other species recommended by wildlife management agencies) to the extent feasible;

[...]

Finally, for those portions of the subject development request that may lie within the Commission's area of original jurisdiction, Section 30240 of the Coastal Act is applicable:

(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.

As previously described, the subject 18.9 acre vacant site contains significant amounts of environmentally sensitive habitat and currently serves as natural buffer separating San Elijo Lagoon from the developed areas west and north of Manchester Avenue. As such, the site is designated as lying within the City's Special Study Overlay Area which subjects any development occurring therein to the specific requirements and constraints of RM Policy 10.5. However, in this particular case, the proposed development does not conform to these requirements.

In addition to the indirect impacts to the saltwater marsh as described above, the proposed development will result in the removal of approximately 1.9 acres of Isocoma scrub due to vegetation clearing and grading in order to construct the proposed park, soccer fields and artificial wetland berm/buffer. The EIR for the subject site documents the presence of approximately 3.23 acres of Isocoma scrub such that the proposed development will represent the take of more than half of the existing habitat. Isocoma scrub, a variant of Coastal Sage Scrub, is identified by the Department of Fish and Game (DFG) as California gnatcatcher foraging habitat. The California gnatcatcher is a Federally listed endangered species. The DFG has also identified that a pair of gnatcatchers have been observed on the site for several years. Because of these impacts, the City has applied for a 4(d) Habitat Loss Permit (HLP) from the U.S. Fish and Wildlife Service (FWS) and the DFG. The Service and DFG have concurred with the need for a HLP and prepared a letter documenting the requirements and conditions of any subsequent 4(d) HLP (Letter from FWS and DFG to City of Encinitas, dated February 16, 2000). These Resource Agencies require that the proposed impact to 1.9 acres of Isocoma scrub be mitigated at a rate of 2:1 for a total mitigation of 3.8 acres. Mitigation will be provided by 1.34 acre of onsite preservation and 2.46 acre of offsite purchase at a location to be approved of by DFG and FWS. In addition, vegetation-clearing in and adjacent to the Isocoma scrub is prohibited from February 15th through August 30th the breeding season for the California gnatcatcher.

RM Policy 10.5 requires that development of areas within the Special Study Overlay be designed in ways to minimize impacts. As cited above, RM Policy 10.5 requires the conservation of existing contiguous natural areas, that development be clustered away from natural areas, the preservation of isolated habitat areas, conservation of widest variety of habitat diversity and preservation of rare and endangered species. However, in this case, rather than conserve the site's resources, the proposed development will remove more than half the of the sites Isocoma scrub in order to construct a parking lot, soccer fields and an artificial wetlands berm/buffer. In addition, the development has not been clustered to avoid impacts and will result in the loss of the endangered California gnatcatcher habitat. In contrast, under its existing Rural Residential designation, clustered residential development could be designed for the site in such a way to preserve the natural sensitive resources and avoid the significant impacts that would occur under the subject development proposal. Other alternatives might include a park with fewer soccer fields or a park without soccer fields. Therefore, the proposed development is inconsistent with RM Policy 10.5 of the LCP.

In addition to the above, RM Policy 10.10 of the LCP requires that the City implement an integrated management plan for the long-term conservation and restoration of wetlands resources at San Elijo Lagoon including "significant upstream feeder creeks." It also requires that upland areas be maintained and enhanced and that endangered species be protected. The subject development site and an adjacent northern lot are designated as Rural Residential (and small portion zoned Ecological Resource/Open Space/Park). This designation was assigned to these properties as part of the LCP primarily to ensure that intense levels of development did not occur in close proximity to San Elijo Lagoon. However, through the Major Use Permit (MUP) process, the City has approved development on the subject site and the approximately 20 acre site to its north that are substantially more intense than rural residential development planned for the site with the LCP. RM Policy 10.10 requires that the City develop an "integrated management plan" for these upland properties in order to protect the resources of San Elijo Lagoon. However, in this case the City has not designed an integrated management plan for the subject property or for its northern adjacent neighbor. Instead the City reviewed these two upland lots independent from their ecological connectivity. In the case of the approximately 20 acre parcel located north of the subject site, the City approved development of an approximately 42,144 sq. ft. private K-12 secondary school in place of approximately 10 homes (The Commission subsequently denied the proposed school project as an appealable decision. Subsequent litigation has resulted in a stay of that action until resolution of the litigation). In the subject case, the City approved three soccer fields and park facilities in place of approximately nine residences. Each of these approvals represents development that is approximately seven times more intense than would be permitted by their underlying zoning. Therefore, the proposed development is inconsistent with RM Policy 10.10 which requires the City to maintain and enhance the upland areas as part of an overall lagoon management plan.

A small portion of the subject site located on the east and southeast side of the site lies within the Commission's area of original jurisdiction. According to the EIR, this portion

of the site is completely occupied by either saltwater wetlands or Isocoma scrub habitat. Any development which would occur within the Commission's area of original jurisdiction would therefore involve a direct impact to environmentally sensitive or native habitat. Since adequate areas for development exist on other portions of the 18.9 acre site, all impacts within the Commission's original jurisdiction should be avoided with adequate buffers installed to protect the sensitive resources. Therefore, if any development should occur within this area it would be inconsistent with Section 30240 of the Coastal Act and must be denied.

In summary, the proposed development will result in significant impacts to environmentally sensitive resources which could be lessened or avoided if the site were developed with residential homes as contemplated by the LCP. The proposal has not been designed to avoid impacts and conserve natural areas, has not been developed as part of an integrated management plan for the upland areas surrounding San Elijo Lagoon and will result in the loss of significant habitat area for the endangered California gnatcatcher. Therefore, the proposed development is inconsistent with RM Policy 10.5, 10.9 and 10.10 of the certified LCP and must be denied.

4. Protection of Viewsheds. The subject site is located within designated view corridors/viewsheds in the certified LCP. RM Policy 4.6 of the LCP requires that:

The City will maintain and enhance the scenic highway/visual corridor viewsheds.

In addition, RM Policy 4.7 of the LCP requires:

The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

- [...]
- Manchester Avenue from San Elijo Ave. to Encinitas Blvd.
- [...]

In addition, RM Policy 4.9 states, in part:

It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

[...]

- Building and vegetation setbacks, scenic easements, height and bulk restrictions should be used to maintain existing view and vistas from the roadway.

[...]

- Where possible, development . . . shall leave lagoon areas and floodplains open, and shall be sited to provide unobstructed view corridors from the nearest scenic highway.

For that portion of the project that may lie within the Commission's original jurisdiction, the following Section 30251 of the Coastal Act is applicable. Section 30251 states, in part:

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...

The project site is located on the both the east and south sides of Manchester Avenue, a designated scenic highway and is, therefore, located within the Scenic View Corridor. Based on a review of the project's various elements, it does not appear that public views of the lagoon will be blocked by the development. Soccer fields and wetlands buffers (that may extend up to six feet in height) may be visible from the south side of Manchester Avenue, east of its intersection with El Camino Real, Manchester Avenue at this location is at a higher elevation than the project site and the project site itself slopes gently downward from Manchester Avenue. However, existing natural open space views across the site will be altered with the installation of the park facilities and use by soccer players and spectators. In addition, views of the lagoon from Manchester Avenue south of its intersection with El Camino Real will not be blocked by development. The only structure of height proposed is a restroom facility which will be placed on the west side of Lux Canyon Creek in an area that contains vegetation that is generally higher than the proposed restroom facility. Although existing natural open space views will be significantly altered, the proposed development will not block existing views and has been designed to conform to the design criteria as cited in the LCP. The Commission, therefore, finds the proposed development to be consistent with RM Policy 4.6, 4.7 and 4.9 of the City's Certified LCP. In addition, based on the information provided by the applicant, no portion of the proposed development that may occur within the Commission's area of original jurisdiction has been identified to have adverse visual impacts to the existing view corridor. Therefore, the proposed development within the Commission's area of original jurisdiction is consistent with Section 30251 of the Coastal Act.

5. Intensity of Development/Traffic Impacts. The certified City of Encinitas Local Coastal Program (LCP) designates the majority of the subject site as Rural Residential. On Page LU-33, the certified LUP summarizes the intent of this plan designation, in part:

This category will permit the development of single-family homes on large lots ranging in size from 2 to 8 acres....Lower density development provided for in this category is important so that sensitive areas of the City can be preserved, as well as ensuring that areas subject to environmental constraints are developed in a safe and rational manner. The actual density of development will depend on local topography and other development constraints or significant resources that might be present.

In addition, Goal 1 of the Circulation Policy of the certified LUP states the following:

Encinitas should have a transportation system that is safe, convenient and efficient, and sensitive to and compatible with surrounding community character.

Additionally, Circulation Policy 2.22 of the certified LUP is applicable and states, in part:

To avoid impacts of the expansion and improvement of Manchester Avenue on the San Elijo Lagoon and its environmental resources, right-of-way dedication and widening shall occur to the north, away from the lagoon, rather than toward the lagoon; and the use of fill shall be prohibited....

In addition, if any portion of the subject development should be sited within the Commission's area of original jurisdiction, Section 30250 of the Coastal Act would apply. Section 30250 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.

The proposed development involves the construction of three soccer fields, a 137 spaced parking lot and other park facilities. The Major Use Permit (MUP) approved by the City restricts the use of the park to specific periods of the year. The soccer fields and park facilities located on the east side of Lux Canyon Creek will be closed during the months of March 1st to June 30th of each year to allow for rehabilitation of the playing fields. It is anticipated that most use of the park will occur during the soccer season which has been identified to be August through December. Games are proposed to occur all day on Saturdays with practices occurring on weekdays from 3:30 p.m. to 8:00 p.m. However, nothing would preclude soccer games or other sporting events being played at any time during the workweek although nighttime play would be limited by the availability of natural light since lighting of the park has been prohibited by the City's action.

The subject EIR indicates that the majority of traffic generated by the soccer fields/park will occur on Saturdays when it is anticipated that all fields will be utilized throughout the day with players, coaches and spectators. However, the predicted amount of traffic will be spread throughout the day and will occur on a day that does not have peak traffic concerns relating to commuter traffic on Manchester Avenue. Although the level of traffic is anticipated to be somewhat less during weekdays, its impact is likely to have significantly more adverse effects because it will be concentrated during evening peak traffic times. The EIR identifies that two periods of soccer practice will occur on weeknights. The first practice will occur from 3:30 p.m. to 5:30 p.m. and the second from 6:00 p.m. to 8:00 p.m. Based on its assumption of 25 players/coaches per practice team and two practice sessions for each of the three fields, it is assumed that 300 people will access the park during this period. During the transition between practices at approximately 5:30 p.m. to 6:00 p.m., the EIR estimates that a total of approximately 200 vehicles will access or leave the park's parking lot. Since this time is also a peak traffic period for Manchester Avenue, the proposed development will have a far greater impact on traffic than would the development of nine residential homes on the site.

However, in addition to the number of cars entering and exiting during the evening's peak traffic, the proposed ingress and egress of the proposed parking lot will further intensify the adverse effect on traffic. Access to the park complex parking lot will be via a right turn in/right turn out driveway. Southbound motorists from Manchester Avenue to the project site will need to make a U-turn at the Manchester/MiraCosta College intersection approximately $\frac{3}{4}$ mile southwest of the project site in order to enter the site. Alternatively, motorists leaving the project site who wish to access the Interstate 5 onramp located southwest of the project site will need to make a U-turn at the Manchester Avenue/El Camino Real intersection located approximately 400 to 500 feet north of the site's proposed driveway. All of these U-turns and attempts to reach the U-turn lanes will occur at the height of peak traffic.

The proposed approximately 18.9 acre development site is primarily zoned Rural Residential with a split density allowance of 0.26 - 0.50 du/ac and 0.00 - .25 du/ac. The majority of the site has a density designation of 0.26 - 0.50 du/ac. A small eastern portion of the site is designated Ecological Resource/Open Space/Parks. The Final EIR for the subject property identifies that the alternative residential development of the site would result in seven to nine residential units. The three soccer fields approved by the City represents a significant increase of development intensity over that which would occur with residential development, especially considering the estimated 780 ADT's that the EIR estimates would result from the subject development as opposed to the traffic generation of seven to nine residences which is estimated to be 70 to 90 ADT's. The intensity of the proposed development is of particular concern since the site contains environmentally sensitive habitat, including a riparian corridor, and currently functions as a natural buffer separating the ecological resources of San Elijo Lagoon from the developed areas west and north of Manchester Avenue. The Rural Residential designation of the subject site was assigned to the property "so that sensitive areas of the

City can be preserved, as well as ensuring that areas subject to environmental constraints are developed in a safe and rational manner." (Page 33 of the City's Land Use Plan). In addition, as previously cited and discussed, RM Policies 10.6, 10.9 and 10.10 of the LCP emphasize the unique character of upland properties and habitats such that their development should be limited.

Additional alternatives to the proposed development which would involve less intense use of the site might include a park with fewer soccer fields or a park that is limited to uses that do not conflict with peak traffic periods. In addition, since soccer fields are not a coastal dependent use, the proposed development could be sited in other areas of Encinitas with less or no impacts to coastal resources.

In addition, Circulation Policy 2.22 of the certified LUP prohibits the southward of expansion of Manchester Avenue toward the lagoon. However, the cumulative impact of this and surrounding existing and proposed developments raises concern relating to the potential need to widen Manchester Avenue in the direction of San Elijo Lagoon. In review of the City's LCP, the Commission approved various circulation element roads. The capacity of the roads and proposed necessary widths were derived from projected buildout of the City based on approved densities of development. However, through the major use permit process, a number of developments have been approved by the City in the area along the Manchester Avenue/El Camino Real corridor that includes far greater intensity of development than what is planned for in the certified LCP. The City's MUP process has allowed several churches, schools, medical and other institutional uses in rural residential areas along the Manchester/El Camino Real corridor. In 1998, the City approved (and the Commission subsequently denied) a request to construct an approximately 42,144 sq. ft. private school facility on the northern adjacent lot which would have generated approximately seven times the traffic of its underlying Rural Residential zoning (A-6-ENC-98-158/Encinitas Country Day School). Currently, the City is reviewing a request to construct a school west of the Manchester Avenue/El Camino Real intersection on property designated as Rural Residential. As a result, over time, the City's intensification of development along this corridor is generating far more traffic trips than what was planned for in the LCP. The concern is that cumulatively, this will result in far greater traffic on Manchester Avenue than was planned for and, thereby, the need to widen the road and interchange. Because widening in some areas cannot occur to the north, any potential widening of the road and interchange would be toward San Elijo Lagoon. The environmental analysis and the City's approval of the development failed to address this concern.

The concern here is less one of public access to the beach (as the site is somewhat removed from the coastline), but one of protection of the environmentally sensitive resources of San Elijo Lagoon. Manchester Avenue and the I-5 interchange west of the subject site lie directly adjacent to San Elijo Lagoon and are currently constrained as to how they can be expanded in the future. The City's LCP requires any expansions to occur to the north, away from lagoon resources. However, northward expansion is limited by the amount of available space north of the interchange, which is minimal. As

such, if the City approves new development at a higher intensity than what is contemplated, it will reach the point where a northward expansion is insufficient to accommodate traffic. This will trigger demands for southward expansion into the lagoon, which would involve impacts to wetlands and be inconsistent with the LCP and the Coastal Act. Thus, development that will result in traffic that cannot be accommodated by northward expansion of the interchange is inconsistent with the LCP. The proposed development will impact traffic at the interchange but whether it will result cumulatively in traffic that cannot be accommodated with northward expansion is unclear because the City failed to assess the impacts of the proposed development on the interchange.

In addition, if the proposed development extends into the Commission's area of original jurisdiction, the proposed intense development of the subject site would be inconsistent with Section 30250 of the Coastal Act which requires concentration of development to not have individual or cumulative adverse impacts on coastal resources. In this case, the proposed development could lead to demands to widen Manchester Avenue toward the lagoon. Such intense development within the Commission's area of original jurisdiction would be inconsistent with Section 30250 and must be denied.

In summary, the proposed development is inconsistent with LCP provisions in that the proposed intensity of development will result in far greater traffic on Manchester Avenue than that called for in the LCP and cumulatively may result in the need to widen Manchester Avenue and the I-5 interchange to the south, into San Elijo Lagoon. Therefore, the Commission finds that the proposed development is inconsistent with Circulation Policy 2.22 of the LCP and must be denied.

6. Alteration of Stream. The proposed development includes the partial widening of Lux Canyon Creek and construction of bank protection. Land Use (LU) Policy 8.2 of the LUP limits channelizations or substantial alteration of streams:

Development within coastal and floodplain areas identified in the Land Use and Resource Management Elements must be limited, designed to minimize hazards associated with development in these areas, and to preserve area resources. Within the floodway, channelizations, dams, or other substantial alterations or rivers or streams shall incorporate the best mitigation measures feasible, and be limited to necessary water supply projects, flood control projects where no feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, and other development where the primary function is the improvement of fish and wildlife habitat. . . .

The above cited LCP policy is derived from Section 30236 of the Coastal Act which states:

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary

water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

While the primary purpose of the proposed project is the development of a soccer field/park complex, the applicants also propose to restore and enhance the wetlands resources of Lux Canyon Creek which is located on site. As part of the restoration work, the applicant proposes to widen Lux Canyon Creek on the west side for approximately 225 feet in order to create approximately .17 acres of new wetlands to be planted with Southern Willow scrub. In addition, the proposed stream widening "will help ensure the long-term survival of the landmark Torrey pine tree located on the east side of the creek." (Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan, by Dudek & Associates, dated August 2000). The applicant also proposes to stabilize the banks of Lux Canyon Creek in the area adjacent to the stream widening on the west side of the creek for approximately 50 feet and approximately 225 feet on the east side of the creek through the installation of 8 to 24 inch diameter stone. The armored slope will be back-filled and planted with native riparian species. The stated purpose of the bank stabilization effort (on both sides of the creek) is to protect the large mature Torrey Pine tree located on the east side of the creek. The Torrey Pine Tree has not been identified as currently threatened but the applicant is concerned that over time that the highly erodible banks adjacent to the tree will threaten its survival.

The proposed widening of Lux Canyon Creek and bank stabilization effort is part of the applicant's proposed wetlands restoration plan and has not been identified as a necessary component of, or required mitigation for, the proposed soccer fields, pedestrian path or other park facilities. However, a successful wetlands restoration and enhancement plan could prove successful for the subject site without the proposed stabilization through installation of armoring stone proposed within Lux Canyon Creek.

As cited above, Land Use (LU) Policy 8.2 limits the alteration of rivers and streams to four prescribed uses: water supply projects, flood control projects that protect existing development, or fish and wildlife improvement projects. In addition, it requires that any such alteration be designed to minimize hazards and that any adverse impacts be mitigated. The applicant's proposal to alter the stream through creation of approximately .17 acre of wetlands habitat is consistent with RM Policy 8.2 which permits fish and wildlife improvement projects. However, in this case, the applicant has not performed the necessary analysis to evaluate the effect of the proposed stream widening on the hydrology of the creek. Without a project specific hydrological analysis the Commission is unable to evaluate any potential adverse impact from the stream widening. In addition, it is not clear why it is necessary to construct bank stabilization devices, i.e. armor stone, along the sides of the creek. The applicant's wetlands enhancement plan indicates that the stream widening will divert erosive flows from the banks adjacent to the Torrey Pine tree. It is not clear why it is also necessary to construct approximately 225 feet of

armoring on the east side of the creek and 50 feet along the west side. Since the existing Torrey Pine tree does not currently appear to be threatened and because the proposed stream widening (which will include wetlands vegetation) should divert flows from the eastern banks, the proposal to stabilize the banks seems unnecessary or, at least, premature. In addition, the proposed armoring is not necessary to protect existing development since the site is vacant. In addition, the Commission's engineer has reviewed the applicant's proposal to install bank improvements and has concluded that an alternative might involve grading and vegetation of the western 50 feet of bank. However, since the applicant has not performed the necessary hydrological analysis, the impacts of the proposed restoration/stabilization plan cannot be determined. Additionally, alternatives have not been adequately examined to lessen the need to stabilize the banks adjacent to the Torrey Pine tree. Without a detailed hydrological analysis, the Commission is unable to adequately analyze impacts of the proposal.

In summary, the proposed development involving the widening of Lux Canyon Creek has been designed without a detailed hydrological analysis such that its potential adverse impacts to downstream resources cannot be adequately evaluated. In addition, the proposed bank stabilization does not appear to be necessary. Therefore, the Commission finds the proposed development is inconsistent with LU Policy 8.2 of the City's Certified LCP.

7. Grading/Runoff Control. The subject 20 acre site is directly upland of San Elijo Lagoon and Lux Canyon Creek, which flows directly into the lagoon, bisects the site from north to south. In addition, the site is located within the Special Study Overlay area identified in the certified LUP. This overlay area is applied to areas of the City that may contain sensitive resources and is used to preserve environmentally significant areas through the provision of more stringent development standards. According to the EIR, grading for the project will consist of approximately 14,000 cubic yards of cut and approximately 35,000 cubic yards of fill. Due to the proximity of the site to San Elijo Lagoon and the proposed substantial amount of site grading, the proposed development has the potential to adversely impact downstream sensitive resources.

Resource Management Policy 14.5 of the certified Land Use Plan pertains to the subject development and states:

To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1 – April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be

allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period.

For that portion of the project that may lie within the Commission's original jurisdiction, the following Section 30253 of the Coastal Act are applicable, which states in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (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.

In addition, Section 30231 of the Act is applicable:

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

While the proposed development does include plans to address sedimentation for the project once constructed, because of the proximity of the development to San Elijo Lagoon and its sensitive resources, the Commission is also concerned with runoff/sedimentation during the construction phase of the project. Runoff from an unvegetated graded site located adjacent to coastal waters can lead to significant sediment which can affect water quality and sensitive habitat. Engineering Condition EG10 of the City's MUP for the subject development allows for grading of the site during the rainy season of October 1 to April 15 if detailed protective erosion control devices can be installed to protect adjoining properties from erosion, flooding or sediment. However, the City's condition to allow grading during the rainy season is inconsistent with RM Policy 14.5 since the subject site is immediately upland of a FEMA designated floodplain (San Elijo Lagoon). The Commission has historically not allowed grading to occur during the rainy season on upland areas adjacent to San Elijo Lagoon since these properties experience the highest level of accumulated runoff from the surrounding watershed and, therefore, pose the greatest risk of erosion and sediment impacts to the lagoon. (see CDP Nos. 6-81-292/Greek Orthodox Church, 6-83-314/Manchester Estates, 6-84-578/Mira Costa College, 6-87-671/Caltrans (I-5 offramp) and 6-98-15/Manchester Road Widening). Therefore, as approved by the City, the proposed development allows

for grading during the rainy season which is inconsistent with RM Policy 14.5 of the LCP and must be denied.

In addition, the proposed berm/buffer is proposed to be constructed immediately adjacent to the Commission's area of original jurisdiction which contains saltwater marsh. Because of the close proximity to the Commission's jurisdiction, grading and construction activity associated with the berm that occurs during the rainy season could have significant adverse impacts to the saltwater marsh which lies within the Commission's original jurisdiction. In addition, if any grading or berm development should occur within the Commission's original jurisdiction, especially during the rainy season, such development would be inconsistent with Sections 30253 of the Coastal Act, which requires that new development "neither create or contribute significantly to erosion and Section 30231 which requires that wetlands be protected through the control of runoff and have adequate buffers. Thus, such proposed development in the Commission's area of original jurisdiction is inconsistent with the Coastal Act and must be denied.

8. Public Access. The project site is located on the south side of Manchester Avenue, just east of El Camino Real. Manchester Avenue in this location is designated as the first public roadway. As the proposed development will occur between the first public roadway and the sea (San Elijo Lagoon in this case), pursuant to Section 30.80.090 of the City's LCP, a public access finding must be made that such development is in conformity with the public access and public recreation policies of the Coastal Act.

While the proposed development is located well inland of the coast, public access and recreational opportunities, in the form of hiking, do exist in the area, providing access into San Elijo Lagoon Ecological Reserve and Regional Park. However, there are currently no such trails existing or planned on the subject site and the proposed development will not impede access to the lagoon over that which currently exists. In addition, the proposed development has been designed to accommodate all of its estimated parking demand onsite. The EIR estimates that parking demand during weekday practice to be approximately 117 spaces and Saturday game demand to be approximately 137 spaces. The subject development proposal includes the installation of a 137 spaced decomposed granite parking to serve this demand. Therefore, the proposed development would have no adverse impacts on public access opportunities, consistent with the public access policies of the LCP and the Coastal Act.

9. 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. In this case, as conditioned, such a finding can be made.

The City of Encinitas received approval of its LCP in November of 1994 and began issuing coastal development permits on May 15, 1995. The City of Encinitas Planning Commission approved the subject development on March 23, 2000. The local decision

was appealed to the City Council on March 24, 2000. On June 6, 2000, the City Council re-affirmed the Planning Commission decision. Because the development is located within the sea (San Elijo Lagoon) and the first coastal roadway, it falls within the Commission's appeals jurisdiction. On June 27, 2000, the development approval was appealed to the Coastal Commission. The standard of review are the policies and ordinances of the certified LCP and the public access and recreation policies of the Coastal Act.

The subject site is zoned and planned for rural residential development in the City's certified LCP. The proposed development is not consistent with the rural residential zone and plan designation, although a public park is a permitted use subject to approval of a major use permit.

As noted previously, the proposed development is inconsistent with several policies of the City's certified LCP. Because an insufficient traffic analysis was performed, the Commission is unable to determine the cumulative effective the proposed development may have on the Manchester Avenue/I-5 interchange. In addition, the proposed impacts to environmentally sensitive habitats and the reduced and artificial buffer surrounding saltwater marsh are inconsistent with the City's LCP. As such, the Commission finds that the proposed development must be denied.

10. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit 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 effect which the activity may have on the environment.

As stated previously, the development as proposed would result in impacts to environmentally sensitive habitat areas. In addition, there are feasible alternatives to the proposed development which would lessen its adverse effect. These feasible alternatives include reducing the number of soccer fields, a park that does not include soccer or other ball fields, and development of the site with single-family clustered residences, each of which would substantially reduce traffic generation and its associated impacts. These alternatives would lessen the cumulative potential for expansion of the Manchester Avenue and the I-5 interchange into San Elijo Lagoon and reduce any impacts to environmentally sensitive habitat that may be associated with a development of the scale proposed in this sensitive location. In addition, the proposed development is not the least environmentally damaging alternative and cannot be found consistent with the requirements of the City of Encinitas LCP, nor with the requirements of the Coastal Act to conform to CEQA. Thus, the proposed project must be denied.

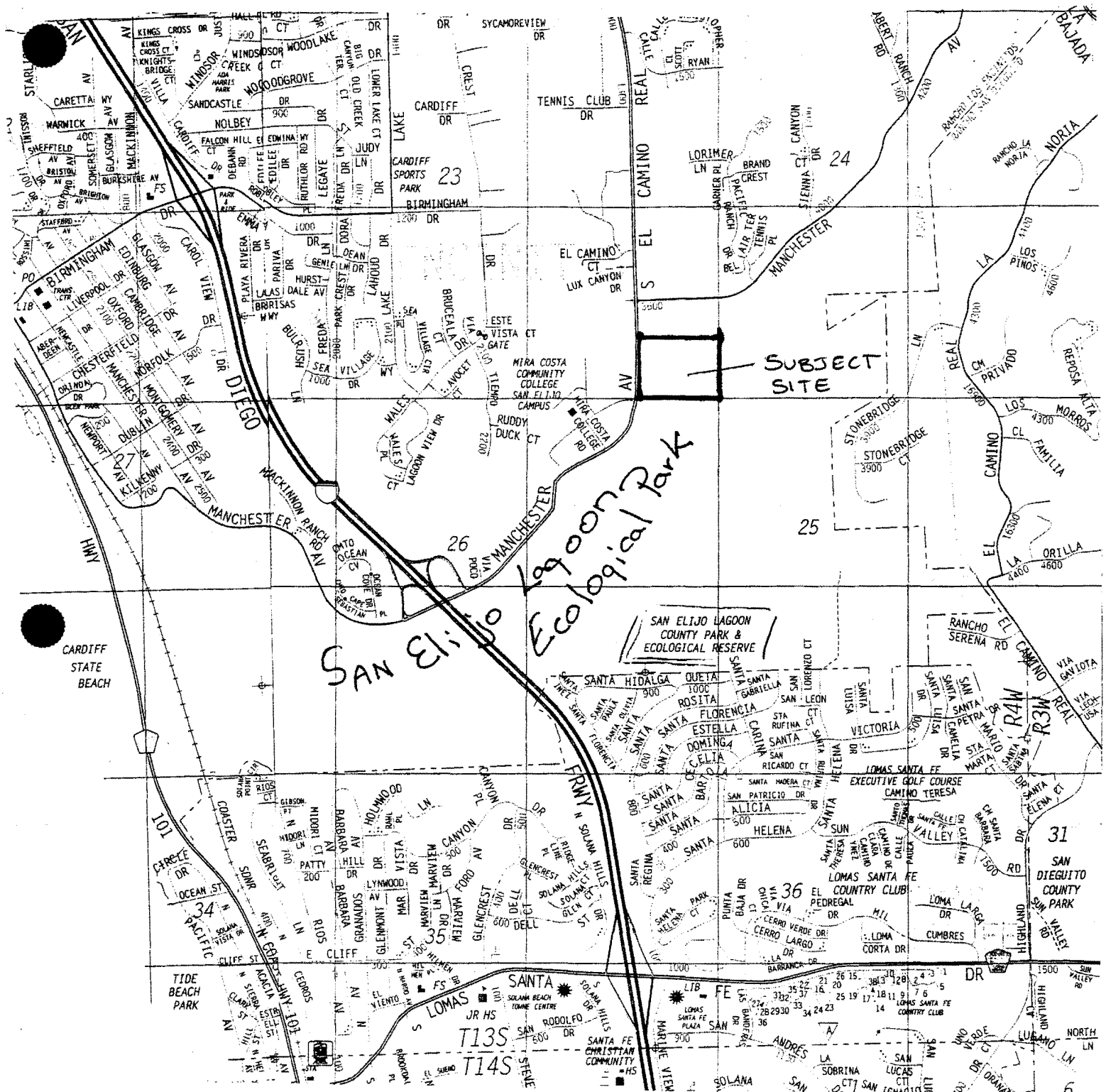


EXHIBIT NO. 1
APPLICATION NO.
A-6-ENC-00-86
Location Map

California Coastal Commission

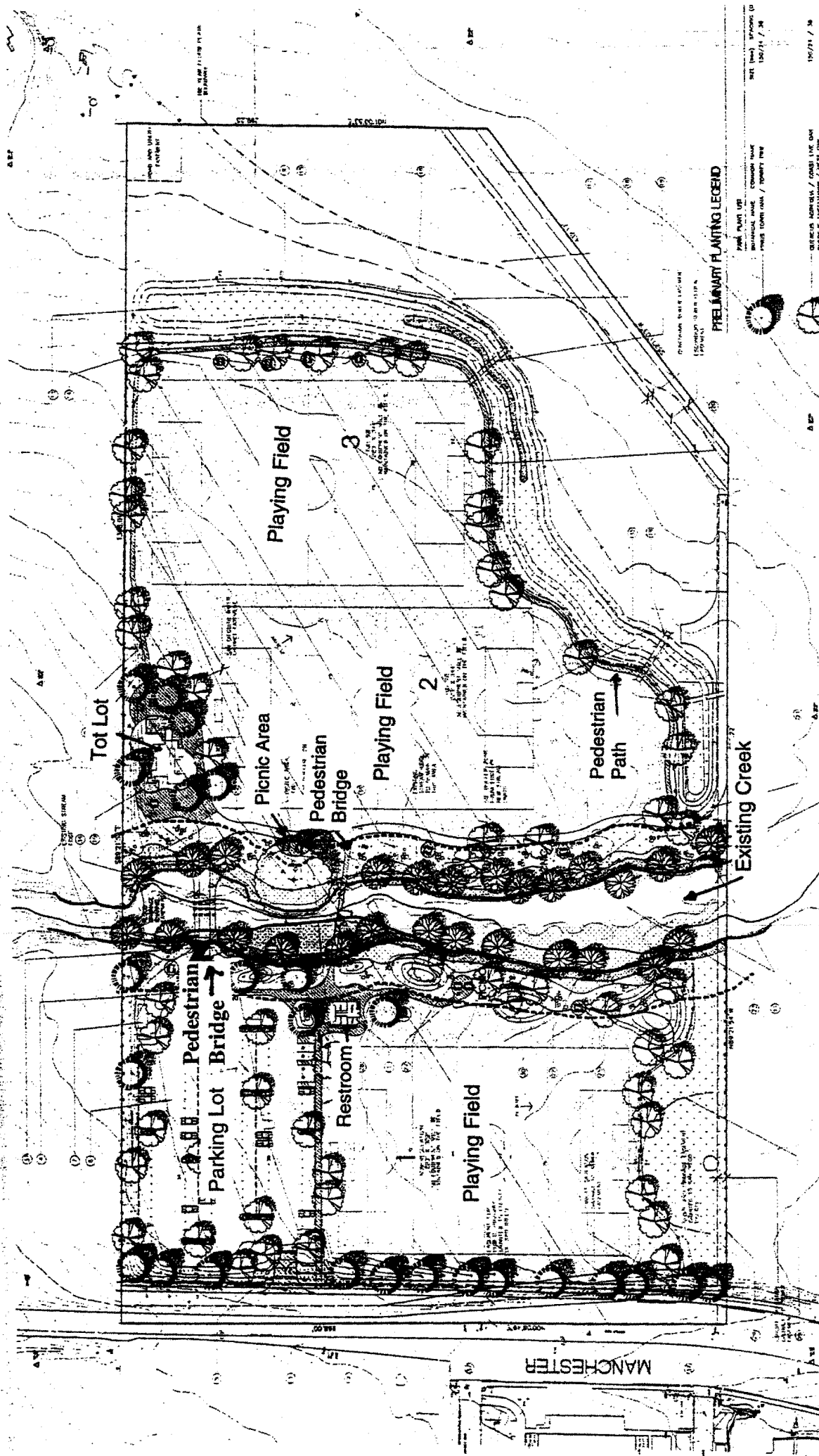


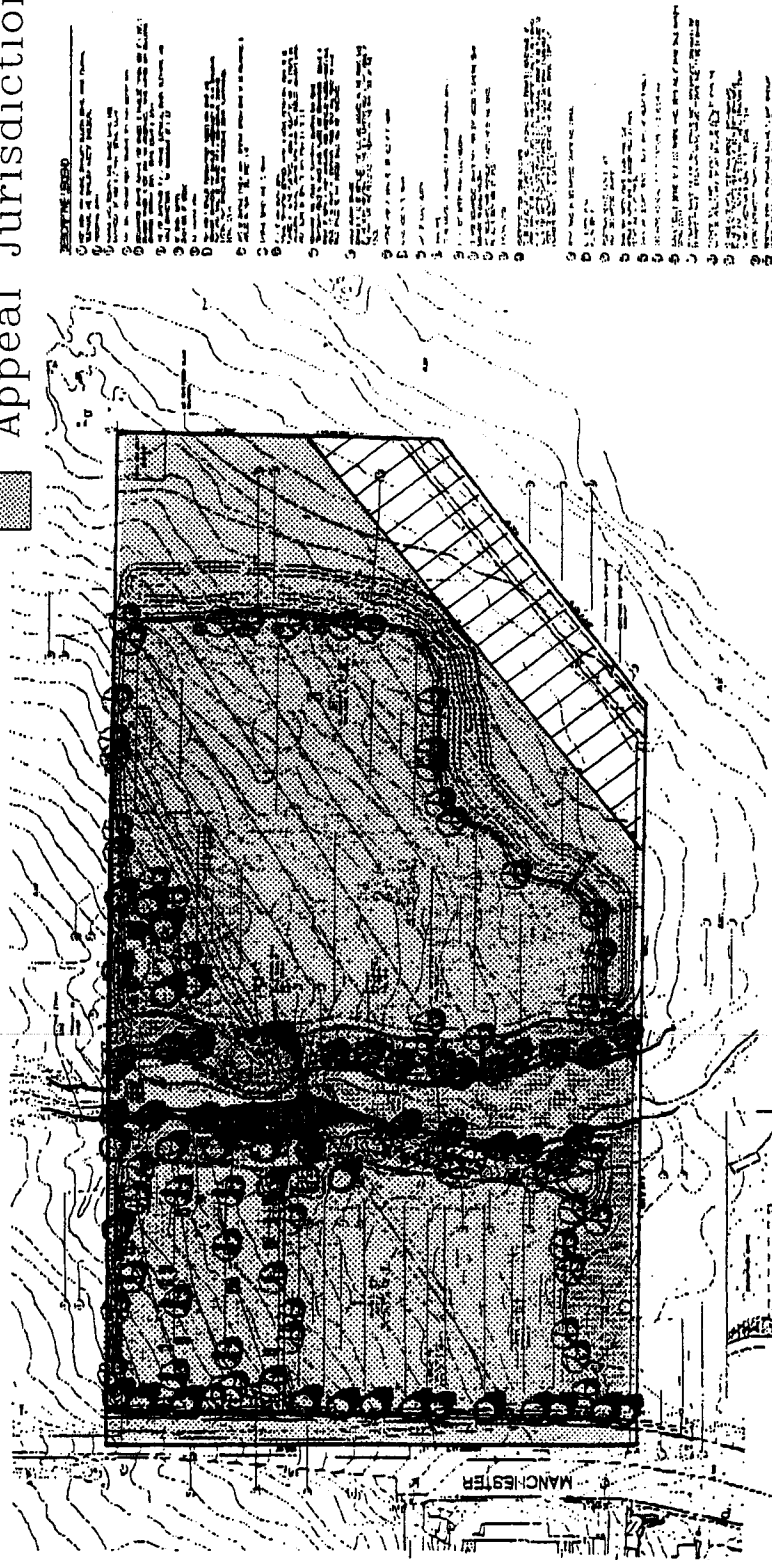


EXHIBIT NO. 2
APPLICATION NO. **A-6-ENC-00-86**
Original Site Plan

California Coastal Commission

BD 26-96
APNs 262-073-03 and 25

| Permit Jurisdiction | Appeal Jurisdiction |
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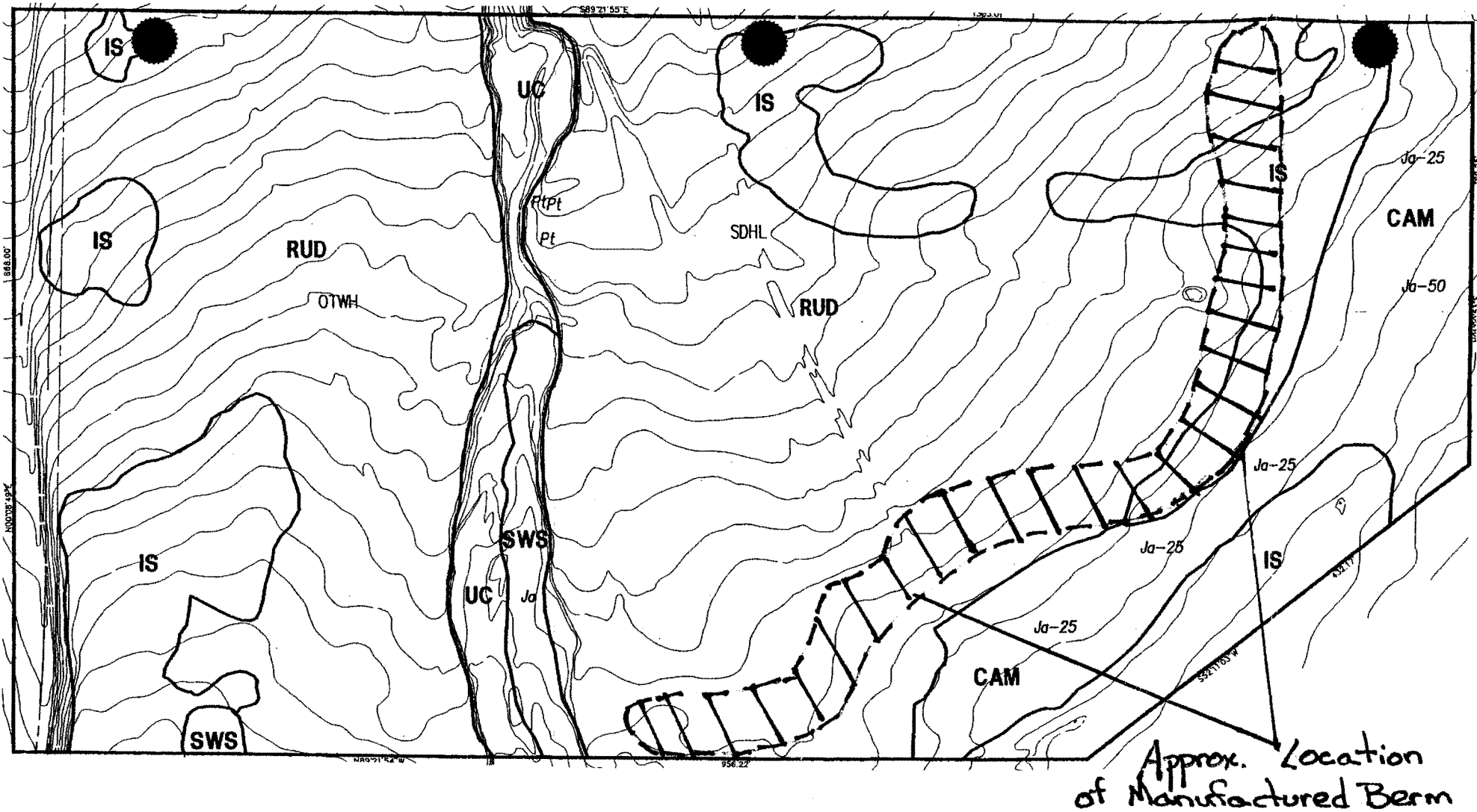
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WATER PARK
is, California

EXHIBIT NO. 4
APPLICATION NO.
A-6-ENC-00-86
and 6-00-54
Map Identifying
Permit Jurisdiction
("Original
Jurisdiction") and
Appeal Jurisdiction

 California Coastal Commission

Sheet L-1



SENSITIVE PLANT SPECIES:

Ja *Juncus acutus*
Pt *Pinus torreyana* (Torrey Pine)

NOTE: Numbers indicate individual plant counts at that location.

SENSITIVE ANIMAL SPECIES:

OTWH orange-throated whiptail
SDHL San Diego horned lizard

VEGETATION TYPES:

SWS Southern Willow Scrub
CAM Cismontane Alkali Marsh
UC Unvegetated Channel

RUD Ruderal
IS Isocoma Scrub

| | |
|---|-----------------|
| California Coastal Commission | EXHIBIT NO. 5 |
| | APPLICATION NO. |
| | A-6-ENC-00-86 |
| | and 6-00-54 |
| Proposed Berm Plotted on Vegetation Survey Map [Map was extracted from EIR] | |

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Christine Kehoe
Mailing Address: City of San Diego
202 C Street
Phone Number: San Diego, Ca 92101

RECEIVED

JUN 27 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: Encinitas
2. Brief description of development being appealed: Construction of a public park that includes three soccer playing fields, parking lot/drop off are, picnic areas, a playground, restroom, two streams crossings, walking trail and vehicle access road involving impacts to approximately 1.9 acres of gnatcatcher habitat (Isocoma Scrub), approximately .02-.04 acre of riparian wetlands and approximately 250 sq. ft. of saltwater marsh on two vacant parcels totalling approximately 18.9 acre site.
3. Development's location (street address, assessor's parcel no., cross street, etc.):
On an undisturbed 18.9 acre vacant site lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south. APN's: 262-073-03 & 25
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-6-ENC-00-86DATE FILED: 6/27/00DISTRICT: San Diego

| |
|-------------------------------|
| EXHIBIT NO. 6 |
| APPLICATION NO. |
| A-6-ENC-00-86 |
| Commission Appeal |
| Page 1 of 10 |
| California Coastal Commission |

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of
Supervisors

d. ☐ Other

Date of local government's decision: June 6, 2000

Local government's file number (if any): 96-127 MUP/CDP/EIA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Community Services Department
City of Encintas
505 S. Vulcan Avenue
Encinitas, Ca 92024

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

See Attachment "B"

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Christine T. K. K. K.
Appellant or Agent

Date: 6/27/2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Sara Wan
Mailing Address: 22350 Carbon Mesa Road
Malibu, Ca 90265
Phone Number: (310) 456-6605

RECEIVED

JUN 27 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION II. Decision Being Appealed

1. Name of local/port government: Encinitas
2. Brief description of development being appealed: Construction of a public park that includes three soccer playing fields, parking lot/drop off area, picnic areas, a playground, restroom, two streams crossings, walking trail and vehicle access road involving impacts to approximately 1.9 acres of gnatcatcher habitat (Isocoma Scrub), approximately .02-.04 acre of riparian wetlands and approximately 250 sq. ft. of saltwater marsh on two vacant parcels totalling approximately 18.9 acre site.
3. Development's location (street address, assessor's parcel no., cross street, etc): On an undisturbed 18.9 acre vacant site lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south. APN's: 262-073-03 & 25
4. Description of decision being appealed:
 - a. Approval; no special conditions: ☐
 - b. Approval with special conditions: ☒
 - c. Denial: ☐

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-6-ENC-00-86DATE FILED: 6/27/00DISTRICT: San Diego

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning
Administrator

c. ☐ Planning Commission

b. ☒ City Council/Board of
Supervisors

d. ☐ Other

Date of local government's decision: June 6, 2000

Local government's file number (if any): 96-127 MUP/CDP/EIA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

Community Services Department
City of Encinitas
505 S. Vulcan Avenue
Encinitas, Ca 92024

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

See Attachment "B"

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: [Signature]
Appellant or Agent

Date: 6/27/00

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

Manchester Sports Park Appeal Attachment A

The coastal permit approved by the City of Encinitas allows for the construction of a public park that includes three soccer playing fields, parking lot/drop off area, picnic areas, a playground, restroom, two stream crossings, walking trail and vehicle access road. The proposed development involves impacts to approximately 1.9 acres of gnatcatcher habitat (Isocoma Scrub), approximately .02-.04 acre of riparian wetlands and approximately 250 sq. ft. of saltwater marsh habitat on an approximately 18.9 acre site. Impacts to the wetlands resources will occur from installation of approximately 300 lineal feet of bank stabilization walls along and within Lux Canyon Creek, construction of a vehicle access bridge across Lux Canyon Creek and an access road across the property. The site is located on an undisturbed vacant parcel lying between Manchester Avenue on the west, another vacant parcel to the north adjacent to Manchester Avenue and San Elijo Lagoon to the east and south. Lux Canyon Creek flows from north to south through the western portion of the lot. The Commission's appeals jurisdiction includes the subject parcel because it is located between the first coastal roadway (Manchester Avenue) and the sea (San Elijo Lagoon). A small portion of the development in the southeast area of the subject site may lie within the Commission's original jurisdiction and, therefore, may be subject to review as a regular coastal development permit matter. The western portion of the site is zoned rural residential (RR) and the east portion is zoned Ecological Resource/Open Space/Parks (ER/OS/PK). Public recreational uses are permitted within the RR zone upon issuance of a Major Use Permit.

As approved by the City, the development appears to be inconsistent with several policies contained in the certified local coastal program. Specifically, the development, as approved by the City is inconsistent with the following Land Use Plan (LUP) policies:

Resource Management (RM) Policy 10.6 of the City's certified LUP provides for protection of wetlands and limits the fill of wetlands to prescribed uses:

Within the Coastal Zone, the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following newly permitted uses and activities:

- a. Incidental public service projects.
- b. Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.
- c. Restoration purposes.
- d. Nature study, aquaculture, or other similar resource dependent activities.

In this case, the City approved the fill of Lux Canyon Creek with impacts to approximately .02 to .04 acre of riparian wetland habitat in order to construct a vehicle access bridge, stabilize the banks and fill of approximately 250 sq. ft. of saltwater marsh habitat on the southeast portion of the site through the construction of a vehicle access road. Neither of these are permitted uses as identified in the certified LCP.

In addition, in areas where wetlands are delineated, RM Policy 10.6 requires they be protected through the application of a buffer and an open space easement (or other device):

The City shall also control use and development in surrounding areas of influence to wetlands with the application of buffer zones. At a minimum, 100-foot wide buffers shall be provided upland of salt water wetlands, and 50-foot wide buffers shall be provided upland of riparian wetlands. Unless otherwise specified in this plan, use and development within the buffers areas shall be limited to minor passive recreational uses with fencing, desiltation or erosion control facilities, or other improvements deemed necessary to protect the habitat, to be located in the upper (upland) half of the buffer area when feasible.

All wetlands and buffers identified and resulting from development and use approval shall be permanently conserved or protected through the application of an open space easement or other suitable device.

The proposed development includes 50-foot wide buffers upland of riparian habitat and a buffer that varies from 50 to 150 feet upland of saltwater marsh habitat. While the saltwater marsh buffer is less than the limit described in the above-cited section of the LCP, other sections of the LCP permit a lessening of the buffer requirement after consultation with the Department of Fish and Game or U.S. Fish and Wildlife Services. In this case, the Resource Agencies have accepted a minimum 50 foot buffer adjacent to saltwater marsh habitat because the proposal involves the addition of berms to protect the resources. However, as cited above, the LCP also requires that the wetlands and buffers be preserved through the application of an open space easement. The City's approval did not include a requirement for preserving the wetlands and their buffers through the application of an open space easement or other device and is, therefore, appears to be inconsistent with RM Policy 10.6 of the LCP.

Land Use (LU) Policy 8.2 of the LUP limits channelization or substantial alteration of streams:

Development within coastal and floodplain areas identified in the Land Use and Resource Management Elements must be limited, designed to minimize hazards associated with development in these areas, and to preserve area resources. Within the floodway, channelizations, dams, or other substantial alterations or rivers or streams shall incorporate the best mitigation measures feasible, and be limited to necessary water supply projects, flood control projects where no feasible method for protecting existing public or private structures exists and where such protection is necessary for public safety or to protect existing development, and other development where the primary function is the improvement of fish and wildlife habitat. . . .

The City's approval appears to be inconsistent with the LCP's limitation of development and alteration within streams. The proposed park development includes the construction of a vehicle bridge over Lux Canyon Creek and the stabilization of approximately 300 lineal feet of bank to protect the proposed vehicle crossing and to protect proposed

landscaped areas adjacent to the creek. As cited above, LU Policy 8.2 limits development within streams to necessary water supply projects, flood control projects necessary to protect existing development or developments designed in order to improve fish or wildlife habitat. The City's approval does not appear to be consistent with those limited uses.

In addition, the City approval of the proposed development appears to be inconsistent with RM Policy 10.4 which states the following:

The City will develop a program to acquire or preserve the entire undeveloped riparian corridor within the City that drains into the San Elijo Lagoon and Batiquitos Lagoon. . . .

Lux Canyon Creek, an undisturbed riparian corridor traverses north/south through the subject property. Lux Canyon Creek which drains into San Elijo is one of few remaining undeveloped riparian corridors within the City of Encinitas. As such, the proposed development for this site may be inconsistent with the LCP.

In summary, the City's approval of the Manchester Sports Complex which includes the construction of a vehicle bridge over Lux Canyon Creek, the stabilization of the banks within Lux Canyon Creek in order to protect future development and construction of a vehicle access road through saltwater marsh habitat may be inconsistent with wetland preservation and stream protection policies of the LCP.

Manchester Sports Park Appeal
List of Interested Parties
Attachment B

Tinker Mills
3681 Manchester Avenue
Encinitas, Ca 92024

Robert Nanninga
1928 Leucadia Scenic Ct.
Encinitas, Ca 92024

Jeffrey Fernald
3855 Manchester Avenue
Encinitas, Ca 92024

Patricia Klaus
3300 Dove Hollow Road
Encinitas, Ca 92024

Nan Sterman
205 Cole Ranch Road
Olivenhain, Ca 92024

Rosalind Beasley
3637 Manchester Avenue
Encinitas, Ca 92024

Mary Ann Wood
3744 Manchester Avenue
Encinitas, Ca 92024

Michele Tutoli &
The Lord Family
109 Peppertree Lane
Encinitas, Ca 92024

The Wally Glozak Family
4040 Manchester Avenue
Encinitas, Ca 92024

Chet Atlas
2139 Ranch View Terrace
Olivenhain, Ca 92024

Ms. J. Galloway
Cardiff, Ca

San Elijo Lagoon Conservancy
P.O. Box 230634
Encinitas, Ca 92024

Mark Miller
226 Rancho Santa Fe Rd
Encinitas, Ca 92024

Bob and Bobbie Mowry
964 Rancho Santa Fe Road
Olivenhain, Ca 92024

Jill Curtis Lentz
1942 S. El Camino Real
Encinitas, Ca 92024

Helen Bourne
271 Hillcrest Drive, #B
Leucadia, Ca 92024

Gwen Terry
311 Trailview Road
Encinitas, Ca 92024

Cecilia Lock
3689 Manchester Avenue
Encinitas, Ca 92024

Misty Johnson
2539 Ocean Cove Lane
Cardiff, Ca 92007

James McCall
1042 Santa Florencia
Solana Beach, Ca 92075

Herbert Ley
3505 Manchester Avenue
Encinitas, Ca 92024

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENTPlease Review Attached Appeal Information Sheet Prior To Completing
This Form. # 96-127 MUP/CDP/EIA

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Tinker Mills
3681 Manchester Ave.
Encinitas Ca 92024-4919 (760) 753-4015
 Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port
government: Encinitas - City2. Brief description of development being
appealed: Soccer Fields - Manchester Ave Adjacent
to San Elija Lagoon3. Development's location (street address, assessor's parcel
no., cross street, etc.): Manchester Ave @ El Camino
I 5

4. Description of decision being appealed:

- a. Approval; no special conditions ~~_____~~
- ☒ b. Approval with special conditions: No lighting
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial
 decisions by a local government cannot be appealed unless
 the development is a major energy or public works project.
 Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

RECEIVED

EXHIBIT NO. 7
 APPLICATION NO.
A-6-ENC-00-86

Public Appeals

Page 1 of 14

California Coastal Commission

ROBERT T. NANNINGA
 1928 LEUCADIA SCENIC CT.
 ENCINITAS, CA. 92024
 710.514.0111

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: MAR 23, 2000

7. Local government's file number (if any): 96-127 MUP/CDP/EIA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of Encinitas
505 South Vulcan Ave
Encinitas, Ca 92024

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) PATRICIA KLAUS
3300 DOVE HOLLOW ROAD
ENCINITAS, CA 92024

(2) Nan Stearns
205 Cote Ranch Rd
Olwehain CA 92024

(3) [REDACTED] Rosalind Beasley
[REDACTED] 3637 Manchester Ave
[REDACTED] Encinitas Ca 92024

(4) [REDACTED] Mary Ann Wood
[REDACTED] 3744 Manchester Ave
[REDACTED] Encinitas Ca 92024

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Traffic-only right turn in and out Uturn at El Camino Manchester light
No mention of emergency vehicles Planting of native plants (Southern
Calif Natives) is not indigenous to alkaline marsh. Removing Knot Catcher
habitat without mitigating for it. Split rail fence inadequate for
children it would not provide protection for Ecological Reserve. City
will covenant hold 10 years from now on no lighting
can't guarantee that there won't be night lighting (Dark Skies policy
in Olivenhain) To much human activity in a highly sensitive
area adjacent to Lux Creek and San Eliso Lagoon. "Letters attached"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Trinker Mills
Appellant or Agent

Date 9-31-2000

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

To California Coastal Commission

I have lived on Manchester for 39 years and I feel I am qualified to speak against the sports park and in favor of preserving the open space and wetlands.

The existing traffic on this road is terrible. Pictures are included to show where the entrance to the sports park is in relation to Herb Lux's driveway. He's lived here for 74 years, his family helped settle Olivenhain, and John Lux's driveway, he's been here for 50 years and is still farming his land.

Right opposite these driveways is a very dangerous situation with traffic and it will only get worse. No one goes the 45 mph speed limit, so when Manchester is widened, they'll go even faster.

Just a footnote: The city of Encinitas is already dumping dirt on the site from the road widening project (with permits) no one was notified of this so we could appeal to the coastal commission.

I've been told there will only be right turns in to and out of the sports park. So anyone coming in to the park has to come from the south, anyone leaving has to go north. If they want to turn around the city says they can make a U turn at the El Camino Manchester light. They'll have to move over 2 lanes quickly to turn. If practice is let out between 5:00 and 6:00 P.m. we're into peak traffic times. There is no U turn south at the Mina Costa light.

People will have trouble getting in and going out of the park. Someone was almost broad-sided coming out of there Oct 1, 1999 when it was formally acquired. From an access and safety standpoint this is very dangerous.

I've been involved with soccer with my granddaughter and see many soccer fields not being utilized to the fullest. Also maintenance on school fields are terrible, why can't our city help them?

Since there is no night lighting (dark skies policy in Olivenhain) these fields will not be utilized to the fullest. Also no security lighting attracts criminal activity. There is supposed to be a caretaker. There is no caretaker at Cardiff Sports Park (they have lights. There is one at Oakcrest and the place is a mess.

The planning commission also mentioned joint use parking in the future with Mira Costa College. How are parents and children going to cross 4 lanes of speeding traffic with no light?

Also what about emergency vehicles? Kids get hurt playing soccer. How are they going to get in and out quickly if traffic is at a dead stop?

The liquid fertilizer running through a timed sprinkler system and filters for runoff will not protect the lagoon. When it rains it runs off everywhere. This area is in a floodplain.

Animals and wildlife will leave once bulldozing is started. They will not come back once games and noise are going on.

There are only 10% of remaining wetlands left in Southern California

Potential impacts from this development include negative effects on drainage, habitat, native plants, endangered species, view corridors, and wetlands

We are a watershed - a watershed includes all land that drains to a common point. We are a part of a watershed community. The animals, birds, and fish are too. We influence what happens in our watershed, good or bad, by how we treat the natural resources - the soil, water, air, plants and animals. What we do in our part of the watershed can effect others downstream.

Findings of a major use permit is not in keeping with the needs of the community.

Standard: In accordance with section 30.24.070 of the Municipal Code, a use permit application shall be approved unless finds of fact are made, based upon the information presented in the application orduring the hearing, which support one or more of the following conclusions:

1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:

a. The inadequacy of public facilities, services and utilities to serve the proposed project:
(No security lighting)

b. The unsuitability of the site for the type and

intensity of use or development which is proposed: and

(to close to lagoon reserve)

c. The harmful effect, if any. Upon environmental quality and natural resources of the city:

(runoffs to lagoon, endangered animals and plants)

We appealed to the Coastal Commission on the Encinitas Country Day school (caseno. 98-039 MUP/DR/CDP) and you denied her two times (on the upper 20 acres). Thank you for seeing what we did about preserving this pristine open space for the protection of the San Elijo lagoon.

Please deny this project (good project, wrong place) Just like Encinitas Country Day School.

If this project is not denied, it will have a far reaching effect in that the San Elijo lagoon Conservancy and the Coastal Commission could lose their appeal in court against Encinitas Country Day School.

There are new opportunities for the county to purchase this (maybe the whole 40 acres), deed it to the San Elijo lagoon Conservancy and keep it as open space forever.

What a great concept.

Thank you

Tricker Mills

If we don't save it it's gone.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

1 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENTPlease Review Attached Appeal Information Sheet Prior To Completing
This Form.SECTION I. Appellant

Name, mailing address and telephone number of appellant:

JEFFREY FERNALD

3855 Manchester Avenue
Encinitas, California 92024(760) 753-2818
Area Code Phone No.SECTION II. Decision Being Appealed1. Name of local/port
government: CITY OF ENCINITAS2. Brief description of development being
appealed: MANCHESTER SPORTS COMPLEX
SOCCER FIELDS & OTHER ATHLETIC FACILITIES IN AND
AROUND WETLANDS OF LOX CREEK & SAN ELITO LAGOON3. Development's location (street address, assessor's parcel
no., cross street, etc.): E. SIDE OF MANCHESTER SOUTH
OF MANCHESTER/EL CAMINO REAL INTERSECTION
(ACROSS FROM GREEK CHURCH, NOT CORNER PARCEL)

4. Description of decision being appealed:

a. Approval; no special conditions: _____

☒ b. Approval with special conditions: NO LIGHTING

c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

RECEIVED

JUN 20 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
D/86

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: 3-23-2000 (FC)

7. Local government's file number (if any): 96-127 MUP/CDP/EIA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

CITY OF ENCINITAS
505 S. VOLCAN AVE.
ENCINITAS, CA. 92024

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- | | |
|--|--|
| (1) <u>JEFFREY FERNALD</u> <u>3555 MANCHESTER AVE.</u> <u>ENCINITAS, CA 92024</u> | <u>MICHELLE TUTOLIE ^{THE} LORD FAMILY</u> <u>109 PEPPER TREE LANE</u> <u>OLIVENHAIN, CA 92024</u> |
| (2) <u>HUKER MILLS</u> <u>3621 MANCHESTER AVE.</u> <u>ENCINITAS, CA. 92024</u> | <u>THE WALIK GLOZAK FAMILY</u> <u>4040 MANCHESTER AVE.</u> <u>ENCINITAS, CA 92024</u> |
| (3) <u>ROBERT NAWINGA</u> _____ _____ | <u>CHET ATLAS</u> <u>2139 RANCH VIEW TERRACE</u> <u>OLIVENHAIN, CA. 92024</u> |
| (4) <u>PATRICIA KLAUS</u> <u>3300 DOVE HOLLOW RD.</u> <u>ENCINITAS, CA. 92024</u> <u>BRUCE ELLERS</u> | <u>MAN STERMAN</u> _____ _____ |
- MANY OTHERS TESTIFIED

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

1. BIOLOGICAL IMPACTS UPON BISECTING LUX CREEK & ADJACENT SAN ELITO LAGOON WETLANDS & UPLANDS.
2. VISUAL IMPACTS UPON GENERAL PLAN-DESIGNATED SCENIC HIGHWAYS TO EAST & NORTH (MANCHESTER AVE.)
3. TOO MUCH HUMAN ACTIVITY ON TOO SENSITIVE, A SITE AS ABOVE. DEFICIENCY OF PASSIVE-USE PARKLAND USABLE AS SUCH & ACCESSIBLE FROM ENCINITAS.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

(RESERVE IS IN ENCINITAS, BUT ACCESSIBLE MOSTLY FROM SOLANA BEACH)

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed [Signature]
Appellant or Agent

Date 6-16-00

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

3855 Manchester Ave.
Encinitas, Ca. 92024
(760) 753-2818
jefernald@access1.net

California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North #200
San Diego, Ca. 92108-1725

Attn: Gary Cannon and Coastal Commissioners
Re: Manchester Sports Complex

Polls show a very large part of our town is opposed to this "sports complex" in Olivenhain. We like the soft design, but not the active sports use. It is the right thing in the wrong place.

Most of the site is south and east of the giant landmark torrey pine. This is not the corner parcel. It is really "down in there," adjacent to the county ecological regional park, and partially in the floodplain. It would be a massive scar and an intrusion on the lagoon, which needs more of a buffer to such an intense use. This is passive use land.

I live *not* across from the site *nor* is it in my viewshed. But mine is one of 60,000 cars that pass this highly visible and scenic site daily. The view helps make people's commute bearable. It is land of subtle beauty: not Yosemite, but like Yosemite, it's threatened by too many cars, too many people.

Is Community Services really serving people who prefer a quiet, naturally scenic, and spiritual place? Competitive sports are noisy for animals *and* people. This is too much human activity on too sensitive a site.

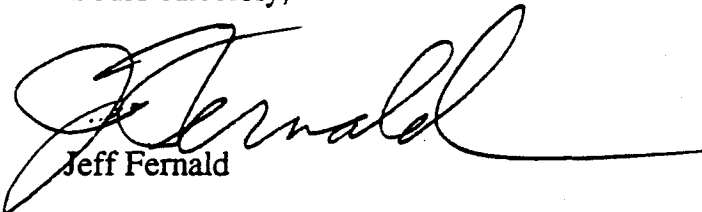
If there is any kind of land to be saved *from* development and *for* future generations this is the kind. It can always be developed, but why here and why now? Why not on the old dump site, on the Hall property, or on Ecke lands? There was room for a golf course (or maybe 50 soccer fields) there. It would be closer to all the people.

This is lagoon and creek bottom land, most valuable for its biology, its aesthetics, its spirituality, and for the "property values" of *all* our residents. We live in the town between the two beautiful lagoons.

Natural open space, the places where we don't put buildings, pavement, or structured landscaping, may be the most undervalued commodity of our time. It is the artist's concept of "negative space," that which makes the drawn or developed parts meaningful. It is the architect's concept of "less is more." Natural open space is the Mies van der Rohe of land use.

The city of Encinitas is often insensitive to environmental issues. Commissioners, please save a small part of the California of my childhood, the way California used to be.

Yours sincerely,



Jeff Fernald

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENTPlease Review Attached Appeal Information Sheet Prior To Completing
This Form.

96-127 MUP/CDP/EIA

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

ROBERT T. NANNINGA - 1928 LEUCADIA SCenic CT.
ENCINITAS, CA.92024

Zip

(760) 944-5134

Area Code

Phone No.

SECTION II. Decision Being Appealed1. Name of local/port
government: _____2. Brief description of development being
appealed: SPORTS PARK - 3 SOCCER FIELDS
PARKING LOT3. Development's location (street address, assessor's parcel
no., cross street, etc.):MANCHESTER AVE @ EL CAMINO REAL

4. Description of decision being appealed:

- a. Approval; no special conditions: ~~SE~~
- b. Approval with special conditions: X NO LIGHTING
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial
decisions by a local government cannot be appealed unless
the development is a major energy or public works project.
Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

RECEIVED

JUN 20 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. ☐ Planning Director/Zoning Administrator c. ☒ Planning Commission
b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: March 23, 2000

7. Local government's file number (if any): 96-127 MVP/CDP/EIA

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

CITY OF ENCINITAS
505 SOUTH VULCAN AVE.
ENCINITAS, CA. 92024

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) TINKER MILLS
3681 MANCHESTER AVE.
ENCINITAS, CA. 92024-4919

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

THIS IS THE WRONG PLACE FOR SUCH AN EXTENSIVE PROJECT
AS IT WILL HAVE A SIGNIFICANT IMPACT ON THE ECOLOGY
OF SAN ELIJO LAGOON. THE CITY OF ENCINITAS KNOWS
THIS, BUT IS PUTTING POLITICS BEFORE ENVIRONMENTAL SUSTAINABILITY.
THE CITY HAS NOT WORKED IN GOOD FAITH WITH
RESIDENTS TO SITE THIS PROJECT ELSEWHERE IN THE CITY.
THIS PROJECT WILL ALSO SET A PRECEDENT FOR FUTURE
DEVELOPMENT AROUND SAN ELIJO LAGOON.

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Robert J. [Signature]
Appellant or Agent

Date 7/20/00

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____



City of
Encinitas

July 14, 2000

RECEIVED

JUL 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Mr. Gary Cannon
California Coastal Commission, San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

SUBJECT: Manchester Park Commission Appeal No. A-6-ENC-00-086

Dear Gary:

This is in response to the June 27, 2000 information regarding the appeal notification for the Manchester Park project; Commission Appeal No. A-6-ENC-00-086. City staff would like to take this opportunity to provide clarifications on some of the factual information included in the appeals.

Appellants: Wan, Kehoe

Appeal states that 0.02 – 0.04 acre of riparian wetland will be affected by the project.

Response: This is incorrect. As stated in the City's certified Final EIR, the project was modified to shift the Lux Canyon Creek crossing north to a location characterized as unvegetated channel (page 2, Preface to the Final EIR). The current project design calls for two crossings, a pedestrian crossing that will affect no riparian wetland or unvegetated channel and an at-grade vehicular crossing that will affect 0.02 acre of unvegetated channel (page 4-2, Addendum to the Final EIR).

~~Appeal states that bank stabilization will occur within Lux Canyon Creek.~~

Response: This is incorrect. As stated in the City's certified Final EIR, bank stabilization materials would be placed in ruderal areas adjacent to Lux Canyon Creek. No wetland vegetation would be affected by the stabilization efforts (page 2 of Table 1, Preface to the Final EIR).

Appeal states that the City's approval did not include a requirement for preserving the wetlands and their buffers through the application of an open space easement or other device.

Response: This is incorrect. Condition SC8 of the Resolution of Approval (2000-39) requires that an open space easement shall be dedicated on the buffers and open space areas adjacent to and including the alkali marsh.

| |
|-------------------------------|
| EXHIBIT NO. 8 |
| APPLICATION NO. |
| A-6-ENC-00-86 |
| City's Response to |
| Appeal |
| California Coastal Commission |

Appellant: Mills

Appellant states planting plans are not indigenous to alkali marsh.

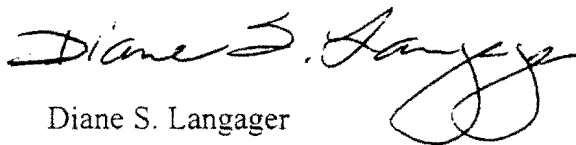
Response: Plantings within the buffers adjacent to the alkali marsh habitat will consist of natives that are non-invasive. Since the buffers will be upland habitat, alkali marsh plant materials will not be suitable for the buffers. Alkali marsh habitat is a wetland vegetation community and plant materials that thrive in this area are those that are regularly exposed to wetland hydrology. The only portions of the buffer adjacent to the alkali marsh habitat that will be planted are the 4 – 6 foot berms within the buffer. Since these berms will be 4 – 6 feet tall, they will not be exposed to wetland hydrology and will not support alkali marsh plants. Proposed plantings will be compatible with, and limit access to, the adjacent marsh.

Appellant states concern regarding removing gnatcatcher habitat without mitigating for it.

Response: This underlying assumption is incorrect. As stated in the City's certified Final EIR, no gnatcatchers will be directly affected by the project. Effects on gnatcatcher foraging habitat will be mitigated at a 2:1 ratio including 1.34 acres of onsite conservation and 2.46 acres of offsite habitat purchase within an established mitigation bank (page 2 of Table 1, Preface to the Final EIR).

Thank you for the opportunity to address the subject appeal at this time. If you have any questions in this matter please do not hesitate to contact me at (760) 633-2714.

Sincerely,



Diane S. Langager
Associate Planner

cc: Sandy Holder, Community Development Director
Dave Wigginton, Community Services Dir.
June Collins, Dudek & Associates
Glenn Schmidt, Schmidt Design
Nancy Lucast, Lucast Consulting

RESOLUTION NO. 2000-39

**A RESOLUTION OF THE CITY OF ENCINITAS CITY COUNCIL
APPROVING A MAJOR USE PERMIT, COASTAL DEVELOPMENT PERMIT
AND 4(d) HABITAT LOSS PERMIT FOR A PROPOSED PUBLIC SPORTS
COMPLEX, FOR THE PROPERTY LOCATED ON THE EAST SIDE OF
MANCHESTER AVENUE; SOUTH OF THE MANCHESTER AVENUE/
EL CAMINO REAL INTERSECTION.**

(CASE NO.: 96-127 MUP/CDP/EIA; APN: 262-073-03 & 25)

WHEREAS, a request for consideration of a Major Use Permit, Coastal Development Permit and 4(d) Habitat Loss Permit was filed by the Community Services Department on behalf of the City of Encinitas to allow for a proposed sports complex to include three playing fields, parking lot/drop off area, picnic areas, a playground, restrooms, creek crossings and a walking trail and the proposed impact of approximately 1.9 acres of gnatcatcher foraging habitat in accordance with Chapter 30.74 (Use Permits) and Chapter 30.80 (Coastal Development Permit) of the Encinitas Municipal Code, and pursuant to the City adopted Guidelines for 4(d) Habitat Loss Permits, for the property located in the Rural Residential (RR) and Ecological Resource/Open Space/Parks (ER/OS/PK) zones, legally described as:

(SEE ATTACHMENT "A")

WHEREAS, the Planning Commission conducted a noticed public hearing on the application on March 23, 2000, at which time all those desiring to be heard were heard;

WHEREAS, the Planning Commission approved the application on March 23, 2000, and an appeal was timely filed by the San Elijo Lagoon Conservancy. The appeal was reviewed by the City Council at an Initial Consideration on April 23, 2000 at which time the City Council directed staff to set the appeal for an Administrative Hearing; and

WHEREAS, an Administrative Hearing was conducted by the City Council on May 24, 2000, at which time all those desiring to be heard were heard; and

WHEREAS, the City Council considered, without limitation:

1. The Planning Commission agenda report for the meeting of March 23, 2000 with attachments, and the City Council agenda reports for the April 23, 2000 Initial Consideration and the May 24, 2000 Administrative Hearing;
2. The General Plan, Local Coastal Program, Municipal Code, and associated Land Use Maps;
3. The Final Environmental Impact Report and Appendices prepared by Dudek & Associates, dated June 1998, and associated Addendum prepared by Dudek & Associates, dated October 1999.

4. Oral evidence submitted at the hearing;
5. Written evidence submitted at the hearing;
6. Project plans consisting of four sheets total, including the Preliminary Master Plan, Preliminary Restroom Plan, Preliminary Stream Modifications, and Preliminary Master Plan Details, all dated received by the City of Encinitas on January 12, 2000; and

WHEREAS, the City Council made the following findings pursuant to Chapter 30.74 and 30.80 of the Encinitas Municipal Code and pursuant to the City adopted Guidelines for 4d permits (Habitat Loss Permits):

(SEE ATTACHMENT "B")

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Encinitas hereby approves application 96-127 MUP/CDP/EIA subject to the following conditions:

(SEE ATTACHMENT "C")

BE IT FURTHER RESOLVED that the City Council, in its independent judgment, finds the project to be consistent with the Environmental Impact Report prepared for the project and certified as complete by the Planning Commission on June 11, 1998 by Resolution No. PC- 98-37.

PASSED AND ADOPTED this 24th day of May, 2000, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

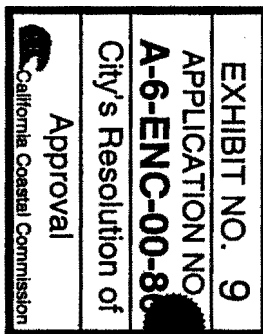
**James Bond, Mayor
City of Encinitas**

ATTEST:

Deborah Cervone
City Clerk

NOTE: This action is subject to Chapter 1.04 of the Municipal Code, which specifies time limits for legal challenges.

14-00000



ATTACHMENT "A"
Resolution No. 2000-39
Case No.: 96-127 MUP/CDP/EIA

LEGAL DESCRIPTION
(APNs: 262-073-03 & 25)

The Northerly 668.00 feet of the South ¼ of the Northwest Quarter of Section 25, Township 13 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Excepting therefrom that portion lying within the Northeast Quarter of the Northwest Quarter of Section 25.

Excepting therefrom that portion lying southeasterly of a line described as follows:

Beginning at a point on the North Line of the South Half of the Northeast Quarter of the Northwest Quarter, distant thereon 725.18 feet from the Northeast corner of said South Half; being a point on the Southeasterly right of way line of proposed Manchester Avenue; thence along said Southeasterly line South 51° 39' 01" West to the West line of Section 25.

Also excepting that portion described in deed to the County of San Diego recorded July 7, 1978, Recorder's File No. 78-283319 of Official Records, set out as follows:

Parcel No. 77-0336-A

All that portion of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 25, Township 13 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, described in deed to Frances M. Brewer, recorded February 6, 1976 at File/Page No. 76-037272 of Official Records in the Office of the County Recorder of San Diego County.

Parcel No. 77-0731-A

All that portion of the Northerly 668.00 feet of the South ¼ of the Northwest Quarter of Section 25, Township 13, South Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, described in deed to Frances M. Brewer, recorded February 6, 1976 at File/Page No. 76-037272 of Official Records in the Office of the County Recorder of San Diego County, lying Southeasterly of the Northwestern Line of that portion thereof described in deed to Berman Swartz, recorded April 6, 1972 at File/Page No. 84954 in said Recorder's Office.

ATTACHMENT "B"
Resolution No. 2000-39
Case No.: 96-127 MUP/CDP/EIA

FINDINGS FOR A USE PERMIT

STANDARD: In accordance with Section 30.74.070 of the Municipal Code, a use permit application shall be approved unless findings of fact are made, based upon the information presented in the application or during the hearing, which support one or more of the following conclusions:

1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely affect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:
 - a. The inadequacy of public facilities, services and utilities to serve the proposed project;
 - b. The unsuitability of the site for the type and intensity of use or development which is proposed; and
 - c. The harmful effect, if any, upon environmental quality and natural resources of the city;

Facts: The subject application includes a Major Use Permit, Coastal Development Permit, and 4(d) Habitat Loss Permit request to authorize a proposed sports complex to include three playing fields, parking lot/drop off area, picnic areas, a playground, restrooms, creek crossings and a walking trail. The 4(d) Habitat Loss Permit is for the proposed impact of approximately 1.9 acres of gnatcatcher foraging habitat. Lighting of the complex other than low level security lighting is not proposed and is otherwise prohibited pursuant to the Municipal Code.

Adjacent land uses include Manchester Avenue to the west, vacant land (proposed Country Day School site) to the north, San Elijo Lagoon directly to the east and south. The Greek Orthodox Church and Mira Costa Junior College are located further to the west on the opposite side of Manchester Avenue. Although not directly adjacent to the site, residential uses are located in the vicinity of the site to the west, north and northeast.

Due to the environmental impacts associated with the four-field project, the City opted to pursue the alternative project design/three-field project addressed within the Final Environmental Impact Report (FEIR).

Discussion: The sports complex is compatible with the church and junior college on the west side of Manchester Avenue in that they are public/semi public uses.

The site is compatible in use with the adjacent wetland resources to the south and east in that 1) adequate buffers are provided, 2) visual open space is maintained, 3) structure size and quantity is nominal, 4) native plantings are utilized for the most part, 5) d.g. surfaces are utilized in lieu of hardscape, and 6) no field lighting is proposed or authorized. Additionally, the site is compatible with the residential properties located in the vicinity in that field lighting is prohibited pursuant to the Municipal Code and proposed hours of operation are limited to daylight hours.

The primary objective of the alternative project design was to avoid or reduce to a level below significance the significant unmitigated land use and biological impacts associated with the four-field project. The FEIR concluded that Land Use and Biological impacts are either avoided or mitigated with the "three-field" project since impacts to wetland resources are avoided and adequate buffers would be provided adjacent to lagoon-related resources.

Conclusion: The City Council finds that the proposed project will be compatible with or will not adversely affect or will not be materially detrimental to adjacent uses, residences, buildings, structure or natural resources.

2. The impacts of the proposed project will adversely affect the policies of the Encinitas General Plan or the provisions of the Municipal Code; and
3. The project fails to comply with any other regulations, conditions, or policies imposed by the Municipal Code.

Facts: The subject property is designated on the Land Use Map of the General Plan, primarily, as Residential with split density allowances of 0.26 - 0.50 du/ac and 0.00 - 0.25 du/ac; the extreme eastern portion of the site is designated as Ecological Resource/Open Space/Parks. The site is zoned Rural Residential (RR) and Ecological Resource/Open Space/Parks (ER/OS/PK) which corresponds with the General Plan Land Use designations. Pursuant to Chapter 30.09 of the Municipal Code (Zoning Matrix), public recreational facilities are allowed in the RR and ER/OS/PK zone upon issuance of a Major Use Permit.

The application is being processed pursuant to the provisions of the RR zone, and Chapter 30.32 (Ecological Resource/Open Space Parks), Section 30.34.040 (Floodplain Overlay Zone), Chapter 30.74 (Use Permits) and Chapter 30.80 (Coastal Development Permit) of the Municipal Code. Additionally, the project is being processed pursuant to the City adopted Guidelines for 4d permits (Habitat Loss Permits).

Discussion: Pursuant to Section 30.34.040B3.b of the Municipal Code, a minimum buffer of 100 feet shall be maintained adjacent to saltwater wetlands with a 50 foot buffer adjacent to riparian wetland unless, in consultation with the resource agencies, a buffer of lesser width is demonstrated to protect the wetland resources. Buffers to the site were established in consultation with the California Department of Fish & Game (DFG), the U. S. Fish & Wildlife Service (USFWS) and the California Coastal Commission. A minimum 50 foot buffer is maintained adjacent to the alkali marsh and a berm is proposed for visual

separation. The berm location varies in relation to the 50 foot buffer (in front, behind and straddling) depending on site constraints. As measured from the westward side of the berm, the buffer width varies from a minimum of 50 feet to a maximum of approximately 150 feet. The berm is proposed with varying heights of 4 - 6 feet and varying slope ratios of 3:1 to 5:1, which will also result in varying berm widths. The varying design parameters will create an undulating natural appearance for the berm. Drain pipes are proposed within the berm to allow drainage. Both sides of the berm will be heavily planted with native species that will discourage access into the buffer/marsh area. To discourage access during the period of establishing the berm plantings, a 6' high temporary chain link fence will be placed at the base of the berm on the field side. Upon establishment of the plantings, the temporary fencing shall be removed and replaced with a 4 foot high split rail fence (pvc material). The rails will be spaced to stop soccer balls from penetrating the fence.

A 50 foot buffer is maintained adjacent to the southern willow scrub (riparian) area in the southwestern portion of the site (south of Field 1) and along Lux Canyon creek (riparian). Four foot split rail fencing is also proposed along both sides of the Lux Canyon Creek.

The minimum 50 foot buffer required for riparian wetlands is met adjacent to Lux Canyon Creek and adjacent to the southern willow scrub. The reduced buffer width proposed for the alkali marsh (50 foot minimum) was accepted by the resource agencies as adequate to protect the adjacent wetland resources due to the proposed berm and scope of development.

With acceptance of the wetland buffers and with conditions of approval, the project is in conformance with the provisions of the General Plan, the Local Coastal Plan and appropriate chapters of the Municipal Code.

Conclusion: The City Council finds the project in conformance with the General Plan, the Local Coastal Plan, and the Municipal Code.

FINDINGS FOR A COASTAL DEVELOPMENT PERMIT

STANDARD: Section 30.80.090 of the Municipal Code provides that the authorized agency must make the following findings of fact, based upon the information presented in the application and during the Public Hearing, in order to approve a coastal development permit:

1. The project is consistent with the certified Local Coastal Program of the City of Encinitas; and
2. The proposed development conforms with Public Resources Code Section 21000 and following (CEQA) in that there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment; and
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.

Facts: The subject application includes a Major Use Permit, Coastal Development Permit, and 4(d) Habitat Loss Permit request to authorize a proposed sports complex to include three playing fields, parking lot/drop off area, picnic areas, a playground, restrooms, creek crossings and a walking trail. The 4(d) Habitat Loss Permit is for the proposed impact of approximately 1.9 acres of gnatcatcher foraging habitat. Lighting of the complex other than low level security lighting is not proposed and is otherwise prohibited pursuant to the Municipal Code.

A Final Environmental Impact Report (FEIR), dated June 1998, was prepared by Dudek & Associates for the project and was certified by the Planning Commission on June 11, 1998. The FEIR analyzed the project with four playing fields. The FEIR concluded, in short, that the "four-field" project would result in significant and unmitigable effects with respect to land use and biological resources. A "three-field" project was included within the FEIR as an alternative design. The primary objective of the alternative project design was to avoid or reduce to a level below significance the significant unmitigated land use and biological impacts associated with the four-field project. The FEIR concluded that Land Use and Biological impacts are either avoided or mitigated with the "three-field" project since impacts to wetland resources are avoided and adequate buffers would be provided adjacent to lagoon-related resources. The impacts and mitigation measures for the "three-field" project were analyzed within the FEIR, additionally, specific mitigation measures associated with the "three-field" project alternative were presented in the Mitigation, Monitoring and Reporting Program (MMRP) of the FIR. Due to the environmental impacts associated with the "four-field" project, the City opted to pursue the "three-field" project design, which is proposed as part of the subject application.

Discussion: Related to Finding No. 1, with acceptance of the reduced buffer width adjacent to wetland resources as provided in Section 30.34.040B3.b of the Municipal Code, the project is in conformance with the provisions of the Local Coastal Plan which includes the General Plan, and appropriate chapters of the Municipal Code. Related to Finding No. 2, an Environmental Impact Report was prepared and certified for the project in conformance with Public Resources Code Section 21002.1. The FEIR concluded that the original 4-field project design would create significant adverse impacts, therefore the alternative 3-field project design was developed which with mitigation measures reduces impacts to a level below significance. Related to Finding No. 3, the project is a public sports park adjacent to wetland resources. The park is designed to maintain adequate buffers to the resources, yet pedestrian pathways are provided around the site to give public access to the scenic qualities of the surrounding wetland. In order to preserve the natural resources of the lagoon no direct access points will be provided, however public access to the lagoon is currently provided further to the west across from Mira Costa Junior College. The ability of the public to access the lagoon is not adversely impacted with this project; therefore no condition requiring public access is imposed with the project.

Conclusion: The City Council finds that 1) the project is consistent with the certified Local Coastal program of the City of Encinitas; 2) that an alternate project design has been utilized and mitigation measures have been required as part of the project whereby any significant adverse impacts that the activity may have on the environment have been lessened; and 3) the ability of the public to access the lagoon is not adversely impacted with the project.

FINDINGS FOR A SECTION 4(d) HABITAT LOSS PERMIT

STANDARD: In accordance with the November 1993 State NCCP Conservation Guidelines and with the Multiple Habitat Conservation Plan (MHCP), and the implementing procedures adopted by the Encinitas City Council on October 14, 1994, the authorized agency must make the following findings, based upon the information presented in the application or during the hearing, in order to permit any proposed "take" of Coastal Sage Scrub habitat:

- 1) The proposed habitat loss is consistent with the interim loss criteria in the November 1993 State NCCP Conservation Guidelines, and with any subregional process if established for the MHCP subregion.
 - a) The habitat loss does not cumulatively exceed the 5% guideline.
 - b) The habitat loss will not preclude connectivity between areas of high habitat values.
 - c) The habitat loss will not preclude or prevent the preparation of the subregional NCCP.
 - d) The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the November 1993 State NCCP Process Guidelines.
- 2) The habitat loss will not appreciably reduce the likelihood of the survival and recovery of listed species in the wild.
- 3) The habitat loss is incidental to otherwise lawful activities.

Facts: The proposed project involves the destruction or "take" of approximately 1.9 acres of Isocoma Scrub/gnatcatcher foraging habitat, and thus requires issuance of the Section 4(d) Permit.

Discussion: Based upon the Final Environmental Impact Report, dated June 1998, prepared by Dudek and Associates, the following evidence supports the above-listed findings:

1. The proposed habitat loss is consistent with the interim loss criteria in the November 1993 State NCCP Conservation Guidelines and with the Multiple Habitat Conservation Plan (MHCP) process since:
 - a) The 1.9-acre gnatcatcher-occupied habitat loss does not cumulatively exceed the 5% allotment for the City of Encinitas. The City includes 55.1 acres of coastal sage scrub, of which, 34.9 acres have been taken leaving 20.2 acres available for future development (as of January 14, 2000).
 - b) The loss of habitat associated with the development of the property would not preclude connectivity of areas of high habitat value. The proposed project would preserve Lux Canyon Creek, which provides a connection

between San Elijo Lagoon and a block of coastal sage scrub north of Manchester Avenue.

- c) The habitat loss would not preclude or prevent the preparation of a subregional NCCP. The loss would be minimal, would be mitigated within the subregion, would not preclude connectivity, and would not jeopardize conservation efforts toward any sensitive species.
 - d) The habitat loss has been mitigated in accordance with the mitigation guidelines. The loss of 1.9 acres of Isocoma scrub will be mitigated at a 2:1 ratio for a total mitigation of 3.8 acres. Mitigation will be in the form of onsite preservation (1.34 acres) and offsite purchase (2.46 acres). This option is offered by the Conservation Guidelines as one of several solutions for impacts of less than 10 acres. The project will be required to acquire the offsite mitigation acreage prior to issuance of a grading permit. The location of the offsite purchase will be coordinated with the USFWS. The mitigation land purchased will preferably be within Encinitas in the vicinity of the San Elijo Lagoon, and should consist of coastal sage scrub habitat occupied by the California gnatcatcher.
2. The 1.9 acre habitat loss will not appreciably reduce the likelihood of the survival and/or recovery of the California gnatcatcher. One pair of California gnatcatchers was observed using the Isocoma scrub habitat for foraging.
 3. The habitat loss associated with the development of the property is incidental to otherwise lawful activities. The property is zoned for Rural Residential (RR) and Ecological Resource/Open Space/Parks (ER/OS/PK); public recreational facilities are allowed in the subject zones upon issuance of a Major Use Permit. Findings for approval of the Major Use Permit and Coastal Development Permit are included herein. The project will be conditioned to receive all permits and clearances from local, state and federal governmental agencies and appropriate utility and service districts. All requirements associated with the Major Use Permit and Coastal Development Permit will be implemented or secured prior to grading permit issuance.

Conclusion: The City Council determines that the proposed habitat loss associated with this project is consistent with the interim loss criteria in the November 1993 State NCCP Conservation Guidelines and with the Multiple Habitat Conservation Plan (MHCP).

ATTACHMENT "C"
Resolution No. 2000-39
Case No.: 96-127 MUP/CDP/EIA

Applicant: Community Services Department on behalf of the City of Encinitas

Location: East side of Manchester Avenue south of the Manchester Avenue/El Camino Real intersection

SPECIFIC CONDITIONS:

- SC2 This approval will expire on May 24, 2002 at 5:00 pm, two years after the approval of this project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
- SC5 This project is conditionally approved as set forth on the application and project plans dated received by the City on January 12, 2000, consisting of four sheets total, including the Preliminary Master Plan, Preliminary Restroom Plan, Preliminary Stream Modifications, and Preliminary Master Plan Details, designated as approved by the City Council on May 24, 2000, and shall not be altered without express authorization by the Community Development Department.
- SC8 Prior to grading permit issuance, an open space easement shall be dedicated on the buffer and open space area adjacent to and including the alkali marsh.
- SC9 The keeping of pets by the on-site caretaker is prohibited.
- SC10 The City shall allow the San Elijo Lagoon Conservancy (SELC) to enter the property to conduct water quality monitoring. The SELC shall submit findings and results to the Director of Community Services and to the Director of Engineering for review and consideration. Any feasible measures to improve water quality shall be implemented.
- SC11 Field lighting shall be prohibited.
- SC12 Vegetation-clearing and/or grading activities shall not occur during the gnatcatcher breeding season, from February 15 through August 30. However, the measures stipulated in the Mitigation, Monitoring and Reporting Program (MMRP) of the Final Environmental Impact Report (FEIR) for grading during the gnatcatcher breeding season may be utilized if they are accepted by the United States Fish & Wildlife Service (USFWS) and the Department of Fish & Game (DFG).
- SC13 Prior to grading permit issuance, 2.46 acres of coastal sage scrub shall be purchased to mitigate the scrub habitat loss associated with this project. Documentation verifying the purchase shall be submitted to the Community Development Department, the USFWS and the DFG.

- SC14 On-site security lighting shall be low-sodium and provided with back and side shields to prevent lights from illuminating areas of alkali marsh, Isocoma scrub, or the San Elijo Lagoon Preserve.
- SC15 The Community Services Department shall consult with the Army Corps of Engineers and the DFG to determine permit requirements associated with the creek crossings and creek stabilization. Prior to grading permit issuance, any and all permits required for the creek improvements shall be obtained. Copies of the permits or exemption documentation shall be provided to the Director of Engineering and the Director of Community Services.
- SC16 All measures stipulated within the Mitigation Monitoring and Reporting Program (MMRP) as set forth in the FEIR herein referenced shall be instituted for the project.
- SC17 Manchester Avenue shall be dedicated by the developer along the project frontage based on a centerline to right-of-way of 56 feet and in conformance with the City of Encinitas Standards. Improvements to Manchester Avenue shall be completed prior to use of the sports complex. If the improvements to Manchester Avenue are not completed under the Capital Improvement Program, the developer shall be responsible for construction of the improvements to the satisfaction of the Engineering Services Director.
- SC18 The applicant shall use Best Management Practices (BMP) in the construction and operations of this facility. The applicant shall submit a BMP plan to the NPDES administrator for review and approval. At a minimum the following shall be addressed:
- A detailed list of pesticides, fertilizers, and other chemicals used in the operation of the facility. The list shall contain expected quantities to be used and stored.
 - Personnel shall be certified to use pesticides, fertilizers, or other chemicals if required by manufacturer specifications.
 - Storage of pesticides, fertilizers, and other chemicals shall be in a locked shed or other facility acceptable to the NPDES administrator. The storage shed may require a spill containment area.
 - The BMP plan shall denote drainage of undisturbed lands and allow for the conveyance of storm waters around the facility. Any fields or yards under the use of pesticides, fertilizers, and other chemicals may require on-site retention with a capacity for a 2-year storm or as approved by the NPDES administrator.
- SC19 The applicant shall extend the storm drain in Manchester Avenue at Station 75+00 through Field No. 1 to an acceptable outlet.

SC20 The following San Dieguito Water District conditions apply to the subject project:

- a. The alignment and profile of District water main shall be verified and depicted on the grading plan. District personnel will assist in locating the water line.
- b. No grade changes within the 25' District easement will be allowed without prior District approval.
- b. No permanent structures or trees will be allowed in the District easement without prior District approval.

SC21 The following Olivenhain Municipal Water District conditions apply to the subject project:

- a. Project plans including water demand information shall be submitted to the District in order to conduct a hydraulic analysis to determine the District's capability to serve the project. All costs associated with the study and subsequent plan check of improvement plans, if any, shall be paid for by the applicant.
- b. In accordance with Assessment District 96-01, the minimum size meter to serve this parcel will be a 1 1/2 inch meter. However, the appropriate size meter can only be determined upon study of the demands of the project.
- c. Any meter(s) serving the project will be required to install a Reduced Pressure Principle (RPP) backflow prevention device.

SC22 Prior to final occupancy approval of the restroom structure, the project site shall be annexed to the Cardiff Sanitation District. If the Cardiff Sanitation District is dissolved, this condition will become inoperative.

SC23 The project is subject to Chapter 23.26 of the Municipal Code (Water Efficient Landscape Program), which requires a landscape and irrigation plan to be prepared by a State licensed landscape designer. The requirements for the plans are listed in Chapter 23.26. The final landscape and irrigation plans must be submitted as part of the grading permit application for the project.

SC24 All required landscape plantings shall be in place prior to use of the sports complex. All required plantings and automated irrigation systems shall be maintained in good condition, and whenever necessary, shall be replaced with new materials to ensure continued compliance with applicable landscaping, buffering, and screening requirements. All landscaping and irrigation systems shall be maintained in a manner that will not depreciate adjacent property values and otherwise adversely affect adjacent properties.

Upon completion of the installation of the landscaping and the irrigation system a final field observation shall be conducted and a certification of substantial

completion shall be completed and signed by a state licensed landscape architect, landscape contractor or an irrigation designer who also holds a state license in the landscape field.

SC25 Prior to grading permit issuance, a Coastal Development Permit shall be obtained from the California Coastal Commission for project improvements included within the original jurisdiction of the California Coastal Commission.

SC26 The security lighting, conditioned in SC14 above, shall be located only on the east side of the restroom building and it shall be enclosed within a lock box. Access to the lock box shall be made available only to the site caretaker, City staff and Law Enforcement personnel.

SC27 The pad for the caretaker trailer shall be relocated to the northwest corner of the parking lot. In order to shield the interior lighting, an enclosure shall be provided for the trailer. Additionally, the trailer enclosure shall be screened on the exterior with plantings.

SC28 The covenant agreement between the San Elijo Lagoon Conservancy and the City of Encinitas which sets forth limitations on lighting within the project shall be recorded with the County Recorder within 7 calendar days of the City Council adoption of this resolution. Conditions SC26 and SC27 shall only be enforceable upon the execution and recordation of the covenant agreement between the San Elijo Lagoon Conservancy and the City of Encinitas which also stipulates that the San Elijo Lagoon Conservancy shall not oppose the project at any Coastal Commission hearings.

G1 STANDARD CONDITIONS:

CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

G2 This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.

G3 This project is located within the Coastal Appeal Zone and may be appealed to the California Coastal Commission pursuant to Coastal Act Section 30603 and Chapter 30.04 of the City of Encinitas Municipal Code. An appeal of the Planning Commission's decision must be filed with the Coastal Commission within 10 days following the Coastal Commission's receipt of the Notice of Final Action. Applicants will be notified by the Coastal Commission as to the date the Commission's appeal period will conclude. Appeals must be in writing to the Coastal Commission, San Diego Coast District office.

G12 Prior to any use of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.

- 1.3 All parking areas and driveways shall conform with Chapter 30.54 of the Municipal Code and the City's Offstreet Parking and Design Manual incorporated by reference therein.
- 1.11 At all times during the effective period of this permit, the responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of the authorized activity.
- 1.12 In the event that any of the conditions of this permit are not satisfied, the Community Development Department shall cause a noticed hearing to be set before the authorized agency to determine whether the City of Encinitas should revoke this permit.
- 1.13 Upon a showing of compelling public necessity demonstrated at a noticed hearing, the City of Encinitas, acting through the authorized agency, may add, amend, or delete conditions and regulations contained in this permit.
- 1.14 Nothing in this permit shall relieve the applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit.
- 1.15 Nothing in this permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this permit.
- 1.17 Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance with a use permit contained in Section 30.74.105 of the Municipal Code. Modifications beyond the scope described therein will require submittal and approval of an amendment to the use permit by the authorized agency.
- 1.18 All project grading shall conform with that shown on the approved project plans. If no grading is proposed on the approved plans, or subsequent grading plans are inconsistent with the grading shown on the approved plans, a use permit modification for such grading shall be obtained from the authorized agency of the City prior to issuance of grading or building permits.
- HW1 Approval of the 4(d) permit in conjunction with this application does not constitute authorization for the take of habitat at this time. The City has a "first-come, first-served" policy for interim taking of habitat lands through the 4(d) permitting process, such that the take will be authorized only at such time that a grading plan is submitted and approved by the City as being within the cumulative 5% take limitation for habitat lands.
- HW6 This project has been identified as having a potential impact on fish and/or wildlife; therefore, pursuant to Section 711.4 of the State Fish and Game Code, the applicant must submit to the City of Encinitas a negotiable check in the amount of \$1,275.00 if this project includes a Negative Declaration, or a check in the amount of \$875.00 if this project includes an Environmental Impact Report. The purpose of the above State established fee is to defray the cost of managing and protecting fish and

wildlife resources which may be impacted by the development. The check, made payable to the County Clerk of San Diego County, must be submitted prior to the end of the 4th day following the City's action. Failure to submit a negotiable check will cause the project approval to become null and void since the Notice of Determination can not be filed without payment of this fee or authorized notice of exemption as provided in Section 711.4. NO BUILDING PERMITS OR OTHER ENTITLEMENTS WILL BE PROCESSED UNTIL THIS CONDITION IS SATISFIED.

B1 BUILDING CONDITION(S):

CONTACT THE ENCINITAS BUILDING DIVISION REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- B2 The applicant shall submit a complete set of construction plans to the Building Division for plancheck processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). Commercial and Multi-residential construction must also contain details and notes to show compliance with State disabled accessibility mandates. These comments are preliminary only. A comprehensive plancheck will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

F1 FIRE CONDITIONS:

CONTACT THE ENCINITAS FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

- F11 **FIRE HYDRANTS & FIRE FLOWS:** The applicant shall provide fire hydrants of a type, number, and location satisfactory to the Encinitas Fire Department. A letter from the water agency serving the area shall be provided that states the required fire flow is available. Fire hydrants shall be of a bronze type. A two-sided blue reflective road marker shall be installed on the road surface to indicate the location of the fire hydrant for approaching fire apparatus.

INSTALL FIRE HYDRANT(S) AS FOLLOWS: At the southwest corner of the project entrance.

ENGINEERING CONDITIONS:

CONTACT THE ENGINEERING SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.

Grading Conditions

- EG3 The developer shall obtain a grading permit prior to the commencement of any clearing or grading of the site.
- EG4 The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Engineering Services Director and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.
- EG5 No grading shall occur outside the limits of the project unless a letter of permission is obtained from the owners of the affected properties.
- EG6 A separate grading plan shall be submitted and approved and a separate grading permit issued for the borrow or disposal site if located within the city limits.
- EG7 All newly created slopes within this project shall be no steeper than 2:1.
- EG8 A soils/geological/hydraulic report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. Such report shall be submitted and approved: **At first submittal of a grading plan.**
- EG9 Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Engineering Services Director for the proposed haul route. The developer shall comply with all conditions and requirements the Engineering Services Director may impose with regards to the hauling operation.
- EG10 In accordance with Section 23.24.370 (A) of the Municipal Code, no grading permit shall be issued for work occurring between October 1st of any year and April 15th of the following year, unless the plans for such work include details of protective measures, including desilting basins or other temporary drainage or control measures, or both, as may be deemed necessary by the field inspector to protect the adjoining public and private property from damage by erosion, flooding, or the deposition of mud or debris which may originate from the site or result from such grading operations.

ED1 Drainage Conditions

- ED2 The developer shall exercise special care during the construction phase of this project to prevent any offsite siltation. The developer shall provide erosion control measures and shall construct temporary desiltation/detention basins of type, size and location as approved by the Engineering Services Director. The basins and erosion control measures shall be shown and specified on the grading plan and shall be constructed to the satisfaction of the Engineering Services Director prior to the start of any other grading operations. Prior to the removal of any basins or facilities so constructed the area served shall be protected by additional drainage facilities, slope erosion control measures and other methods required or approved by the Engineering Services Director. The developer shall maintain the temporary basins and erosion control measures for a period of time satisfactory to the Engineering Services Director and shall guarantee their maintenance and satisfactory performance through cash deposit and bonding in amounts and types suitable to the Engineering Services Director.
- ED3 A drainage system capable of handling and disposing of all surface water originating within the subdivision, and all surface waters that may flow onto the subdivision from adjacent lands, shall be required. Said drainage system shall include any easements and structures as required by the Engineering Services Director to properly handle the drainage.
- ED4 The proposed project falls within areas indicated as subject to flooding under the National Flood Insurance Program and is subject to the provisions of that program and City Ordinance.
- ED5 The developer shall pay the current local drainage area fee prior to approval of the grading permit for this project or shall construct drainage systems in conformance with the Master Drainage Plan and City of Encinitas Standards as required by the Engineering Services Director.
- ED7 Concentrated flows across driveways and/or sidewalks shall not be permitted.

ES1 Street Conditions

- ES3 The developer shall make an offer of dedication to the City for all public streets and easements required by these conditions or shown on the site development plan. The offer shall be made prior to issuance of any building permit for this project. All land so offered shall be granted to the City free and clear of all liens and encumbrances and without cost to the City. Streets that are already public are not required to be rededicated.
- ES5 Prior to any work being performed in the public right-of-way, a right-of-way construction permit shall be obtained from the Engineering Services Director and appropriate fees paid, in addition to any other permits required.

ES8 The design of all private streets and drainage systems shall be approved by the Engineering Services Director prior to **issuance of any grading or building permit** for this project. The structural section of all private streets shall conform to City of Encinitas Standards based on R-value tests. The standard improvement plan check deposit is required.


Utilities

EU2 The developer shall comply with all the rules, regulations and design requirements of the respective utility agencies regarding services to the project.

EU3 The developer shall be responsible for coordination with S.D.G. & E., Pacific Telephone, and other applicable authorities.

EU4 All proposed utilities within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.

Letters of Support

| |
|---|
| EXHIBIT NO. 10 |
| APPLICATION NO. A-6-ENC-00-86 6-00-54 |
| Letters of Support |
|  California Coastal Commission |

July 18, 2000

Dear Coastal Commission Member:

As a concerned member of the Encinitas community I encourage you to approve the Manchester Ave. park plan as proposed by the Encinitas city council and approved by the Encinitas Planning Commission for the following reasons:

- Restoration of the Lux Canyon Creek and its surrounding riparian habitat.
- 25% of the park site is to be restored to its original natural state.
- The San Elijo lagoon will be protected from any potentially harmful run-off by large buffer zones, sediment traps, and filtration systems.
- The habitat will not be disturbed by any intrusive artificial lighting.
- The planting plan consists of only native species, and playfields.
- Provides a much needed community space for family activities.
- Completion of the proposed park plan will help fulfill the recreational element of our city General Plan.
- This site was purchased with taxpayer dollars specifically for this proposed park plan, which includes both passive and active uses.

Thank you very much for your consideration in this manner.

Yours very truly,

Laureen S. Bloomer

462 Cerro St.

Encinitas, CA.

92024

**The Commission has received 336 copies
of this signed letter from individual supporters.**

RECEIVED

AUG 3 1 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

PETITION

PEOPLE FOR PARKS

The proposed Manchester Avenue Park Project in Encinitas, California consists of dedicated open space, re-vegetation of the Lux Canyon Creek to a quality Riparian Environment, picnic areas, trails, and open space play fields.
For these reasons we the Undersigned DO support the proposed park project.

| Name | Address | City | Signature | Do You want this? |
|-----------------------|--|---------------------|------------------|---|
| Heidi Duke | 2443 B Sacada Cir. 92009 | Carlsbad | Heidi Duke | Yes! <input checked="" type="checkbox"/> |
| Maria Dancy | 944 MEIBA RD 92024 | ENCINITAS | Maria Dancy | Yes! <input checked="" type="checkbox"/> |
| DAVID BRUER | POB 238511 ENCINITAS | | DBruer | Yes! <input checked="" type="checkbox"/> |
| STEVE ACETI | 1137 522ND STREET 92024 SHUTE 6 ENCINITAS 92024 | | SA | Yes! <input checked="" type="checkbox"/> |
| H. SAARINEN | 1958 FREIDA LANE | CARDIFF | H. Saarinen | Yes! <input checked="" type="checkbox"/> |
| M. W. Kays | 2404 Hillcrest Dr | Leucadia | | Yes! <input type="checkbox"/> |
| Amy Gilcrest | 781 3rd St. Encinitas 92024 | | Amy Gilcrest | Yes! <input type="checkbox"/> |
| Rachelle Collier | 287 Hillcrest Dr Leucadia 92024 | | Rachelle Collier | Yes! <input type="checkbox"/> |
| Jesse Thompson | 1845 N. VULCAN AV 92024 | ENC | Jesse Thompson | Yes! <input type="checkbox"/> |
| PATRICK EDWARDS | 2058 WINSOME WAY Encinitas 92024 | | Patrick Edwards | Yes! <input type="checkbox"/> |

The Commission has received 62 copies of this petition signed by approximately 430 individual supporters.

Enc 25

FROM :

FRX NO. :

Jan. 05 2000 09:48AM P1

RC: Appeal # A-6-ENC-00-086

July 7, 2000

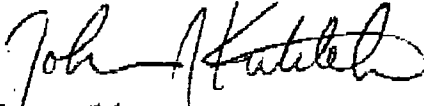
Christine Kehoe, City Council Member
City of San Diego, California
202 "C" Street
San Diego, CA 92101

Dear California Coastal Commission member:

As a homeowner in the City of Encinitas, and as acting President of the Cardiff Soccer Club, I encourage you to approve the Manchester Avenue Park Plan as proposed by the City of Encinitas Planning Commission for the following reasons:

- ~ Restoration of the Lux Canyon Creek and its surrounding riparian habitat
- ~ 25% of the park site is to be restored to its original natural state
- ~ The San Elijo lagoon will be protected from any potentially harmful run-off by large buffer zones, sediment traps & filtration
- ~ The habitat will not be disturbed by intrusive artificial lighting
- ~ The planting plan consists of only native species, and playfields
- ~ The plan provides for much needed community space for activities such as soccer games for the local children
- ~ Completion of the proposed park plan will help fulfill the recreational element of the City of Encinitas general plan
- ~ This site was purchased with taxpayer dollars specifically for this proposed park plan, which includes both passive & active uses

Thanks in advance for your help.


John Kutilek
President
Cardiff Soccer Club



2000 Board of Directors

Greg Alario
Competitive Coordinator

Patti & Jeff Anstett
Opening Day Coordinators

Ramona & Mike Cemper
Uniforms / Equipment

Julie Chippendale
In-Service Coordinator

Jon Cohen
Vice President

Pam Daugherty
Referee / Field Coordinator

Julia Durkin
Girl Teams Coordinator

Jerry Groff
Sponsorship / Club Trainer

Nate Hetherington
Professional Trainer

Olivier & Amber Kolpin
Treasurer / Coordinators

John Kutilek
President

Steve Levinson
Technology Coordinator

Jim Sadler
Head Coach

Jerome Stocks
Sponsorship

Mark Thiede
Boy Teams Coordinator

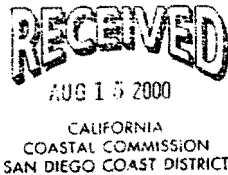
Julie Thunder
Registrar

Jeanne Vilsack
Secretary / Past President

Cardiff Soccer Club
449 Santa Fe Drive # 115
Encinitas, California 92024
760-942-9378
www.cardiffsoccer.com

7/30/00

Encinitas Soccer League
204 North El Camino Real
Box 225
Encinitas, CA 92024
760-634-3824 (phone/FAX)



Dear Coastal Commissioner,

I am writing on behalf of the Encinitas Soccer League in regards to the Manchester Sports Park Coastal Commission Appeal No. A-6-ENC-00-086. The Encinitas Soccer League is a nonprofit organization that provides recreational and competitive level soccer for approximately 1300 children in Encinitas every year. We are in support of the Manchester Sports Park and very disappointed by the efforts now being made at this late date to stop the project. We are asking that you consider in favor of the city of Encinitas and the Manchester Sports Park.

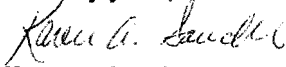
We have been working with the Encinitas City Council over the last 5 years to negotiate more soccer fields for our city's youth. Currently, the city of Encinitas has one soccer field which is considerably inadequate for the number of children we serve. Field availability is a huge conflict among the many sports organizations in Encinitas. Soccer must rely on using the city's baseball and softball fields, which then limits the fields available to those organizations. We also must pay the schools to use their fields, which are closed parts of the year. Every year there is more and more competition for the fields, as the cities of Encinitas and Carlsbad continue to build more houses resulting in greater numbers of children who want to play sports. The city is currently not meeting the community's needs for fields.

We watched as the initial plans for 7 fields at Manchester were reduced to 3 fields, and are dismayed that these 3 fields are now in jeopardy. We believe that the city has been responsible in insuring every environmental issue was addressed. These fields will not have lights, they will be closed 4 months of the year for breeding of birds, they are using special fertilizing procedures to avoid run-off, there will be no concrete, and they are restoring the Lux Canyon Creek and some of the natural habitat. We believe the park will improve the current appearance of the area. It will provide a beautiful place for the residents to enjoy the environment. We see the park as a complement to the natural habitat and not in conflict with it.

We also see it as the only way to meet the community needs for fields and park space for recreational purposes. Large amounts of land are just not available anymore in Encinitas. There is no other place to build such a park in the city. Some one needs to be responsive to the families and children who live in this area.

I have enclosed some support letters from voters who live in the area. I respectfully ask that you seriously consider that this park is a well thought out project that meets both the environmental and community needs in the area.

Sincerely yours,


Karen A. Sawchenko
Executive Administrator
Encinitas Soccer League



The California Coastal Commission
3111 Camino Del Rio North #200
San Diego CA 92108-1725

Date: September 11, 2000

To Whom It May Concern:

I am totally in favor of the new park that the City of Encinitas is proposing. The company I work for, Skyhawks, has had an excellent relationship with the City of Encinitas for the past five years. We run several summer and after school programs with the city.

A park with soccer fields such as these is exactly what Encinitas needs. If you need to contact me directly, I would be happy speak to you about this issue at greater length. Thank you for your time,

Sincerely,

Brian Simpson
San Diego Area Director
(619) 461-4936
bsimp@gateway.net


RECEIVED

SEP 15 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Sports Programs for Kids!

Letters of Opposition

| |
|---|
| EXHIBIT NO. 11 |
| APPLICATION NO. |
| A-6-ENC-00-86 |
| 6-00-54 |
| Letters of Opposition |
|  California Coastal Commission |

4040 Manchester Avenue
Encinitas, CA 92024

April 1, 2000

RECEIVED

APR 04 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission, San Diego Coast Area
3111 Camino del Rio North, Suite 200
San Diego, CA 92108-1725

Re: Encinitas, CA Case #96-127 MUP/CDP/EIA (Sports Complex planned on Manchester Avenue) appealed to the Coastal Commission

We have lived on rural Manchester halfway between El Camino Real and Encinitas Boulevards for over thirty years--within earshot of this proposed 20-acre Sports Complex that the City of Encinitas planning commission approved at its hearing on March 23, 2000.

We are completely opposed to this proposed sports complex of 3 soccer fields, parking, restrooms, caretaker house, in this location for many different reasons, but among them are these:

1. Open space is already the most precious resource any community can own. This 20-acre parcel, being adjacent to a nature reserve and bird sanctuary and draining into the Escondido Creek, is even more valuable because of its natural undeveloped beauty.
2. Encinitas is already fighting a losing battle with pollution of the city's water streams. Why should the city be allowed to heavily develop an area draining into Escondido Creek--adjacent to the San Fijio Lagoon?
3. If this Sports Complex is developed, who would be in charge of cleaning the restrooms, emptying the trash, cleaning debris left behind by careless or homeless visitors. Who acts as security guard if the property has to be fenced to be protected against misuse and abuse? Imagine the soda bottles/cans, plastic rings (death to birds and other wildlife) paper debris, garbage and graffiti left behind after a hotly contested game? Maybe the crows, ravens, squirrels, coyotes and possum could survive but think of the devastation it will wreak on the resident songbirds, hawks, owls, herons and egrets.

PLEASE DO NOT ALLOW THIS BADLY LOCATED PROJECT TO PROCEED.

Wally Glozack
The Wally Glozack family

California Coastal Commission, San Diego Coast Area
3111 Camino del Rio North, Suite 200
San Diego, Ca. 92108-1725
Fax: 619 521-9672

RECEIVED

APR 06 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: Manchester Sport Complex

To Whom It May Concern:

I beg you to consider the following and I will be brief. Many folks in Encinitas agree that we need soccer fields. I am one of them. I have a child who would benefit from it.

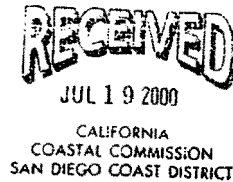
However, my child and our family would benefit more from maintaining an open, undeveloped San Elijo lagoon area. This is one of the few remaining undeveloped areas in north county and we must, must protect it. It is truly a sensitive and precious resource.

The city of Encinitas can and will find an alternate location - one closer to where people actually live. The site they previously selected was resisted by local residents, before everyone agreed to have no night lights. Had this been decided previously, they would have agreed. I heard three city council members vote in favor of the sports complex but preceded their comments with: "I do this with a great discomfort and queasiness." I heard it with my own ears. They were queasy because they knew it is the wrong location for the complex.

Please help stop this development.

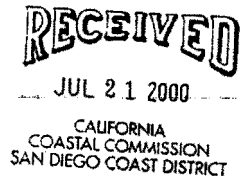
Larry Vernec

Larry Vernec
3764 Brand Crest
Encinitas, CA 92024



Richard G. Walsh

1801 Avenida Mimosa • Encinitas, CA 92024
(760) 436-2973 • Fax (760) 944-7342



July 21, 2000

California Coastal Commission
7575 Metropolitan Drive, #103
San Diego, CA 92108-4402

To Whom This May Concern:

This is to request that the Coastal Commission take whatever action it has in its power to overturn the decision by the City of Encinitas to use 20 acres of land southeast of the intersection of El Camino Real and Manchester Avenue for a sports complex. Please help preserve this land as an ecological reserve to maintain its value to the area as a natural enhancement to our quality of life. As a 24-year resident of Encinitas, I am in favor of projects such as the proposed sports complex. However, it is my earnest wish that another site be used that does not deny our city an exceptional part of the ever-shrinking natural areas it still possesses.

Thank you for your consideration of this important matter.

Sincerely,

Richard G. Walsh

Richard G. Walsh

Dear Coastal Commission members,

I urge you to deny the City of Encinitas permission to proceed on the sports complex adjacent to (and incorporating parts of) the San Elijo Lagoon. As you are well aware, the lagoon is a very sensitive area, already highly impacted by "I-5". I much favor the concept of the acreage in question being added to the reserve.

Surely, there are other areas in Encinitas which might be utilized for the sports park concept. To further encroach on one of the few quasi-natural areas around is very shortsighted. I worry about the effect the construction would have on the birdlife in the area, and later, the impact of the people themselves. (I realize there is a plan for low impact lighting).

My family and I enjoy walking along the lagoon and do not, in any way support the new development proposed. Additionally, Manchester Ave., feeding into El Camino Real, is one of the few rural feeling areas in the nearby vicinity. For wildlife and people, please save this area.

Sincerely,

Kim Cook
Brent Cook
Savannah Cook
Cadence Cook

Kim Cook
Brent Cook
Savannah Cook
Cadence Cook

RECEIVED

JUL 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Patricia A. Klaus

3300 Dove Hollow Road
Encinitas, California 92024
(858) 756-8247

July 15, 2000

Gary Cannon, Coastal Program Analyst
California Coastal Commission
San Diego Coast Area
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RE: Commission Appeal No. A-6-ENC-00-086

Dear Mr. Cannon:

I am writing in support of the appeal to the California Coastal Commission which opposes the Manchester Sports Park. I am not personally opposed to sports parks in general, nor am I an expert in conservation, but it is clear to me that this is the wrong location for an active-use sports park.

For the record, I also believe it is the wrong location for residential development. This parcel, and neighboring parcels, should be part of a conservation program which maintains and enhances the natural state of this rare open space.

I attended the Encinitas Planning Commission session where this project was approved. One commissioner voted against approval. Two commissioners admitted to feeling "queasy" about approving such a project so close to the San Elijo Lagoon Ecological Preserve, but approved it anyway.

The comments below are based on review of the approved project plans, review of the Final Environmental Impact Report and personal observation.

Environmental Setting

The adopted San Elijo Lagoon Area Enhancement Plan prepared by the County of San Diego Department of Parks and Recreation recommends preservation and augmentation of a gradient of self-sustaining habitats to support a diverse ecosystem and satisfy regional habitat needs while also maximizing passive recreational and educational opportunities for the public. The proposed sports park is hardly passive.

Land Use

All examination of adjacent land use ignores the fact that Manchester Avenue is a clear dividing line. Mira Costa Community College, the Greek Orthodox Church, and developed residential properties are all on the opposite sides of Manchester Avenue.

It is never stressed that only San Elijo Lagoon and vacant parcels are located in the immediate vicinity. This project would be the first in that area and would be a dangerous precedent for development near or adjacent to the Lagoon.

I contend that the City of Encinitas is not meeting many of the goals set in the General Plan and Local Coastal Program. The applicable environmental plans and policies of the City of Encinitas include the following:

- ♦ General Plan/Local Coastal Program
 - ♦ Protect, maintain, and where feasible enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. While the current plan incorporates native plantings, grass soccer fields are not part of the coastal zone natural resources.
 - ♦ Maximize public recreational opportunities in the coastal zone consistent with sound conservation principles. This project would certainly maximize public recreational opportunities, but do so at the expense of nature. Hardly consistent with sound conservation principles.
- ♦ General Plan Land Use Element Goals and Policies
 - ♦ Goal 6 – Every effort shall be made to ensure that the exiting desirable character of the communities is maintained. Many, if not most, residents of Olivenhain do not agree that a soccer park fits into the community character, especially in this sensitive habitat area.
 - ♦ Goal 8 – Preserve, to the greatest extent possible, environmentally and topographically sensitive and constrained areas. This project has been designed to protect only those parts of the area which are required by law to be protected.
 - ♦ Goal 9 – Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semi-rural living within the I-5 view corridor and within other view corridors, scenic highways and vista/viewsheds as identified in the Resource Management Element. This project does not preserve the present natural open space.
- ♦ General Plan Resource Management Element Goals and Policies
 - ♦ Goal 10 – The City will preserve the integrity, function, productivity, and long-term viability of environmentally sensitive habitats throughout the city, including kelp beds, ocean recreational areas, coastal water, beaches, lagoons and their uplands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats. This property is lagoon upland. This project does not preserve the habitats found on the parcel.

Biological Resources

While the FEIR characterized much of this parcel as "disturbed", the Letters of Comment submitted by the US Fish and Wildlife Service / California Department of Fish and Game include comments which indicate that the land is recovering as a habitat:

Mitigation and Monitoring

Most of the monitoring of project mitigation and major use permit conditions will be done by the City of Encinitas, usually the Community Development Director. Since the Community Development Department is the lead agency in developing this project, this certainly sounds wrong.

I will close by noting that the San Elijo Lagoon Ecological Preserve and the surrounding upland areas to the south and west of Manchester Avenue are a precious resource. I hope they can be treasured as natural open space rather than exploited.

Sincerely,



Patricia A. Klaus

- ♦ The habitat ranked as very high in terms of habitat value in the Habitat Evaluation Model developed for the MHCP. This site is directly adjacent to an Ecological Reserve where the endangered light-footed clapper rail has been documented within 500 feet of the subject property.
- ♦ A pair of threatened coastal California gnatcatcher have been observed on-site over a span of several years. No other listed species were observed on-site; however, it should be noted that the subject property abuts an ecological reserve where several state and/or federally listed species occur such as the light-footed clapper rail, Belding's savannah sparrow, California least tern, and the western snowy plover. Other sensitive vertebrates observed on-site include the orange-throated whiptail and the San Diego horned lizard. Sensitive plants observed on-site include southwestern spiny rush and the Torrey Pine.
- ♦ Gnatcatcher fledglings have been observed in the vicinity (1996) which indicates that gnatcatcher numbers may be increasing in this area and new territories may have been established.

Note also that the project plan incorporates 50-150' "buffers" between the fields and the wetland area, and then puts drain pipes through the buffering berms to allow drainage from soccer fields to alkali meadow.

Noise

In the Letters of Comment, the US Fish and Wildlife Service / California Department of Fish and Game observed the following:

- ♦ The sports complex will generate a lot of noise and activity that may be difficult to confine to play field locations.

The city's noise element identifies that community noise exposure for outdoor spectator sports are conditionally acceptable to 70 dB. The FEIR does not indicate that noise measurements were conducted at any soccer games, much less three simultaneous soccer games. There is no estimate given for the level of noise which can be expected.

Except for constraining construction noise during gnatcatcher breeding season, all mitigation measures identified in the FEIR are designed to protect humans from the noise of the soccer games. There is no mention of the affect of the noise levels on gnatcatchers outside breeding season, nor is there mention of the affect on other sensitive species in the area.

Visual Quality

The visual quality study seems to have overlooks something very obvious. All the land visible to the west and south of Manchester Avenue is in a natural state progressing from weedy upland to lagoon wetlands. Close your eyes and picture, if you will, one to two acres of parking lot and 10-12 acres of grass intruding into this area. Will it affect the visual quality? Yes it will! Now add to that picture a white motor home for a caretaker...

FACSIMILE 619 767-2384

To: Coastal Commission, Gary Cannon
 From: Fitch Household
 Date: 14 July 2000

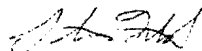
Subject: Appeal No. A-6-ENC-00-086 Against Encinitas Sports Park located on the San Elijo Lagoon

Our soccer playing household is **AGAINST** allowing the Sports Park in this location for 3 reasons:

- 1) The plan allows very heavy use, too deep into the lagoon habitat
- 2) Encroachments disturbing the banks (like the Del Mar racetrack in that heavily disturbed lagoon), should be avoided; proximate activities should be passive use.
- 3) The city has refused to put in writing a promise to never add night lighting (a tenant of the Olivenhain community character)

There are many other reasons; traffic, alternative locations, coordination with schools, etc but, in summary, the project should be massively scaled back if allowed at all

Thanks you for counting our input



RECEIVED

JUL 17 2000

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

RECEIVED

JUL 20 2000

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

California Coastal Commission
 7575 Metropolitan Drive, #103
 San Diego, CA 92108-4402
 Fax: 619-767-2384

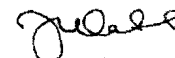
July 19, 2000

Reference: Proposed use of land in Encinitas: El Camino Real and Manchester Avenue

With this letter I would like to present my firm opinion that the 20 acres south east of El Camino Real and Manchester Avenue be acquired as part of the adjacent ecological reserve. I feel strongly that this land should not be used for the proposed sports complex. It is one of the few locations of high visibility in Encinitas without development. Please help preserve this land!

I moved to Encinitas in 1976. The City has allowed strip mall developers to devour hundreds of acres of land, why must they now take one of the few remaining open spaces of nature?! If the City of Encinitas wants to offer a sports complex, I ask that they look elsewhere. The sports complex will serve the community well, but I do not feel it should be built at a sacrifice to the precious few open spaces of nature left in this city.

Sincerely,



Jeannine Walsh
 1801 Avenida Mimosas
 Encinitas, CA 92024

RECEIVED

JUL 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICTJuly 14, 2000
Solana Beach

Dear Coastal Commission members,

I urge you to deny the City of Encinitas permission to proceed on the sports complex adjacent to (and incorporating parts of) the San Elijo Lagoon. As you are well aware, the lagoon is a very sensitive area, already highly impacted by "T-5". I much favor the concept of the acreage in question being added to the reserve.

Surely, there are other areas in Encinitas which might be utilized for the sports park concept. To further encroach on one of the few quasi-natural areas around is very shortsighted. I worry about the effect the construction would have on the birdlife in the area, and later, the impact of the people themselves. (I realize there is a plan for low impact lighting).

My family and I enjoy walking along the lagoon and do not, in any way support the new development proposed. Additionally, Manchester Ave., feeding into El Camino Real, is one of the few rural feeling areas in the nearby vicinity. For wildlife and people, please save this area.

Sincerely,

Kim Cook *Cadence Cook*
Brent Cook *Savannah Cook*

Kim Cook
Brent Cook
Savannah Cook
Cadence Cook

RECEIVED

JUL 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

TO: CALIFORNIA COASTAL COMMISSION FAX: (619) 767-2384

SUBJECT: PROPOSED ZONING CHANGE TO ALLOW A "SPORTS COMPLEX" TO BE BUILT ADJACENT TO SAN ELIJO LAGOON ECOLOGICAL PARK

FROM: FRANK & SHIRLEY LAYTON FAX: (858) 350-1329

WE HAVE BEEN RESIDENTS OF SOLANA BEACH SINCE 1976, WHEN WE PURCHASED OUR HOME ON SANTA HIDALGA. OUR HOME OVER LOOKS AND IS ADJACENT TO THE SOUTH SIDE OF THE SAN ELIJO LAGOON COUNTY PARK & ECOLOGICAL RESERVE.

OVER THE YEARS WE HAVE SEEN A GRADUAL DECREASE IN THE MIGRATING WATER FOUL, (DUCKS AND GEESE), USE OF THE LAGOON.

IT IS VERY EASY TO MAKE A DIRECT CORRELATION TO THE INCREASE OF TRAFFIC ON MANCHESTER AVE. AND THE DECREASE IN THE AMOUNT OF THE MIGRATING WATER FOUL WHICH STILL UTILIZE THE LAGOON.

WE ARE AFRAID THAT THE PEOPLE WHO ARE NOW ABOUT TO MAKE THE DECISION ON THE PROPOSED DEVELOPMENT OF A "SPORTS COMPLEX" ADJACENT TO SAN ELIJO LAGOON ARE NOT AWARE OF THE CONSEQUENCES OF SUCH A DEVELOPMENT DIRECTLY ADJACENT TO THE WILD LIFE ECOLOGICAL RESERVE.

I HAVE NEVER SEEN A "SPORTS COMPLEX" ANYWHERE THAT DOES NOT GENERATE LARGE VOLUMES OF TRAFFIC, NOISE, AND CONGESTION IN ORDER TO ACCOMMODATE THE COMING AND GOING OF THE PEOPLE WHO FREQUENT IT. THIS WOULD ALL BE DONE ON MANCHESTER AVE ABOVE AND BEYOND THE ACTIVITY IN THE 20 ACRE DEVELOPMENT. OF COURSE, THE MAJOR USE OF A "SPORTS COMPLEX" IS TO HAVE ORGANIZED GAMES AND ACTIVITIES WHICH WILL EVENTUALLY REQUIRE NIGHT TIME USE WHICH WILL NECESSITATE LIGHTS AND MORE CONGESTION.

IT REALLY DOESN'T TAKE A ROCKET SCIENTIST TO SEE WHY THIS DEVELOPMENT WOULD BE DEVASTATING FOR THE CURRENT INTENDED USE OF THE LAGOON. IT IS ALSO VERY EASY TO SEE WHY THE INTENDED DEVELOPERS BEHIND THIS PROJECT WANT THIS PARTICULAR PROPERTY. IT IS CHEAPER AND MUCH CLOSER TO THE POPULATION MASS OF NORTH COUNTY THAN 20 ACRES OF PROPERTY FURTHER NORTH AND EAST OF SOLANA BEACH AND ENCINITAS.

YESTERDAY, THERE WAS A COYOTE TRAVERSING THE LAGOON. CAN YOU IMAGINE THE REACTION OF CHILDREN WHEN ACCOSTED BY A WILD ANIMAL? BOTH THE WILDERNESS AND THE CHILDREN CAN SURVIVE, BUT NOT IN CLOSE PROXIMITY

Mr & Mrs Frank & Shirley Layton

URGENT!

RECEIVED

JUL 14 2000

Date: July 14, 2000

To: California Coastal Commission
San Diego, CA
Fax: 619-767-2384

From: Elena Thompson

Re: Sports Complex- Encinitas Wetland, CA

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

TO: California Coastal Commission

FROM: Judith Dolan

DATE: July 13, 2000

SUBJECT: Encinitas Sports Complex

RECEIVED

JUL 13 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Hello, I am writing to encourage you to deny the intended use of the area on Manchester Road in Encinitas as a "sports park."

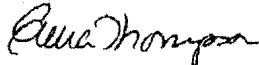
This precious piece of remaining wet land is just that- precious, and a "wetland". It hosts the landmark Torrey Pines, is "protected" area as a "wetland" and is what little we have left of important natural wetland areas in coastal north county, not to mention California.

As pressure mounts to build on more and more of what little coastal lands we have remaining, we encourage you to protect what cannot protect itself and to discourage the continued massive development and exploitation of our remaining open space.

I'm not against sports complexes, but I am against putting them in the wrong place.

Thank you for acting wisely and on behalf of nature and the laws currently in place- both here and in other locations. Your decisions today set a precedent for tomorrow.

Sincerely,



Elena Thompson
Lencadia, CA
760.436.4399

The proposed Encinitas sports complex would occupy land that includes wetlands of the San Elijo Lagoon. I urge you to protect this visible and biologically sensitive site for future generations.

Judith Dolan
309 N. Solana Hills Dr. #89
Solana Beach, CA 92075

FAX 619 521-9672

To: Coastal Commission
 From: Fitch Household
 Date: 5 April 2000

Appeal No. A-6-ENC-00-086

July 11, 2000

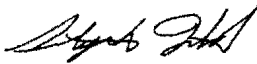
Subject: Against Encinitas Sports Park located on the San Elijo Lagoon

Our soccer playing household is AGAINST allowing the Sports Park in this location for 3 reasons:

- 1) The plan allows very heavy use, too deep into the lagoon habitat
- 2) Encroachments disturbing the banks (like the Del Mar racetrack in that heavily disturbed lagoon), should be avoided; proximate activities should be passive use.
- 3) The city has refused to put in writing a promise to never add night lighting (a tenant of the Olivenhain community character)

There are many other reasons; traffic, alternative locations, coordination with schools, etc but, in summary, the project should be massively scaled back if allowed at all

Thanks you for counting our input



RECEIVED

APR 05 2000

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

Mr. Gary Cannon
 California Coastal Commission
 7575 Metropolitan Drive
 Suite 103
 San Diego, CA. 92108-4402

Dear Mr. Cannon:

As a concerned and informed citizen, I wish to register my strongest opposition to misguided plans to develop a so-called sports park next to the current ecological reserve in San Elijo Lagoon.

Since 1946, I have lived most of my life in Northern San Diego County and have seen the gradual destruction of many of our most vital and precious natural resources, under the usual misplaced title of "progress".

If there is any item which this great area does not need, it is more asphalt and concrete and "entertainment" at the expense of our irreplaceable natural resources.

Since my retirement 15 years ago, I have lived in or visited all 50 states and have witnessed much mindless and cruel destruction of our pristine and bountiful open spaces.

I am utterly amazed at the short-sightedness of the current Encinitas City Council and other so-called "representative" bodies and agencies who should be protecting the vital interests, not only of our current citizenry, but our great Generations To Come.

One needs no science or ecology degree to recognize that this proposed development will have an adverse effect upon the general health of the native habitat, if allowed. I urge you to oppose this unconscionable destruction of our fading open-space.

Sincerely yours,

Jack R. Estes

Dr. Jack R. Estes
 Villa Real Apts. #160
 2711 Avenida De Anita
 Carlsbad, CA 92008

Ph. (760) 729-3855

RECEIVE

JUL 12 2000

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DIST

LINDA S FLOURNOY

RECEIVED

JUL 11 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

July 10, 2000

California Coastal Commission
7375 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402Appeal No. A-6-ENC-00-086
Attention: Gary Cannon

Dear Mr. Cannon:

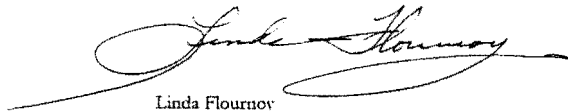
I am writing to you and the Coastal Commission to express my opposition to the proposed sports park in Encinitas on the edge of the San Elijo Lagoon. My opposition especially needs to be brought to your attention since I initially signed the petition supporting the project. My knowledge of the region at the time was rudimentary, and, as soon as a friend gave me more complete details on the proposed location, I regretted signing and have been looking for a way since to remove my support.

As a civil engineer and planner involved in the water environment (with graduate degrees in Sustainability), I have further concerns which revolve around the way the proposed project was presented to me. These means (essentially biased/incomplete information) led me to the conclusion that it was further from the Lagoon and would have fewer impacts than I now believe would occur. This is potentially a greater issue, as I am concerned about how many other people signed the petition under a similar set of (mis)impressions.

Please also openly acknowledge the political pressure currently being applied to the San Elijo Lagoon Conservancy (historic protector of the Lagoon) by the Encinitas Council, in order to restrict SELC's ability to voice the concerns and opposition to the project of their members and others.

I am now strongly opposed to this project, both as an Encinitas resident, and as a conscientious engineer working locally and beyond to assist all development in becoming more Sustainable. I urge you to reject this project on the above grounds and that, in the long run, it will harm rather than enhance our community's environment and hence our community.

Sincerely,



Linda Flournoy

PS. Please, do not use my name without first contacting me for permission.

RECEIVED

APR 06 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

April 6, 2000

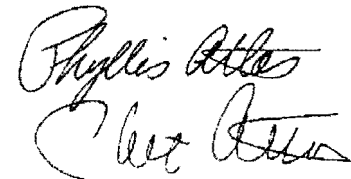
California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North
Suite 200
San Diego, CA 92108-1725

Regarding the Manchester Sports Complex Project in Encinitas:

Please do not approve this project! The corner of the city proposed for this sports complex, is one of the last natural and undeveloped spots in Encinitas. It is an inappropriate site on which to build sports fields, restrooms, and parking lots. Part of the site is in the floodplain. Here is an undisturbed area that is used only by birds and other wildlife and it should remain so.

We implore you to step forward and be the protectors of this beautiful land and put a stop to this proposed development. It is up to you, the Coastal Commission, to do the right thing and call a halt to those who would pave over and destroy every bit of natural, undeveloped land in the city, not to mention the county.

If you allow this land to be developed, it's gone forever.

Phyllis and Chet Atlas
2139 Ranch View Terrace
Olivenhain, CA 92024
760-753-2610


is S. Valerius Credit,
Valerius & Co

July 10/02 92075-

De Warrant May 18

This letter is written to
oppose Centos' attempt to
develop part of the lagoon
marsh San Eliot.

you've heard and read
all the arguments for and
against the sports, back, I
don't bore you with them.

May I add a positive because
it could improve on the wonderful
job Mira Costa College is doing
with science there. High
school and other school classes
in ~~the~~^{the nearby} area use the marsh
for their classes. We had a big
and more moisture won't change
the studies but damage can
be done preparing the field and
maintaining in flooding. No
impact in the Chavonney. No
wildfires are involved.
School associations

Mar. 20. 1892

OS/11

Might add that, according to the North County Times, the Council soon handles and not prepared to make an unbiased decision. This same Council couldn't decide on a library location with the possibility of a decision after the November election. This is also true about a park near Encinitas Blvd. Maybe the Sports park inquest would be decided after the election also.

Mary C. Lee

7-10-00

RECEIVED

JUL 12 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RECEIVED

JUL 13 2000


CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

CCC:

I and my family OPPOSE any further development at or near the environmentally/ecologically sensitive San Elijo Lagoon.

This area must remain "passive use open space" for a myriad of common sense reasons.

Please see to it that the insanity of senseless and ecologically destructive development stops at San Elijo Lagoon.

Sincerely,


July 17, 2000

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

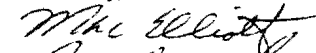
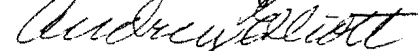
Re: Appeal No. A-6-ENC-00-086
Attention: Gary Cannon

We are strongly opposed to the development by the city of Encinitas of a sports park on land adjacent to the San Elijo Ecological Preserve.

We live close to the Preserve, and recognize how rare and special is this prime habitat for wildlife, which is increasingly threatened by people pressures. The area of the proposed development is a seamless extension of the wetlands and chaparral environment so vital to creatures of the estuary. Soccer fields can be located elsewhere, but migrant birds and resident wildlife in southern California have nowhere else to go.

Regardless of the city's assurance that night lighting would be banned and "people" access limited during the spring breeding season, the difficulties are enormous in maintaining either provision. Most importantly, the loss to habitat would be beyond reckoning. With all our hearts, we urge that this appeal by the city be denied.

Sincerely,

Mac and Audrey Elliott
2530 San Elijo Ave.,
Cardiff, CA 92007
760/ 944-7324

Helen M. Bourne
7040 Avenida Encinas
Ste. 104, PMB 207
Carlsbad, Ca. 92009
June 10, 2000

California Coastal Commission
3111 Camino Del Rio North, suite 200
San Diego, Ca. 92108

Dear Coastal Commissioners;

I am writing to ask you again to deny permission to the City of Encinitas for the proposed Manchester Sports Park. This area is part of an irreplaceable wetland which nourishes all life, as well as critical and sensitive habitat for the endangered California gnatcatcher and coastal sage scrub.

The local public schools as well as Mira Costa College could shore already existing playing fields which are well fenced and lighted, and which have the parking lots and safety features already in place. It would only make sense to make better use of our already existing playgrounds and schools, while respecting the rights of other species. Children need to be able to observe wild nature, to feel connected to all of nature, in order to grow into healthy adults. Will our grandchildren be assured of knowing what a wetland feels like and of seeing blue herons and California gnatcatchers? Only if we make wise decisions to permanently protect these areas, can we protect quality of life for all of us, and for future generations. I feel that this entire area should be permanently protected by making it a part of the San Elijo Lagoon Conservancy. I thank you for considering these comments.

Sincerely,

Helen M. Bourne

Residence address → 271 Hillcrest Dr., #13
Encinitas, Ca. 92034

June 19, 2000

To: The California Coastal Commissioners

From: Shandra Pickering
Home owner adjacent to the proposed Sports Park,
Manchester Ave., Encinitas, Ca.

Dear Commissioners,

I am not in favor of the use of the San Elijo Lagoon for a so-called "Sports Park", for the following reasons:

1. Impact on the environment. This one of a kind bird and wildlife sanctuary, could be adversely affected by the noise and traffic that loud and repeated, soccer games would create, where there has never, ever been activity of any HUMAN kind before. This is now a protected haven for countless species of birds and animals, which call these wetlands, home. Not to mention the migratory birds, that fly the coastal zone, to and from Mexico and Canada. How they are to survive this intervention, has not been studied or is known. Until there is a better understanding of how to best preserve, not just use this area, perhaps it is best to leave it as is. Any kind of human development could damage this ecosystem.
2. The road near this "Sports Park" has become a traffic nightmare, replete with gridlock and accidents. There is not a well-planned turn out or in, to the parking area as I understand it. The traffic flow will be future bottle necked at the near by traffic lights, with turn arounds to and from the park and freeway. Without a well-planned easy access area for the cars, coming and going, either south or north on Manchester Ave. it could certainly become problematic for any emergency vehicle to service, as well.
3. While the idea for this "Sports Park" as it is being called, might sound fine to most, it is neither an all sports facility nor is it a park. This area would serve only those playing soccer. While this is the current and most popular sport, how can one predict its popularity in 10 yrs? This is not a park for all the citizens of Encinitas to use. This is an exclusive use area that only betters a small minority of the people in this city. While a park in the true sense of the word, invites all, young and old, to enjoy its placement, for no particular reason, but for just being there. One also hopes that because of its near proximity to the freeway, that it doesn't become a gang hang out.
4. Until the city has a greater and long term plan for its wetlands and the state of California has allocated funds for such areas, the San Elijo Lagoon and its outlined areas should be protected from any type of development, what so ever.

Thank you for allowing me to share my thoughts and concerns.

Shandra Pickering
Shandra Pickering

March 14, 2000

To Planning Commission:

96-127 MUP/CDP/EIA


I've lived on Manchester Ave. for 50 years.
My family settled this land as farmers.

I am still farming and do not appreciate the
proposed use for the 18.9 acres.

The parking lot will be across the street from me.
I already have trouble getting on and off my property
because of traffic, which will increase because of a
Sports park.

This is a quiet area except for traffic. The
noise level from kids and adults will be a detriment
to this beautiful area.

Please Encinitas, let's keep some open space
left in our city


3535 Manchester Ave.
Cardiff, Ca. 92007

3637 Manchester Ave.
Encinitas, Ca. 92024

March 23, 2000

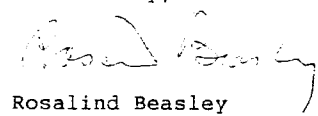
Ms. Diane Langager
Community Development Department
505 South Vulcan Ave.
Encinitas, Ca. 92024

Dear Ms. Langager:

As a resident of Manchester Avenue west I wish to express
my desire that the Encinitas Planning Commission not approve
the sports park, case #96-127 MUP/CDP/EIA. I believe that the
proposed park will create traffic problems along Manchester
Avenue. I also believe that the park will affect the natural
habitat of many species of birds and other small animals,
especially the gnat catcher.

At a time when many local zoning boards are looking to
recover natural wetlands I believe our Encinitas Planning
Commission should not be looking to develop this type of land.
I believe natural areas, such as this site, should be allowed
to remain in their existing pristine state.

Yours truly,


Rosalind Beasley
(760) 632-7082

March 14, 2006

To Planning Commission:

96-127 MUP/CDR/EIA

As one of the pioneering families that settled this area, I have lived here across the street from the proposed sports park for 74 years.

I would like the land left as it is, as open space.

It would generate a lot of noise from cars pulling in and out and kids and adults yelling at games.

Also I have enough trouble getting in and out of my property with the traffic the way it is, it will be worse with a sports park added.

It would be a shame to destroy this beautiful open space with playing fields and cars pulling in and out.

Thank you

Herbert A. Ley
3505 Manchester Ave
Cardiff, Ca. 92007

RE: Manchester Ave Sports Park

My name is Mary Ann Wood, I live on property adjoining the proposed SPORTS PARK. My grandfather Adam Wiegand bought this property in 1901. My father lived on this property until he died at 103 years of age. I was born on this property in 1921 and hope to spend the rest of my life here.

My father farmed lima beans here beginning in 1914. I hope this property can be kept as open space, there is almost none left in the area. My father told of seeing deer come down the waterway and grazing with the cattle.

We need the quiet so that we may hear something else than the noise of traffic.

Sincerely,

Mary Ann Wiegand Wood

Mary Ann Wiegand Wood

number 96-127 MUP/CDP/EIA

Nelson M. Bourne
271 Hillcrest Bl. #13
Encinitas, Ca. 92024
March 15, 00

Ms. Diane Langager
Community Development Department
507 South Vulcan Ave.
Encinitas, Ca. 92024-3633

Dear Ms. Langager / Community Development Department:

I oppose the building of a sports complex at Manchester Ave. and El Comino Real because I feel it is unwise to disturb the already endangered gnatcatchers, even though you plan off-site improvements. It is traumatic to humans when they lose habitat, so I would assume it is the same with the gnatcatcher. To date, there has been no extensive critical habitat designated for the gnatcatchers by the wildlife agencies in this area. I am also concerned about polluted runoff from the parking lot getting into the lagoon, as well as trash from the picnic area. I feel we must appreciate and consider the wildlife who share the planet with us, or we will wake up one day and find that they have all left us.

As an alternative, I ask the city to communicate the need for sports parks to the schools in the area, as well as Mira Costa College. Playing fields are already in place and are unused for much of the day and night. I feel this should be your first choice, as local residents would have more opportunity to participate in school activities and events. It could be a win/win situation for all. Thank you for considering my comments.

Sincerely,

Nelson M. Bourne

mailing address - 7040 Avenida Encinitas

Ste. 104, PMB 207

Carlsbad, CA 92009



March 14, 2000



Diane Langager
City of Encinitas
Community Development Dept.
507 S. Vulcan
Encinitas, CA 92024

RE: Manchester Sports Park (#96-127MUP/CDP/EIA)

Dear Ms Langager,

I am opposed to the Manchester Sports Park. It is in a dangerous location.

It will create more traffic, noise and pollution, which will disturb the wildlife and the lagoon.

We need to keep this area as natural open space.

Sincerely,

Gwen Terry
Gwen Terry
311 Trailview Road
Encinitas, CA 92024

3-16-00
7040 Avenida Encinitas
Ste. 104, PMB 207
Carlsbad, Ca. 92009

Dear Coastal Commissioners:

Enclosed are copies of 2 letters of opposition to the proposed sports complex at Manchester Ave. and El Comino Real. Thank you.

Nelson M. Bourne

RECEIVED

MAR 17 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Commissioner's Office # A-6-ENC-00-086

Mr. Mary Cannon

AX # (619) 767-2384

page 1 of 2

mailing address →
7040 Avenida Encinas,
Ste. 104, PMB 207
Carlsbad, Ca. 92009
July 13, '00

California Coastal Commission

San Diego Coast Area

7575 Metropolitan Drive, Ste. 103

San Diego, Ca. 92108-4402

Dear Coastal Commissioners:

Again, I am writing to you to state my objection to the proposed "North San Diego City of Encinitas" plan to build a bridge over and to alter the San Diego area, as well as building a road over salt water/marshland is a very poor choice. My argument that this is the least damaging alternative, can not be true, as the threat and loss of this land is obviously to leave it undisturbed.

San Diego Baykeeper states that; "well over 90% of San Diego's wetlands have already been destroyed. Sadly, this trend has helped to catastrophically San Diego into the dubious distinction of being home to more threatened and endangered species of plant and animal life than any other county in the United States". Our loss of wetlands has also contributed to the poor health of our bays and beaches, threatening public health and our tourist-dependent economy. Our remaining wetlands need to be protected and restored to reverse these negative impacts on our region." How many health changes have we had lately?

As for the issue of children's sex or, our children are exposed to

page 2 of 2

Commissioner's Office #

A-6-ENC-00-086

many competitive or team sports. But very unfortunately, they are being antitied further away from nature, and from any respect for life and for spirit of place. My favorite childhood memories were not of team sports even though I did play basketball, but rather of being in nature, of swimming, of wild life, and of interacting with nature. And these experiences have given me a stability and feeling of being connected that has supported me all my life. Because of this, I feel obligated to insist that we preserve and protect the land that nourishes and sustains us.

And finally, you can not mitigate for loss of life of endangered species, nor for the medical of their home. I again quote San Diego Baykeeper in saying that, "wetland mitigation has proved to be largely ineffectual at restoring the quantified functions and values of wetlands."

I add that the City of Encinitas make arrangements to use, develop facilities or to share other sports areas. And I add that the entire wetland area - both the creek and the lagoon - be made part of a preserve to be protected in perpetuity. I chose to neglect our wetlands is a choice for clean water, fresh air, and the health and well being of all life - please make this choice.

Sincerely,

Nolan M. Bourne

Handwritten signature

To California Coastal Commission

I have lived on Manchester for 39 years and I feel I am qualified to speak against the sports park and in favor of preserving the open space and wetlands.

The existing traffic on this road is terrible. Pictures are included to show where the entrance to the sports park is in relation to Herb Lux's driveway. He's lived here for 74 years, his family helped settle Olivenhain, and John Lux's driveway, he's been here for 50 years and is still farming his land.

Right opposite these driveways is a very dangerous situation with traffic and it will only get worse. No one goes the 45 mph speed limit, so when Manchester is widened, they'll go even faster.

Just a footnote: The city of Encinitas is already dumping dirt on the site from the road widening project (with permits) no one was notified of this so we could appeal to the coastal commission.

I've been told there will only be right turns in to and out of the sports park. So anyone coming in to the park has to come from the south, anyone leaving has to go north. If they want to turn around the city says they can make a U turn at the El Camino Manchester light. They'll have to move over 2 lanes quickly to turn. If practice is let out between 5:00 and 6:00 P.m. we're into peak traffic times. There is no U turn south at the Mira Costa light.

People will have trouble getting in and going out of the park. Someone was almost broad-sided coming out of there Oct 1, 1999 when it was formally acquired. From an access and safety standpoint this is very dangerous.

I've been involved with soccer with my granddaughter and see many soccer fields not being utilized to the fullest. Also maintenance on school fields are terrible, why can't our city help them?

Since there is no night lighting (dark skies policy in Olivenhain) these fields will not be utilized to the fullest. Also no security lighting attracts criminal activity. There is supposed to be a caretaker. There is no caretaker at Cardiff Sports Park (they have lights. There is one at Oakcrest and the place is a mess.

The planning commission also mentioned joint use parking in the future with Mira Costa College. How are parents and children going to cross 4 lanes of speeding traffic with no light?

Also what about emergency vehicles? Kids get hurt playing soccer. How are they going to get in and out quickly if traffic is at a dead stop?

The liquid fertilizer running through a timed sprinkler system and filters for runoff will not protect the lagoon. When it rains it runs off everywhere. This area is in a floodplain.

Animals and wildlife will leave once bulldozing is started. They will not come back once games and noise are going on.

There are only 10% of remaining wetlands left in Southern California

Potential impacts from this development include negative effects on drainage, habitat, native plants, endangered species, view corridors, and wetlands.

We are a watershed - a watershed includes all land that drains to a common point. We are a part of a watershed community. The animals, birds, and fish are too. We influence what happens in our watershed, good or bad, by how we treat the natural resources - the soil, water, air, plants and animals. What we do in our part of the watershed can effect others downstream.

Findings of a major use permit is not in keeping with the needs of the community.

Standard: In accordance with section 30.24.070 of the Municipal Code, a use permit application shall be approved unless finds of fact are made, based upon the information presented in the application orduring the hearing, which support one or more of the following conclusions:

1. The location, size, design or operating characteristics of the proposed project will be incompatible with or will adversely effect or will be materially detrimental to adjacent uses, residences, buildings, structures or natural resources, with consideration given to, but not limited to:

a. The inadequacy of public facilities, services and utilities to serve the proposed project:
(No security lighting)

b. The unsuitability of the site for the type and

intensity of use or development which is proposed: and

(to close to lagoon reserve)

c. The harmful effect, if any, upon environmental quality and natural resources of the city:

(runoff to lagoon, endangered animals and plants)

We appealed to the Coastal Commission on the Encinitas Country Day school (caseno. 98-039 MUP/PA/CDP, and you denied her two times (on the upper 20 acres). thank you for seeing what we did about preserving this pristine open space for the protection of the San Elijo lagoon.

Please deny this project (good project, wrong place) Just like Encinitas Country Day School.

If this project is not denied, it will have a far reaching effect in that the San Elijo lagoon Conservancy and the Coastal Commission could lose their appeal in court against Encinitas Country Day School.

There are new opportunities for the county to purchase this (maybe the whole 40 acres), deed it to the San Elijo lagoon Conservancy and keep it as open space forever.

What a great concept.

Thank you

Tricker Mills

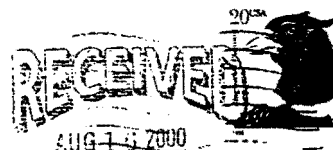
If we don't save it it's gone.

Dear Mr. Cannon, July 28, 2000

When I lived in Encinitas 15 years ago I was thrilled to live and observe the birds and plants at San Elijo Lagoon. On my rare visits in recent years I was alarmed at the noise and congestion there.

Soccer fields, lawns and parking lots and other aspects of the population crunch should not take priority over an intact estuarine ecosystem.

Sincerely, JR



CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

CALIFORNIA COASTAL COMM.
7575 METROPOLITAN DR.
SUITE 103
SAN DIEGO, CA.

92108-4402

David Rawlins
PO Box 923
Palmdale Valley CA 92001-0923
APPEAL NO. A-6-ENC-00-086
GARY CANNON

7-13-00

Re: Appeal No. A-6-ENC-00-086

Dear Mr. Cannon,

Please prevent Encinitas from developing our lagoon, which should be passive-use open space. Please save San Elijo Lagoon. We don't need another soccer field. Thank you
Ann Chavez

Nadine L. Scott
550 Hoover St.
Oceanside CA 92054



760-757-6685
e-mail: deannie@nctimes.net

RECEIVED

JUL 26 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

7-25-00

California Coastal Commission
Attn: Gary Cannon
7575 Metropolitan Dr., Ste. 103
San Diego CA 92108-4402

re: Appeal No. A-6-ENC-00-086- Opposition to Proposed Project

To the Coastal Commission

I would like to voice my opposition to the proposed project on the San Elijo Lagoon; this is one of our last beautiful estuarine areas in Southern California and *should be protected at ALL costs.*

As we all know, over 90% of our wetlands have disappeared in California. Why would the Commission even consider such a project when Encinitas has many, many more desirable sites that would not negatively affect this wetlands environment?

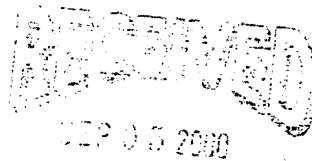
I grew up in Encinitas and am certain there are many other site options that were not consciously nor seriously explored by the City of Encinitas. I love kids and can see that soccer fields would be a good addition to this rapidly urbanizing city, BUT NOT AT THE PROPOSED LOCATION!

Very truly yours,

Nadine L. Scott

cpy: file

Mr. Gary Cannon
California Coastal Commission
7575 Metropolitan Drive
Suite 103
San Diego, CA 92108-4402



September 1, 2000

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Regarding Appeal A-6-ENC-00-086, Please Reject This Proposal.

Dear Mr. Cannon:

We are writing this letter to urge you to vote against having a ball park placed in the immediate vicinity of Manchester Lagoon. With the explosive development occurring in San Diego North County, very little undisturbed land remains to offer a wildlife refuge. A ball park will attract lots of people and lots of noise very close to the lagoon, and will have a large negative impact on the quickly diminishing indigenous wildlife remaining in Southern Coastal California. The area should be preserved as open space continuing to provide a small buffer from the encroaching population.

Additionally, a ball park will negatively affect the surrounding area based upon increased noise, traffic, etc. If this land must be used... it should be developed into a park area that will serve all the people of North county, not just a few ball players.

We sincerely hope that this letter is not too late to influence you. And we sincerely hope that you will reject the ball park proposal.

Sincerely,

Handwritten signatures of Joseph and Susan Conway.

Joseph & Susan Conway
1224 Calle Christopher
Encinitas, CA 92024



*City of
Encinitas*

RECORD PACKET COPY

**Revised Project Description
and Wetland Enhancement
Plan Submitted by City**

August 24, 2000

Mr. Gary Cannon
California Coastal Commission, San Diego District
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

SUBJECT: Manchester Park Commission Appeal No. A-6-ENC-00-086; City of Encinitas
Case No. 96-127 MUP/CDP/EIA.

Dear Gary:

This is in regard to the June 27, 2000 information regarding the appeal notification for the Manchester Park project; Commission Appeal No. A-6-ENC-00-086. The City Council approved a Major Use Permit, a Coastal Development Permit and a 4(d) Habitat Loss Permit for the proposed Manchester Park Project on June 6, 2000 with conditions as stipulated in Resolution No. 2000-39. The project design approved by the Council included three playing fields, a parking lot/drop off area, picnic areas, a playground, restrooms, two creek crossings, creek stabilization/widening, a walking trail and a vehicular access road. Field and security lighting was prohibited as part of the project approval (Condition SC11). Additionally, the project was conditioned whereby park use is limited to passive recreational activities on the west side of the creek from March 1 through June 30 of each year. Furthermore, if the Least Bell's Vireo is found to be present on-site during said period, the entire site shall be closed.

Based on our meeting with Coastal Commission staff on July 26, 2000, project plans were modified to address Coastal staff concerns related to potential impacts to riparian wetlands and the alkali marsh as well as potential conflicts with the City's certified Local Coastal Program. Project revisions include the following:

- 1) The creek crossings were consolidated into a single multi-purpose (vehicular and pedestrian) span bridge with all bridge improvements located within disturbed upland areas. The crossing is located at the narrowest point of Lux Canyon Creek over the existing grouted concrete rubble cover which protects an existing 30" water line in an area characterized as unvegetated channel.
- 2) Proposed improvements for the vehicular access road along the southern propertyline were eliminated. Existing access for periodic maintenance, which typically occurs on an annual basis, will continue over existing ground.

- 3) The Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan was developed to further define the scope of work associated with Lux Canyon Creek improvements. Areas proposed for stabilization were reduced from the original project design and are limited to approximately 225 linear feet on the east side of the creek and 50 feet on the west side of the creek in the vicinity of the existing Torrey Pine tree.

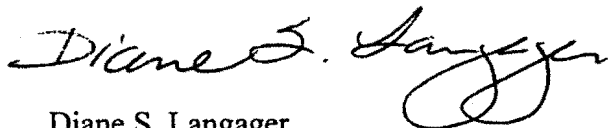
The following attachments are included herein to further describe and depict the project modifications and to provide response/clarification to the appeal issues:

- Manchester Sports Park Issues Matrix
- Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan dated August 2000
- Lux Canyon Creek Enhancement/Conceptual Revegetation Plan (Full Size) (11" x 17" reduction is included in the above report)
- Modified Project Design Site Plan dated 8/18/2000 (Full size and 11", x 17" reduced version)

As we discussed three sets of the attachments are included at this time; additional copies will be submitted in September.

Thank you for the opportunity to address the subject project at this time. Hopefully the enclosed information will assist you in preparing the agenda report for the upcoming hearing. If you have any additional concerns or questions in regard to this matter please do not hesitate to contact me at (760) 633-2714.

Sincerely,



Diane S. Langager
Associate Planner

cc: Kerry Miller, City Manager
Sandy Holder, Community Development Director
Dave Wigginton, Community Services Dir.
June Collins, Dudek & Associates
Glenn Schmidt, Schmidt Design
Nancy Lucast, Lucast Consulting
Mayor and City Council Members

MANCHESTER SPORTS PARK APPEAL – ISSUES MATRIX

| APPELLANT | ISSUE | RESPONSE/CLARIFICATION | REFERENCE DOCUMENTS |
|---------------|---|---|---|
| 1. Wan, Kehoe | 0.02 – 0.04 acre riparian wetland affected | The certified EIR concludes that no wetland would be affected by the project. The modified project design consolidates both pedestrian and vehicular crossing of Lux Canyon Creek to a single crossing. The single crossing would be located at the narrowest point of Lux Canyon Creek, in an area characterized as unvegetated channel; the crossing would be located over an existing 30" water line which is located under a grouted, concrete, rubble protective cover. At this location, a span bridge would be provided. All bridge improvements would be located within disturbed upland areas. There would be no direct effects to wetland habitat. Since the crossing would be over an unvegetated channel, in a location where a protective cover of grouted, concrete, rubble has been placed in the channel, potential indirect effects from shading of existing habitat would be avoided. | <ul style="list-style-type: none"> ● Preface to the Final EIR, pg. 2; ● Addendum to the Final EIR, pg. 4-2; ● Lux Canyon Creek Habitat Creation, and Restoration Enhancement Plan (August 2000) ● Modified Project Design Site Plan (August 2000) |
| 2. Wan, Kehoe | Bank stabilization proposed in Lux Canyon Creek | Activities associated with Lux Canyon Creek would be limited to those associated with the Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan. Bank stabilization activities are proposed only to protect the existing landmark Torrey Pine tree adjacent to the creek and all stabilization activities would occur above the high water mark of the creek. Within the Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan, stabilization activities would be limited to approximately 225 linear feet on the east side of the creek and 50 feet on the west side of the creek, in the | <ul style="list-style-type: none"> ● Preface to the Final EIR, Table 1, pg. 2 ● Lux Canyon Creek Enhancement Plan (August 2000) ● Modified Project Design Site Plan (August 2000) |

MANCHESTER SPORTS PARK APPEAL – ISSUES MATRIX

| APPELLANT | ISSUE | RESPONSE/CLARIFICATION | REFERENCE DOCUMENTS |
|---------------|--|---|---|
| | | vicinity of the existing Torrey Pine tree. This extent of stabilization would be less than the 65% of the creek area anticipated in the certified EIR. Stabilization would consist of placement of a rock blanket over the existing slope above the ordinary high water mark. Larger rocks would be placed over the rock blanket with upright PVC placed in spaces between the larger rocks to provide containers for planting. The stabilized area would be backfilled, planted with willow cuttings, hydro seeded, and provided temporary irrigation. When plantings mature, the stabilized bank would appear as a natural slope. | |
| 3. Wan, Kehoe | Application of open space easement not proposed to preserve wetlands and their buffers | City approval requires that an open space easement be dedicated on the buffers and open space areas adjacent to and including the alkali marsh. In addition, the City will accept an additional condition as part of the Coastal Permit to add this restriction to Lux Canyon Creek and associated buffers. | <ul style="list-style-type: none"> ● Condition SC8, Resolution of Approval (2000-39) ● New condition to be included in Coastal Permit |
| 4. Wan, Kehoe | Project would fill 250 sq.ft. of salt water marsh for vehicle access road. | The modified project design eliminates this project improvement. Existing access for periodic maintenance (approximately annual) of the manhole will continue over existing ground. | <ul style="list-style-type: none"> ● Modified Project Design Site Plan (August 2000) |
| 5. Wan, Kehoe | Conflict with RM Policy 10.4 | The property has been acquired and the onsite portion of Lux Canyon Creek ins is public ownership. As noted in Item 3 of this matrix, the creek corridor will be preserved and protected in an open space easement. | <ul style="list-style-type: none"> ● Resolution of Approval (2000-39) ● Matrix Item 3 |

MANCHESTER SPORTS PARK APPEAL – ISSUES MATRIX

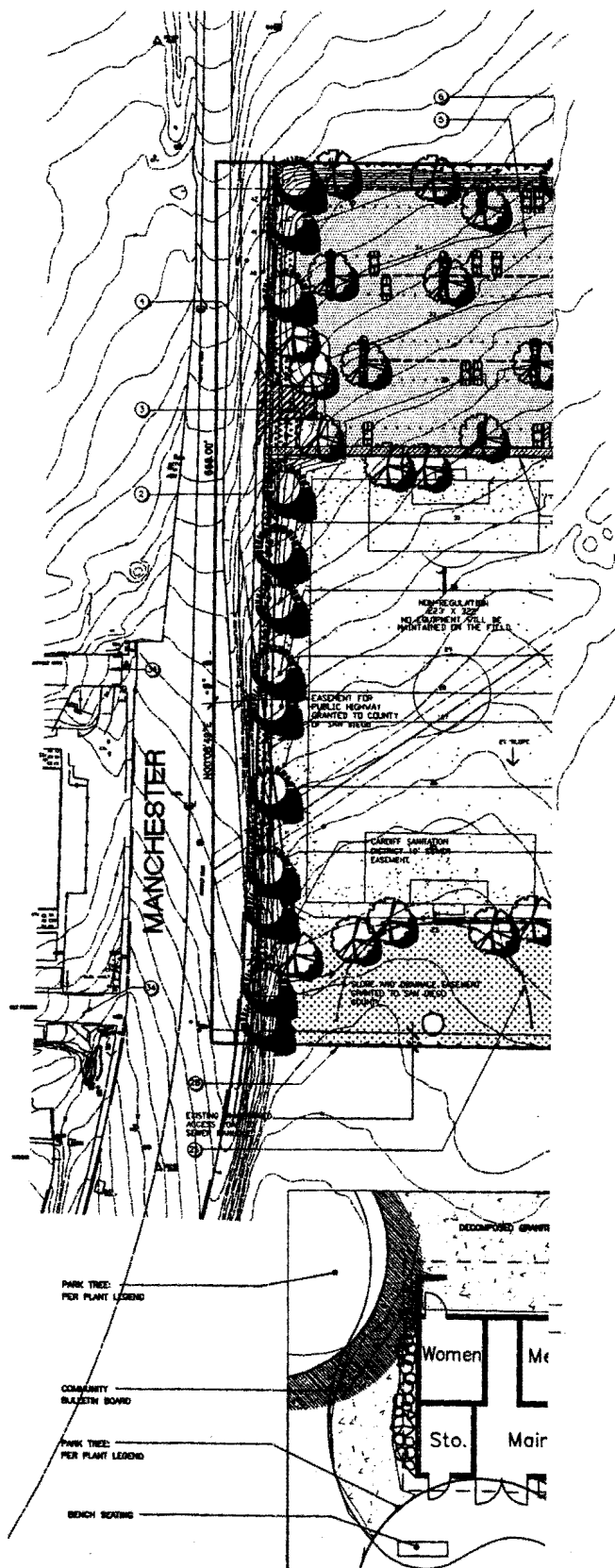
| APPELLANT | ISSUE | RESPONSE/CLARIFICATION | REFERENCE DOCUMENTS |
|-----------|--|---|---|
| 6. Mills | Concern regarding right-turn only access | The traffic analysis determined that the proposed access plan would operate effectively, consistent with other projects along El Camino Real, and acceptable levels of service would result. The project will provide for turn pockets and signal phasing at affected intersections to facilitate U-turns. | <ul style="list-style-type: none"> ● Final EIR, Section 4.3, pg. 64 |
| 7. Mills | Emergency vehicles | Emergency Vehicle access will be provided via the multi-purpose bridge depicted on the site plan. | <ul style="list-style-type: none"> ● Modified Project Design Site Plan (August 2000) |
| 8. Mills | Planting plans not indigenous to alkali marsh | No alkali marsh would be affected by the project and therefore, no alkali marsh habitat is proposed to be created; buffer plantings on the 4'-6' berm adjacent to alkali marsh would be natives compatible with alkali marsh habitat. As shown on the project site plan, native alkali marsh plant materials will be used on the lower portion of the side of the berm facing the alkali marsh. | <ul style="list-style-type: none"> ● Preface to the Final EIR, pg. 1 and Table 1 (pgs. 1 and 2) ● Final EIR, Response to Comments #5 ● Modified Project Design Site Plan (August 2000) |
| 9. Mills | Gnatcatcher habitat removed without mitigation | No coastal sage scrub habitat will be affected by the project. Effects on gnatcatcher foraging habitat (isocoma scrub) will be mitigated at a 2:1 ratio including 1.34 acres of onsite conservation and 2.46 acres of offsite purchase within an established mitigation bank. | <ul style="list-style-type: none"> ● Preface to the Final EIR, pg. 2 and Table 1, pg. 2 ● Final EIR Response to Comment #4 |
| 10. Mills | Split rail fence would not provide protection for ecological reserve | The buffer design incorporates split rail fence with rails spaced to prevent penetration by soccer balls as well as dense, difficult to penetrate plantings and a comprehensive signing programs. Construction fencing is also proposed. The combination of these features will sufficiently restrict access to the ecological reserve. | <ul style="list-style-type: none"> ● Final EIR Response to Comment #5 |

MANCHESTER SPORTS PARK APPEAL – ISSUES MATRIX

| APPELLANT | ISSUE | RESPONSE/CLARIFICATION | REFERENCE DOCUMENTS |
|-----------|---|--|---|
| 11. Mills | Inconsistency with Olivenhain Dark Skies policy | The approved project prohibits all field and security lighting, therefore, there would be no conflict with the dark skies policy. | <ul style="list-style-type: none"> Condition SC11, Resolution of Approval (2000-39) |
| 12. Mills | Too much human activity in sensitive areas adjacent creek and lagoon. | <p>The approved project and modified project design incorporate features to restrict and control human activity in proximity to the creek and lagoon, including:</p> <ul style="list-style-type: none"> Site development limited to 3 soccer fields (2 regulation fields and 1 smaller field) to accommodate onsite habitat preservation and incorporation of buffers. Basketball and tennis courts eliminated Single crossing span bridge at Lux Canyon Creek Buffers at alkali marsh, Lux Canyon Creek, southern SWS area No lighting Comprehensive habitat signing program Restrictions on use are incorporated in the conditions of approval for the project including elimination of field use for 4 months during the year (March 1 - June 30), a period of time that generally coincides with the breeding season for the California gnatcatcher; restrictions on all uses east of Lux Canyon Creek and passive uses only west of Lux Canyon Creek during this period; and elimination of all uses during the breeding season for least Bell's vireo if vireos are observed on the property. | <ul style="list-style-type: none"> Modified Project Design Site Plan (August 2000) Condition SC26, Resolution of Approval (2000-39) |

MANCHESTER SPORTS PARK APPEAL – ISSUES MATRIX

| APPELLANT | ISSUE | RESPONSE/CLARIFICATION | REFERENCE DOCUMENTS |
|--------------|--|---|---|
| 13. Fernald | Biological impacts on Lux Canyon Creek, lagoon, wetlands and uplands | See matrix items 1, 2, 8, 9, 10. | See matrix items 1, 2, 8, 9, 10. |
| 14. Fernald | Visual impacts on scenic highways | No structures or lighting are proposed that would significantly alter views of the site from nearby roadways. The primary natural and visual features of the site, the alkali marsh area, Lux Canyon Creek, and the existing landmark Torrey Pine tree would remain and would continue to be visible for travelers on roadways. | <ul style="list-style-type: none"> ● Modified Project Design Site Plan (August 2000) ● Lux Canyon Creek Plan (August 2000) |
| 15. Fernald | Too much human activity | See matrix item 12 | See matrix item 12 |
| 16. Fernald | Deficiency of passive parkland in Encinitas | The project would add passive parkland within the City of Encinitas the project design includes a walking trail and picnic available for use during normal park hours. Additionally, as noted in matrix item 12, during 4 months of the year the park would be available exclusively for passive park uses. | <ul style="list-style-type: none"> ● Modified Project Design Site Plan (August 2000) ● Resolution of Approval (2000-39) ● Matrix Item 12 |
| 17. Nanninga | Wrong place for project due to impacts on ecology of lagoon | See Matrix Items 1, 2, 8, 9, 10, 12. Three alternative sites were considered for the project. It was concluded that two of the sites would have equal or greater impacts to biological resources. The third site would avoid impacts to biological resources, however, the City was unable to successfully negotiate to acquire the property. | <ul style="list-style-type: none"> ● Final EIR, pgs. 129 – 132 |



DESCRIPTIVE LEGEND

- 1 REST ROOM WITH PHONE, COMMUNITY BULLETIN BOARD, WATER FOUNTAIN, TELEPHONE, AND FERTILIZER INJECTOR ENCLOSURE.
- 2 PEDESTRIAN ENTRY
- 3 PARKING AREA SECURITY GATE, DOUBLE SWING GATE, GALVANIZED, 24" WIDE X 3' HIGH. DETAIL: 1/L-4
- 4 PARK SIGN, REDWOOD RELIEF, STANDARD CITY PARK IDENTITY SIGN
- 5 DECOMPOSED GRANITE PARKING (137 SPACES, 5 DISABLED) TYPICAL SIZE 9' X 20', 5 DISABLED SPACES 15' X 20' (ONE VAN ACCESSIBLE). ROWS MARKED WITH BOULDERS. CONCRETE DRIVEWAY ONLY. DETAIL: 2/L-4 & 3/L-4
- 6 PAD FOR CHEMISER R.V. / PROVIDE ELECTRICAL, SEWER, TELEPHONE, AND CABLE CONNECTIONS. PAD DIMENSIONS 10' X 23'
- 7 50' CREEK BUFFER (EACH SIDE OF CREEK)
- 8 D.G. WALKING PATH
- 9 PLAY AREA / TOT-LOT (STREAM/RIVER THEME) WITH SAND AND RESILIENT SURFACING FOR DISABLED ACCESSIBILITY TO PLAY STRUCTURE. PLAY AREA SHALL BE DRAINED WITH A SUB-SURFACE DRAINAGE SYSTEM. PLAY STRUCTURE BY PROGRESSIVE DESIGN PLAYGROUNDS. DETAIL: 6/L-4
- 10 LIMIT OF EXISTING STREAM BANK. EXISTING STREAM EDGE TO BE RELOCATED IS LABELED ON PLAN. SEE SHEET L-3
- 11 EXISTING TORREY PINE TO REMAIN
- 12 4' - 6' HIGH EARTH BERM (VISUAL SEPARATION BETWEEN MARSH & ACTIVE RECREATION. BERM TO BE PLANTED W/ NATIVE PLANTINGS. BERM A HEIGHT TO VARY TO CREATE AN UNDETECTABLE NATURAL LOOKING BERM WHICH WILL PROTECT ADJACENT MARSH AREA. SLOPE ON BERM TO VARY FROM 3:1 TO 5:1)
- 13 PERMANENT RAIL FENCE/5' TEMPORARY CONSTRUCTION FENCE (TEMPORARY FENCE IN PLACE UNTIL PLANTS ARE ESTABLISHED. LOCATE @ FRONT OF BERM. 4' HIGH WOOD-POLYMER (RECYCLED PLASTIC/WOOD) RAIL FENCE 12" IN FRONT OF TEMPORARY FENCE. SPLIT RAIL FENCE TO HAVE RAILS SPACED SO THAT SOCCER BALLS WILL NOT PENETRATE.
- 14 ALKALI MEADOW SIGNAGE (SIGNAGE IS TO BE INSTALLED 100' O.C. AND LOCATED ON THE FRONT FACE OF THE BERM INDICATING THAT THIS IS A SENSITIVE AREA & THAT USERS OF THE PARK SITE ARE REQUESTED TO REMAIN ON THE PARK SIDE OF THE FENCE.)
- 15 HATCHED AREA OF BERM TO BE HELD @ 5' HEIGHT
- 16 ALKALI MEADOW TO REMAIN
- 17 LIMIT OF ALKALI MEADOW
- 18 DRAIN PIPE (TO BE LOCATED AS REQUIRED FOR DRAINAGE THROUGH BERM.)
- 19 50' - 150' BUFFER FROM ALKALI MEADOW
- 20 10' WIDE DECOMPOSED GRANITE PATH (FOR CITY ACCESS TO EXISTING SEWER EASEMENT IN ALKALI MEADOW)
- 21 48" WOOD-POLYMER (RECYCLED PLASTIC/WOOD) RAIL FENCE, INSTALL @ EACH SIDE OF CREEK
- 22 EXISTING CREEK
- 23 REVEGETATED CREEK EDGE BOULDERS TO BE PLACED AS REQUIRED TO HOLD ERODING BANKS. ESTIMATED PERCENTAGE OF CREEK BANK TO BE CONTROLLED = 35% LOCAL AND IMPORTED STONE TO BE FORMED W/ ROCKS VARYING IN SIZE FROM 8" TO 24" DIA. NATURAL STONE TO BE PLACED TO ALLOW FOR NATIVE PLANT INTER-PLANTINGS TO INCLUDE CALIFORNIA SYCAMORES IN ORDER TO ULTIMATELY PROVIDE RE-VEGETATED NATURAL BANK COVER. CORP. OF ENGINEERS FORMIT TO BE OBTAINED.
- 24 PICNIC TABLE ON DECOMPOSED GRANITE PAD, TYPICAL
- 25 50' BUFFER FROM WILLOW SCRUB
- 26 PEDESTRIAN/SERVICE PATH 5' WIDE / WALK (DECOMPOSED GRANITE)
- 27 CHAIN LINK SAFETY FENCE, BLACK VINYL CLAD. INSTALL @ NORTH END OF SOCCER FIELD #1 ONLY. 10' HT. AND 4' HT. TYPICAL
- 28 CHAIN LINK SECURITY FENCE / BLACK VINYL (6' HEIGHT TYPICAL)
- 29 DECORATIVE MOUNDING (1 FOOT CONTOURS) - 5' HEIGHT MAX.
- 30 PARKING STALLS DEFINED BY 3" LOG THIMBERS WHEEL STOPS AND 6" STONE STALL MARKERS. DETAIL: 2/L-4
- 31 DECOMPOSED GRANITE PAD FOR SMALL STORAGE SHED (PREFABRICATED CONTAINER) FOR EQUIPMENT STORAGE. SCREEN WITH NATIVE SHRUBS. STORAGE SHED TO BE BY OWNER.
- 32 SYNTHETIC "FIELD TURF" SURFACING MAY BE INSTALLED WITHIN THE 54' X 132' PENALTY AREA OF ONE OR MORE FIELDS.
- 33 12" WIDE WOOD/METAL PEDESTRIAN BRIDGE. PRE-FABRICATED BRIDGE WITH CONCRETE HEADWALLS AT BOTH ENDS WITH NATIVE STONE VENEER. NATURAL WOOD DECKING. METAL STRUCTURE COLOR TO MATCH RESTROOM BUILDING ROOF. DETAIL: 7/L-4
- 34 EXISTING ENTRANCE TO CHURCH PARKING
- 35 PEDESTRIAN ENTRY WITH REMOVABLE BOLLARD TO LIMIT VEHICULAR ACCESS INTO PARK. 4' CLEARANCE BETWEEN FENCE AND BOLLARD FOR ADA ACCESS.

NOTES

1. TURF AND RE-VEGETATED AREAS AT MANCHESTER PARK WILL BE WATERED WITH AN AUTOMATIC IRRIGATION SYSTEM USING LOW GALLONAGE, LOW PRECIPITATION NOZZLES. THE SYSTEM WILL BE DESIGNED TO MAXIMIZE EFFICIENCY AND MINIMIZE WATER USAGE.
2. THE IRRIGATION SYSTEM WILL UTILIZE ROTOR TYPE HEADS IN THE "TURF" FIELD AND CREEK RE-VEGETATION AND ALKALI MEADOW BERM AREAS.
3. SPRAY HEADS WILL BE UTILIZED IN SMALLER SIZED PLANTING AREAS OF THE SITE SUCH AS THE PARKING AREA PLANTERS.
4. A FERTILIZER INJECTOR SYSTEM WILL BE INCLUDED IN THE SYSTEM DESIGN AND WILL BE LOCATED ADJACENT TO THE RESTROOM FACILITY.
5. FOR EASE OF MAINTENANCE AND CONSISTENCY WITH OTHER CITY PARK IRRIGATION SYSTEMS, THE IRRIGATION SYSTEM WILL UTILIZE IRRIGATION EQUIPMENT SUCH AS BACKFLOW PREVENTERS, ELECTRIC VALVES, AND AUTOMATIC CONTROLLERS AS APPROVED BY THE CITY OF CHICAGO.
6. THE PARK WILL BE CONTROLLED BY AN AUTOMATIC CONTROL SYSTEM TIED TO A CENTRAL COMMAND.
7. LIGHTING IN PARK MINIMIZED TO MEET MINIMUM LAW ENFORCEMENT STANDARDS.
8. LOCATE SECURITY LIGHTING ON RESTROOM FACILITY ONLY. NO OTHER LIGHTS WILL BE INSTALLED THROUGHOUT PARK SITE.

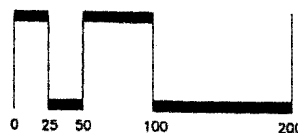
**SCHMIDT
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- Landscape Architecture
- Habitat Restoration
- Planning

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San Diego, California 92103
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RESTROOM ENLARGEMENT PLAN

Preliminary
MANCHESTER
City of En
August 18, 2001



Sheet 1-1

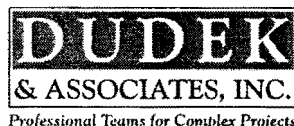
LUX CANYON CREEK HABITAT CREATION, RESTORATION AND ENHANCEMENT PLAN

Prepared for:

CITY OF ENCINITAS COMMUNITY DEVELOPMENT DEPARTMENT

505 S. Vulcan Avenue
Encinitas, CA 92024
Contact: Dave Wigginton

Prepared by:



605 Third Street
Encinitas, CA 92024

AUGUST 2000

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LUX CANYON CREEK HABITAT ENHANCEMENT PLAN

1.0 INTRODUCTION

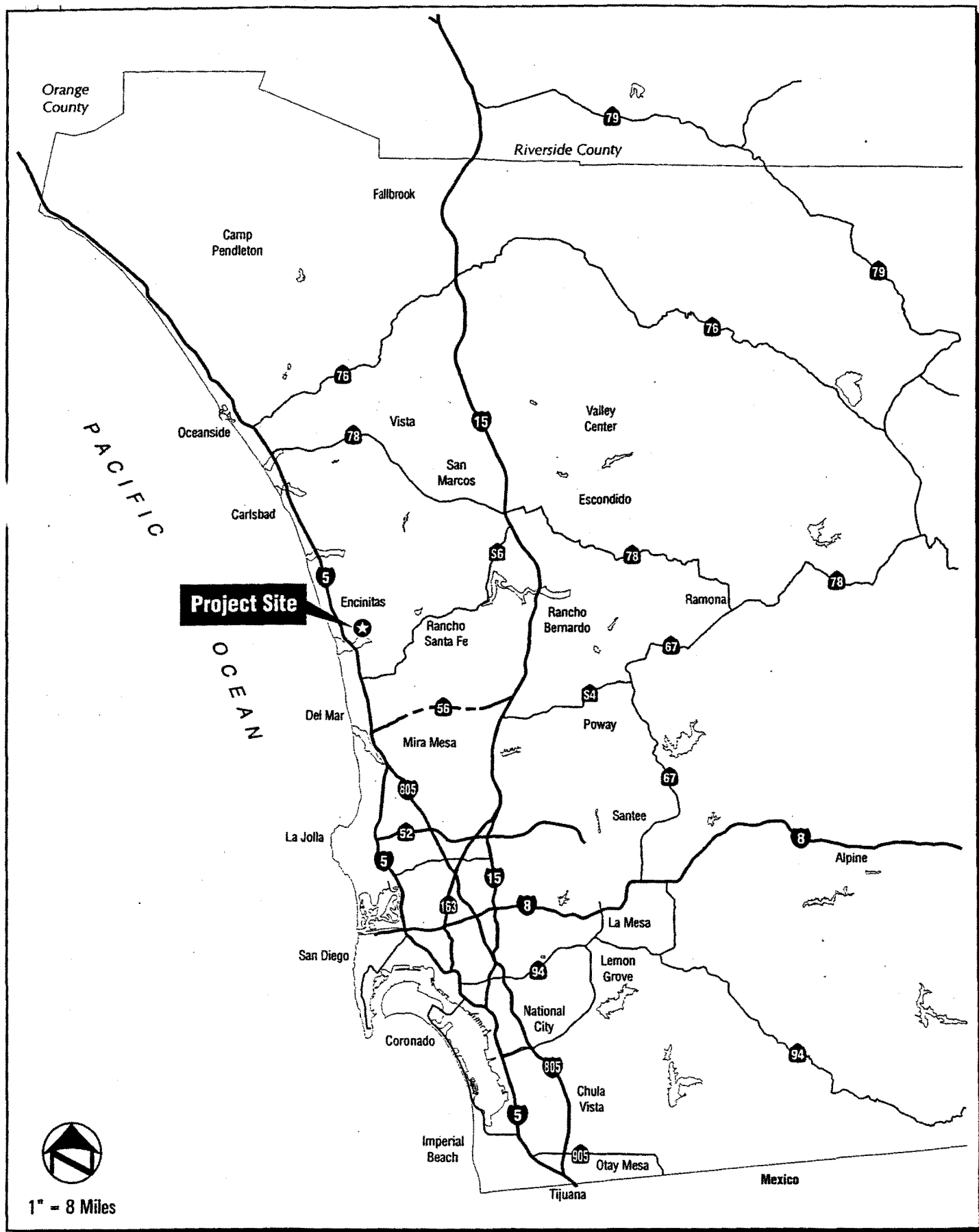
On June 6, 2000, the City of Encinitas City Council approved development of the City of Encinitas Sports Complex – Manchester Avenue on an 18.9-acre site within the city's Community of Olivenhain. The site is approximately two miles east of the Pacific Ocean. Manchester Avenue forms the westernmost project boundary. El Camino Real is approximately 750 feet north of the project site. The San Elijo Lagoon Ecological Reserve forms the eastern and southern boundaries. The site is generally flat with onsite topography ranging from 35 feet above mean sea level (amsl) at the northern project boundary to 20 feet amsl at the southern project boundary. *Figures 1 and 2* present regional and vicinity maps of the project site.

The predominant hydrological feature of the site is a portion of Lux Canyon Creek that flows north to south through the central portion of the site. The area of the entire Lux Canyon watershed is approximately 600 acres. Flow enters the site through an existing double 60-inch diameter concrete mortar pipe culvert system crossing below Manchester Avenue along the Lux Canyon streambed onto a concrete apron and rip-rap section.

Immediately downstream of the culvert, the flow from Lux Canyon drops off steeply to a wash approximately 20 feet deep and 60 feet across the top. This wash gradually decreases in depth and width as the stream flows south across the site. One area along the stream channel has been reinforced with grouted, concrete rubble, most likely in an effort to protect a 30-inch underground waterline that traverses the site near the lagoon (see *Figure 5*).

The existing culvert drainage system drains approximately 402 acres and has 50-year flood flow of approximately 422 cfs. The 100-year storm under natural ground conditions is 403 cfs. Under the existing conditions (1990) the 100-year flood is 584 cfs, with an ultimate flow of 645 cfs for full buildout of the watershed (Cook 1991). Since 1991, there hasn't been development in the area that would change these estimates.

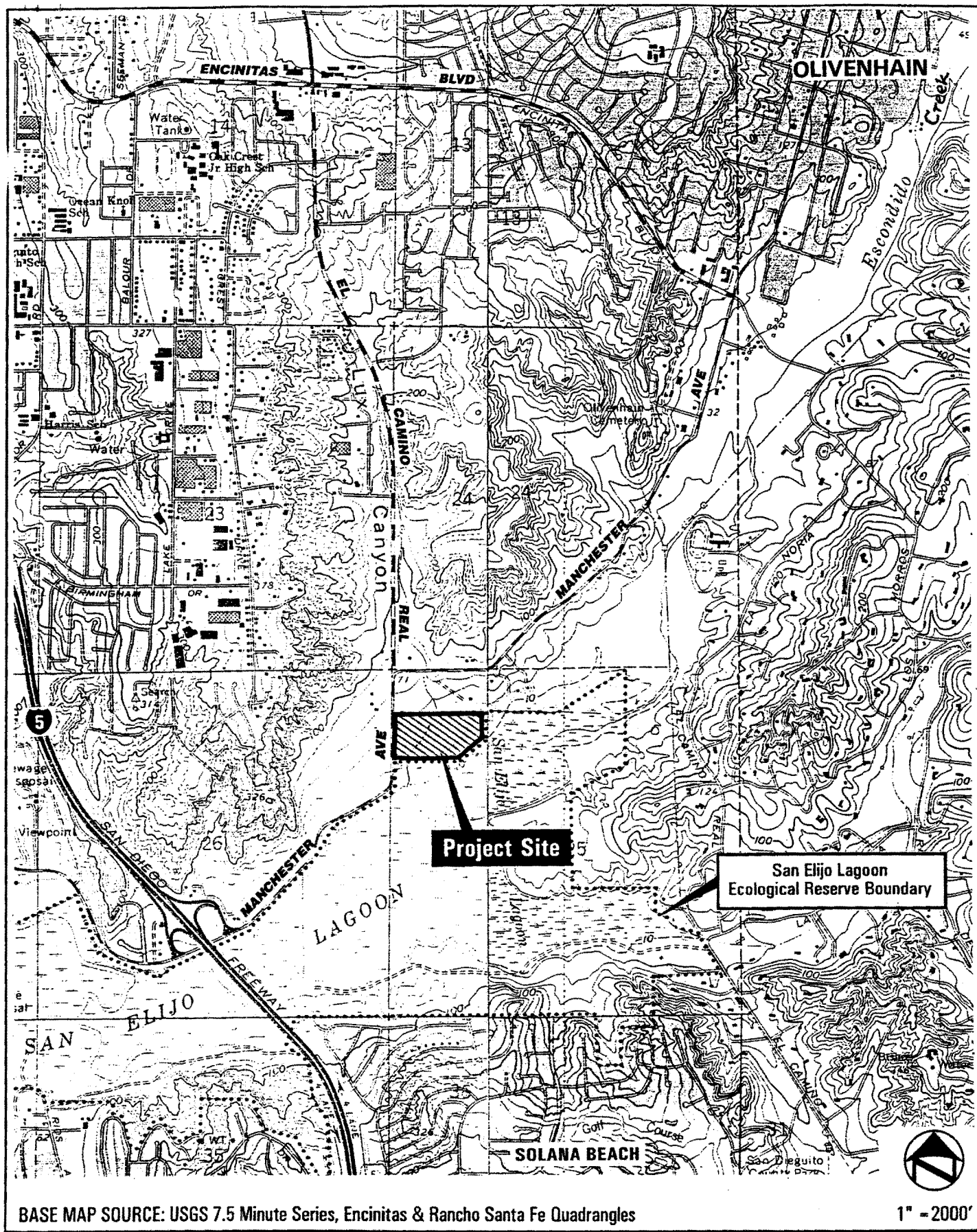
The proposed project would develop the site with a variety of uses including three soccer fields (two regulation and one non-regulation); trails and picnic area; a pedestrian/service vehicle crossing of Lux Canyon Creek, designed and located to avoid impacts to wetland habitat; and a 137-space parking lot.



Lux Canyon Creek Habitat Creation, Restoration & Enhancement Plan
Regional Map

FIGURE

1



Lux Canyon Creek Habitat Creation, Restoration & Enhancement Plan
Vicinity Map

FIGURE
2

Lux Canyon Creek ♦ Habitat Enhancement Plan

As described in the certified EIR for the project (Case No. 96-127, SCH No. 96081042), both direct and indirect impacts to resources associated with the San Elijo Lagoon Ecological Reserve and Lux Canyon Creek would be avoided or reduced to a level below significance with features incorporated in the project design. With respect to Lux Canyon Creek, improvements in the vicinity of the creek would be limited to a single pedestrian/vehicle crossing at the narrowest part of the creek, in an area characterized as unvegetated channel. In conjunction with this crossing, a habitat creation, restoration and enhancement plan is proposed (see *Figure 7*).

2.0 EXISTING CONDITIONS

Lux Canyon Creek traverses the site in a north/south direction for a distance of approximately 650 feet. Onsite, the width of the creek ranges from approximately 25 feet to 85 feet.

Mapping conducted by DUDEK biologists from February 1992 to September 1997, characterized vegetation within Lux Canyon Creek as southern willow scrub and unvegetated channel habitats.

- ***Southern Willow Scrub:*** Holland (1986) describes southern willow scrub as a dense, broad-leafed, winter-deciduous riparian thicket dominated by several willow species (*Salix* spp.), with scattered emergent Fremont cottonwood (*Populus fremontia*) and sycamores (*Platanus racemosa*). Willow density typically inhibits the development of a diverse understory.

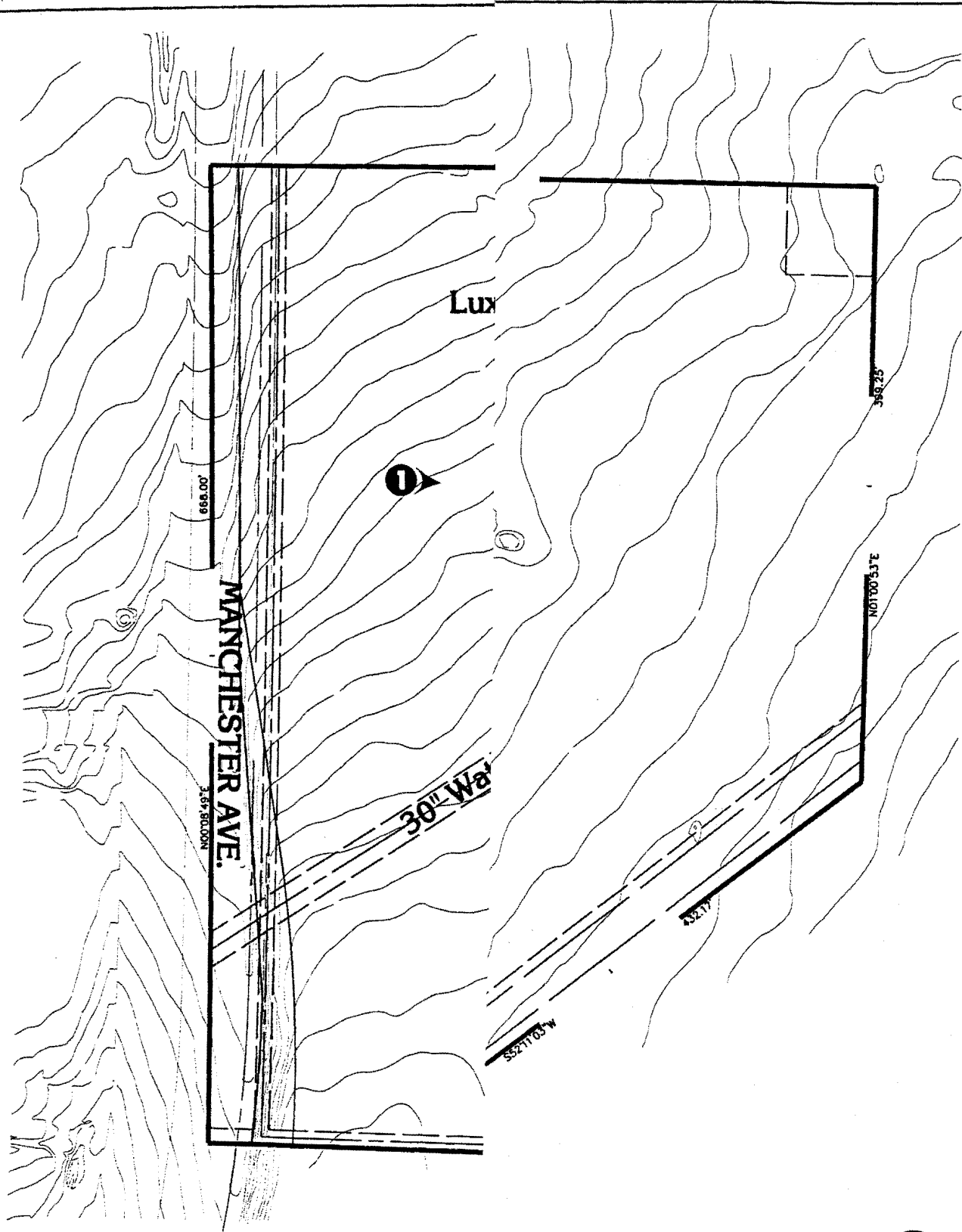
Onsite, this community is present within Lux Canyon Creek. The drainage supports a dense band of young arroyo willow (*Salix lasiolepis*), approximately 2-3 m tall. Interspersed with the willow within the drainage are small patches of coast and Valley freshwater marsh dominated by several species of rushes, including southwestern spiny rush (*Juncus acutus* var. *sphaerocarpus*), Mexican rush (*Juncus mexicana*), and mariposa rush (*Juncus dubius*). Also present are cattail (*Typha* sp.) and a few scattered individuals of mule fat (*Baccharis salicifolia*) and acacia (*Acacia* sp.). In 1997, southern willow scrub occupied approximately 0.39 acre of the site.

Lux Canyon Creek ♦ Habitat Enhancement Plan

- **Unvegetated Channel:** Unvegetated channel is not a native plant community (Holland 1986). It is a habitat type that develops within topographically well-defined drainage where surface and/or subsurface water is not reliable enough to support a riparian community, or where flows scour and remove the vegetation.

In 1997, onsite, approximately one-half of Lux Canyon Creek was considered unvegetated channel. Apparently, vegetation was removed from the channel historically. At that time, a narrow band of willows was in the process of recovering. In 1997, unvegetated channel occupied 0.67 acre of the site.

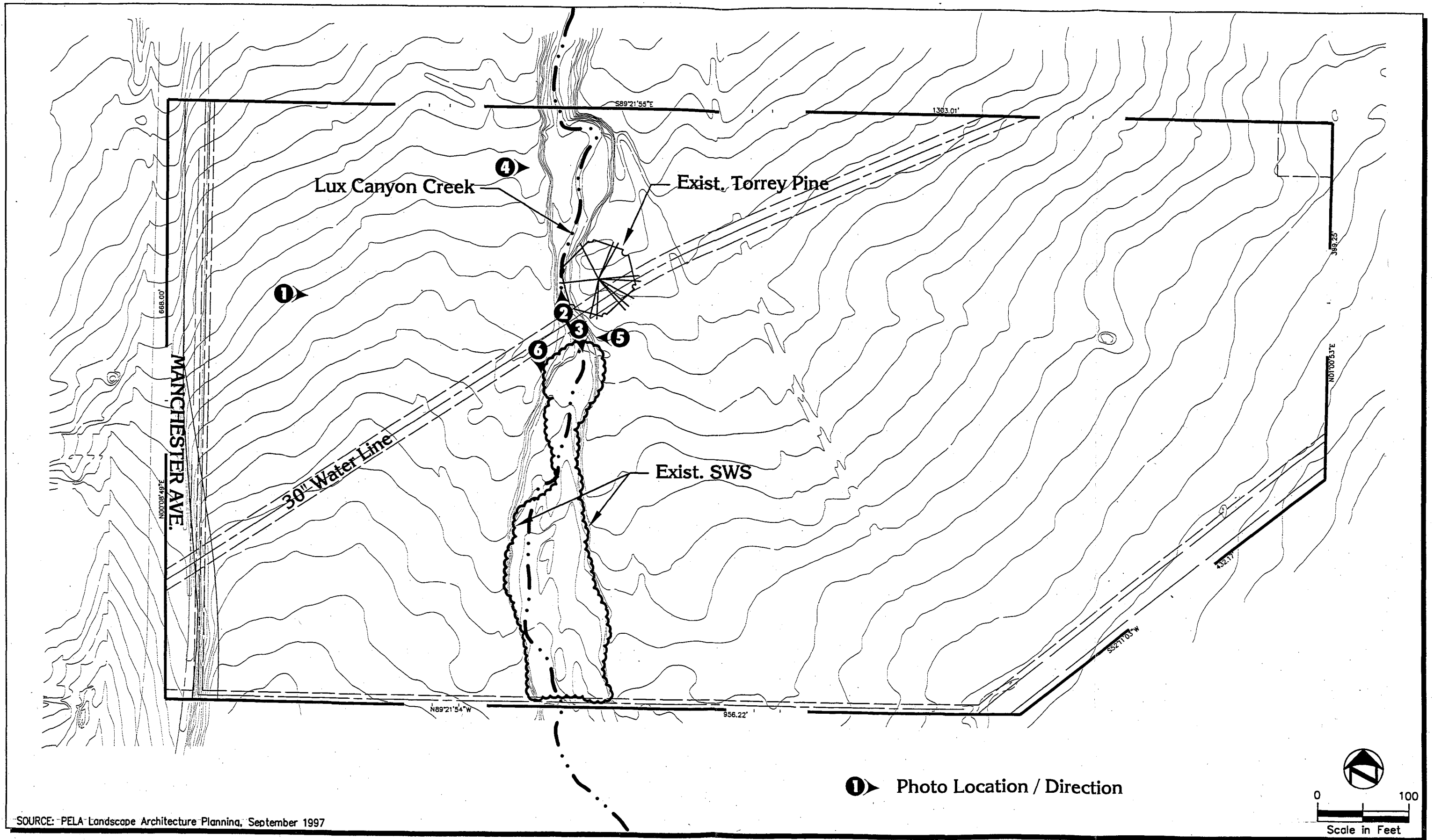
DUDEK performed site visits on August 1st, 10th, and 15th 2000 to review and photo-document the site, perform a wetland delineation, and determine the ordinary high water line. *Figures 3 to 5* present photographs depicting existing conditions (August 2000) on site within and adjacent to Lux Canyon Creek. During the site visit, DUDEK biologists observed some changes in the vegetation since the original biological survey was conducted. First, the portion of the creek south of the water utility line, on the west side of the creek, that was previously mapped as unvegetated channel, has since recovered to young, high quality, southern willow scrub habitat with a freshwater marsh component. This entire area is within the "Riparian Corridor" designated for preservation as part of the project site plan; therefore, there is no need to plant or seed this area as part of the creek enhancement plan. DUDEK mapped the limits of the recovered vegetation with a GPS unit accurate to within three feet. The updated vegetation mapping is depicted in *Figure 6* and has been used as the basis for this habitat enhancement plan. The previously unvegetated portion of the channel bottom located immediately north of the 30" water pipeline has since revegetated with a mix of non-native and native species. The predominant non-native species include annual grasses (*Bromus and Avena ssp.*), fennel, and hottentot fig. The predominate native species include western ragweed (*Ambrosia psilostachya*) and coast golden bush (*Isocoma menziesii*). DUDEK visually estimated the cover to be 50% non-native and 50% native. The channel banks are either barren, or very sparsely vegetated with a mix of upland non-native species. This portion of the channel bottom will not be affected by the project.



SOURCE: PELA Landscape Architecture Planning, September 1997

ation, Restoration & Enhancement Plan
Site Photo Locations Map

FIGURE
3



Lux Canyon Creek Habitat Creation, Restoration & Enhancement Plan
 Site Photo Locations Map

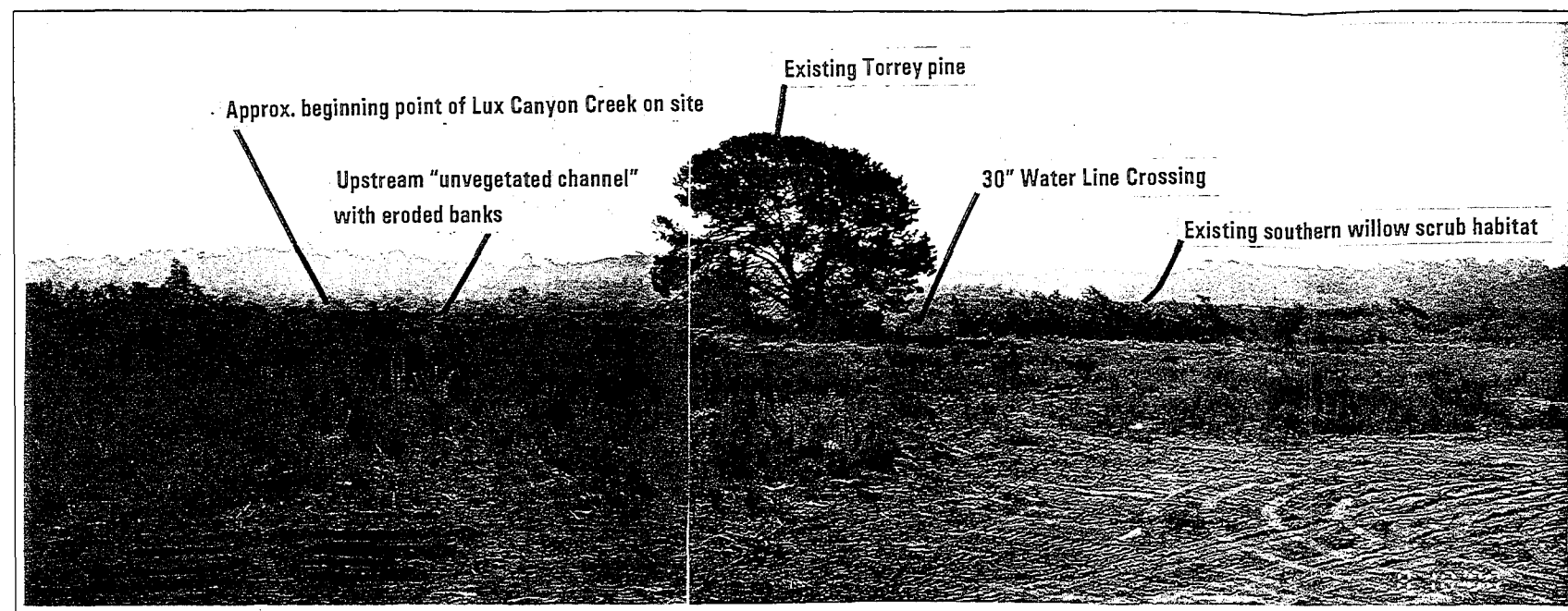


Photo #1: Panoramic view of Lux Canyon Creek



Photo #2: View immediately upstream of 30" water line

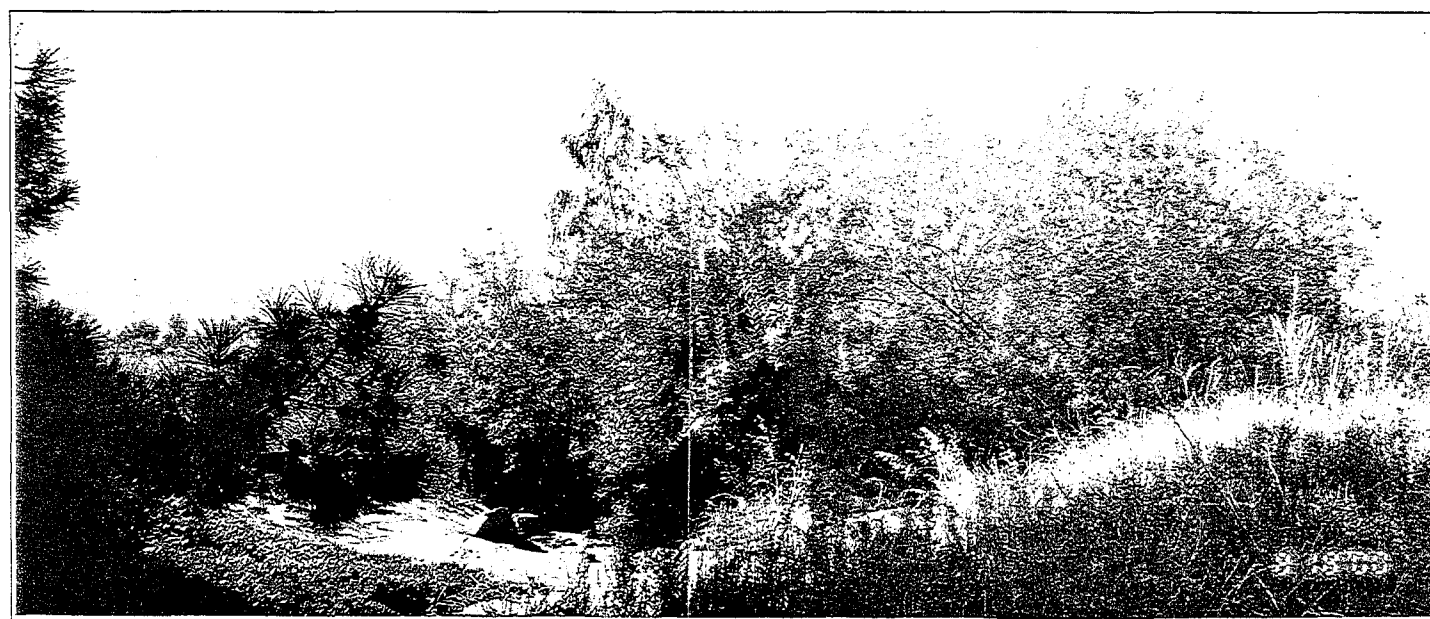
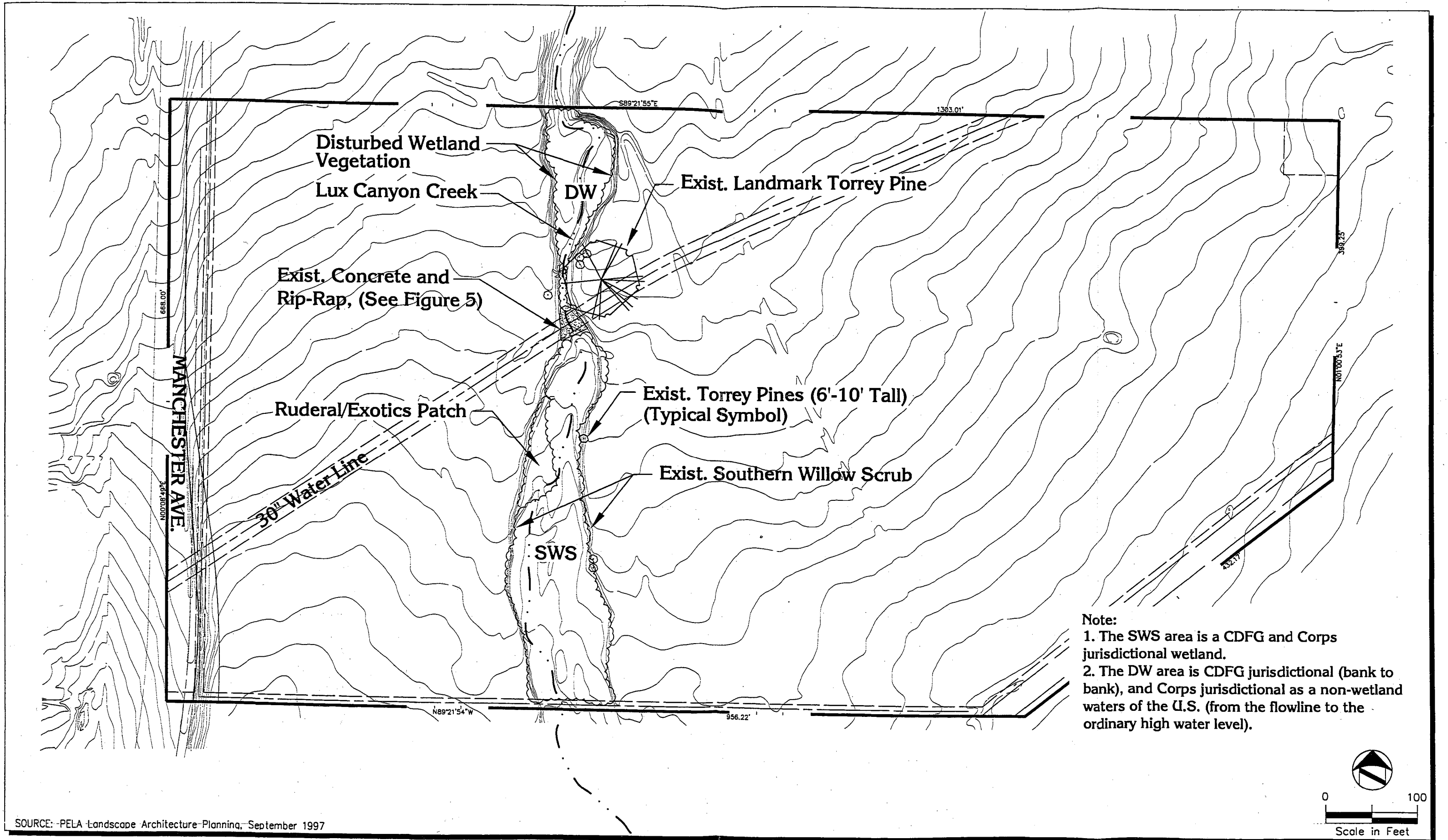


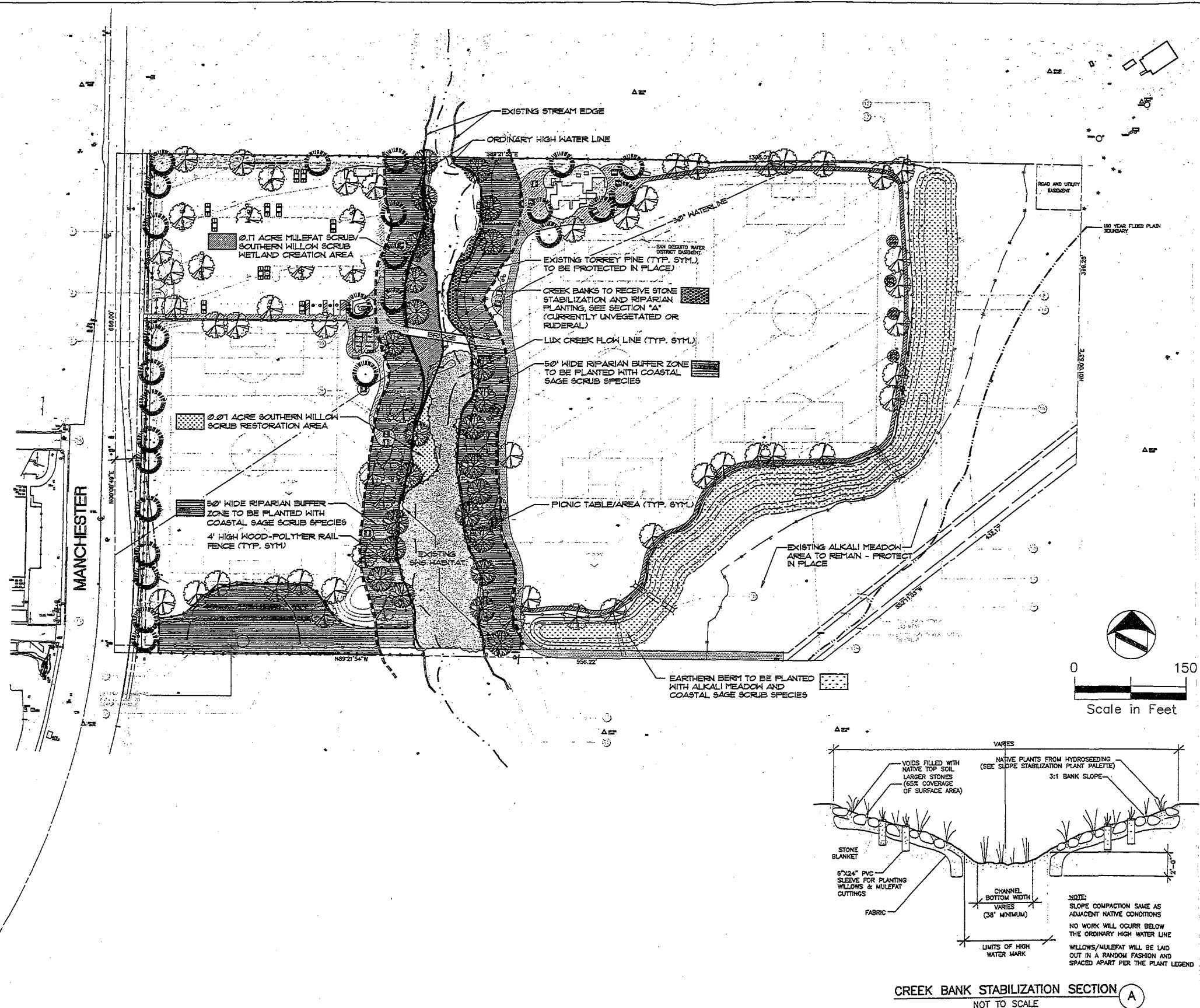
Photo #3: View of southern willow scrub immediately downstream of 30" water line



Photo #4: View of eroded creek bank to be stabilized and revegetated



Lux Canyon Creek Habitat Creation, Restoration & Enhancement Plan
Updated Creek Vegetation Map



PRELIMINARY ENHANCEMENT/REVEGETATION PLANTING LEGEND

MFS/SWS CREATION AREA PLANT PALETTE (0.17 ACRE)

| BOTANICAL NAME / COMMON NAME | SIZE (gal.) | SPACING (O.C.) |
|--|-------------|----------------|
| TREES (CANOPY/OVERSTORY) | | |
| BACCHARIS SALICIFOLIA / MULEFAT | 1 | 6' |
| PLATANUS RACEMOSA / WESTERN SYCAMORE | 15 | 20'-30' |
| POPULUS TREMULOIDES / FREMONT COTTONWOOD | 1 | 20' |
| SAUX LASIOLEPIS / ARROYO WILLOW | 1 | 10' |
| SAUX EDOGUA / SANDBAR WILLOW | 1 | 6' |
| SHRUBS/HERBS (UNDERSTORY) | | |
| ARTEMISIA DOUGLASIANA / DOUGLAS MUGWORT | SEED | 3.0 |
| AMEROSIA PSILOSTACHYA / WESTERN RAGWEED | SEED | 2.0 |
| ELEOCHARIS MACROSTACHYS / SPIKE SEDGE | SEED | 3.0 |
| JUNCUS ACUTUS VAR. SPARGANOPUS / S. WESTERN SPRAY RUSH | SEED | 3.0 |
| JUNCUS DUBIUS / MARIPOSA RUSH | SEED | 2.0 |
| JUNCUS MEXICANUS / MEXICAN RUSH | SEED | 2.0 |
| LEYNUS CONDENSATUS / GIANT WILD RYE | SEED | 3.0 |
| LUPINUS SUCCULENTUS / ARROYO LUPINE | SEED | 2.0 |
| PLUCHEA ODORATA / MARSH FLEABANE | SEED | 2.0 |
| OENOTHERA ELATA / EVENING PRIMROSE | SEED | 1.0 |

NOTE: *Indicates special collection or on site salvage may be necessary.

SWS/MFS RESTORATION AND SLOPE STABILIZATION AREA PLANT PALETTE (0.07 ACRE)

| BOTANICAL NAME / COMMON NAME | SIZE (gal.) | SPACING (O.C.) |
|--|-------------|----------------|
| TREES (CANOPY/OVERSTORY) | | |
| BACCHARIS SALICIFOLIA / MULEFAT | CUTTINGS | 6' |
| PLATANUS RACEMOSA / WESTERN SYCAMORE | 15 gal. | 20'-30' |
| POPULUS TREMULOIDES / FREMONT COTTONWOOD | CUTTINGS | 15' |
| SAUX LASIOLEPIS / ARROYO WILLOW | CUTTINGS | 8' |
| SAUX EDOGUA / SANDBAR WILLOW | CUTTINGS | 6' |
| SHRUBS/HERBS (UNDERSTORY) | | |
| ARTEMISIA DOUGLASIANA / DOUGLAS MUGWORT | SEED | 3.0 |
| AMEROSIA PSILOSTACHYA / WESTERN RAGWEED | SEED | 2.0 |
| ELEOCHARIS MACROSTACHYS / SPIKE SEDGE | SEED | 3.0 |
| JUNCUS ACUTUS VAR. SPARGANOPUS / S. WESTERN SPRAY RUSH | SEED | 3.0 |
| JUNCUS DUBIUS / MARIPOSA RUSH | SEED | 2.0 |
| JUNCUS MEXICANUS / MEXICAN RUSH | SEED | 2.0 |
| LEYNUS CONDENSATUS / GIANT WILD RYE | SEED | 3.0 |
| LUPINUS SUCCULENTUS / ARROYO LUPINE | SEED | 2.0 |
| PLUCHEA ODORATA / MARSH FLEABANE | SEED | 2.0 |
| OENOTHERA ELATA / EVENING PRIMROSE | SEED | 1.0 |

NOTES: 1. *Indicates special collection or on site salvage may be necessary.
2. Sweet clover, oats and other non-native species will be removed from the creek area.

ALKALI MEADOW BERM PLANT PALETTE (1.10 ACRES)

| BOTANICAL NAME / COMMON NAME | SIZE (gal.) | SPACING (O.C.) |
|---|-------------|----------------|
| RHUS INTERMEDIA / LEONARD BERRY | 5 | 10' |
| FRANCOISA GRANDIFOLIA / ALKALI HEALTH | 1 | 6' |
| DISTICHIS SPICATA / SALT GRASS | 1 | 6' |
| LIQUIDAMBAR CALIFORNICUM / MARSH ROSEMARY | 5 | 10' |
| MAELBA LAUREA / RUS LAUREA | 1 | 4' |
| ENCIELA CALIFORNICA / COAST SUNFLOWER | 1 | 5' |
| MAELBA LAUREA / PURPLE NEEDLEGRASS | 1 | 5' |

NOTES: 1. THE FOLLOWING PLANTS ARE PROPOSED FOR THE BERM SEPARATING THE PARK FROM THE ADJACENT ALKALI MEADOW.
2. THE PROJECT BIOLOGIST IS TO OVERSEE LAYOUT OF THE PLANT MATERIALS. THE MARSH/SALT TOLERANT SPECIES ARE TO BE PLACED AT LOWER ELEVATIONS ALONG THE MARSH SIDE OF THE BERM.
3. THE BERM WILL BE HYDROSEEDING WITH A SEED MIX SIMILAR TO THE CONTAINER PLANT SPECIES.

RIPIARIAN BUFFER ZONE PLANT PALETTE

| BOTANICAL NAME / COMMON NAME | SIZE (gal.) | SPACING (O.C.) |
|--|-------------|----------------|
| TREES | | |
| PRINUS TORREYANA / TORREY PINE | 150/24/36 | AS SHOWN |
| PLATANUS RACEMOSA / WESTERN SYCAMORE | 150/24/36 | AS SHOWN |
| QUERCUS AGRIFOLIA / COAST LIVE OAK | 150/24/36 | AS SHOWN |
| SHRUBS | | |
| ARTEMISIA CALIFORNICA / COASTAL SAGE | 1 | 4' |
| ISOCOMA MENZIESII / COAST GOLDEN BUSH | 1 | 4' |
| BACCHARIS PILULARIS / COYOTE BUSH | 1 | 6' |
| EROGONUM FIDICULATUM / FLAT TOPPED BUCKWHEAT | 1 | 4' |
| ENCIELA CALIFORNICA / COAST SUNFLOWER | 1 | 4' |
| SALVIA MELIFERA / BLACK SAGE | 1 | 5' |
| SALVIA APARNA / WHITE SAGE | 1 | 4' |
| SEED MIX | | |
| AMEROSIA PSILOSTACHYA / WESTERN RAGWEED | SEED | 2.0 |
| ARTEMISIA CALIFORNICA / COASTAL SAGE | SEED | 4.0 |
| ESCHSCHOLZIA CALIFORNICA / CALIF. POPPY | SEED | 2.0 |
| ISOCOMA MENZIESII / COAST GOLDEN BUSH | SEED | 3.0 |
| BACCHARIS PILULARIS / COYOTE BUSH | SEED | 3.0 |
| EROGONUM FIDICULATUM / FLAT TOPPED BUCKWHEAT | SEED | 5.0 |
| ENCIELA CALIFORNICA / COAST SUNFLOWER | SEED | 3.0 |
| LOTUS SCOPARIUS / DEERWEED | SEED | 2.0 |
| LUPINUS SUCCULENTUS / ARROYO LUPINE | SEED | 2.0 |
| SALVIA MELIFERA / BLACK SAGE | SEED | 3.0 |
| SALVIA APARNA / WHITE SAGE | SEED | 3.0 |

Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan

Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan

FIGURE 7

Lux Canyon Creek ♦ Habitat Enhancement Plan

In addition, there are approximately four more Torrey pines (*Pinus torreyana*) present on the site that were not previously mapped. Most are in the six to ten feet tall range and growing on or just outside the creek banks. These trees were probably seedlings during the time of the original survey. DUDEK has indicated the location of these trees on the updated vegetation map (see *Figure 6*). One eight-foot tall Torrey pine will be required to be removed and replanted as it is within the proposed wetland creation area. The rest of the trees are within the riparian corridor and will be avoided/protected during the revegetation effort.

3.0 PROPOSED HABITAT CREATION, RESTORATION AND ENHANCEMENT PLAN

Activities associated with Lux Canyon Creek would be limited to those associated with the Lux Canyon Creek Habitat Creation, Restoration and Enhancement Plan. Bank stabilization activities are proposed only to protect the existing landmark Torrey Pine tree adjacent to the creek and all stabilization activities would occur above the high water mark of the creek. Stabilization activities would be limited to approximately 225 linear feet on the east side of the creek and 50 feet on the west side of the creek, in the vicinity of the existing Torrey Pine tree. This extent of stabilization would be less than the 65% of the creek area anticipated to be stabilized in the certified EIR. Stabilization would consist of placement of a rock blanket over the existing slope above the ordinary high water mark. Larger rocks would be placed over the rock blanket with upright PVC placed in spaces between the larger rocks to provide containers for planting. The stabilized area would be backfilled, planted with willow cuttings, hydro-seeded, and provided temporary irrigation. When plantings mature, the stabilized bank would appear as a natural slope.

The proposed enhancement plan for the Lux Canyon Creek riparian area includes creating 0.17 acre of new wetland habitat, creating a 50-foot wide buffer zone on both sides of the creek, removing exotics from the existing habitat, and restoring 0.07 acre of southern willow scrub (see *Figure 7*).

A 225 feet long section of creek is proposed to be widened, (see *Figure 7*) thereby creating 7,200 sq. ft. (0.17 acre) of wetlands. The newly created wetland areas will be vegetated with southern willow scrub and mule fat scrub species. Widening of the creek will help ensure the

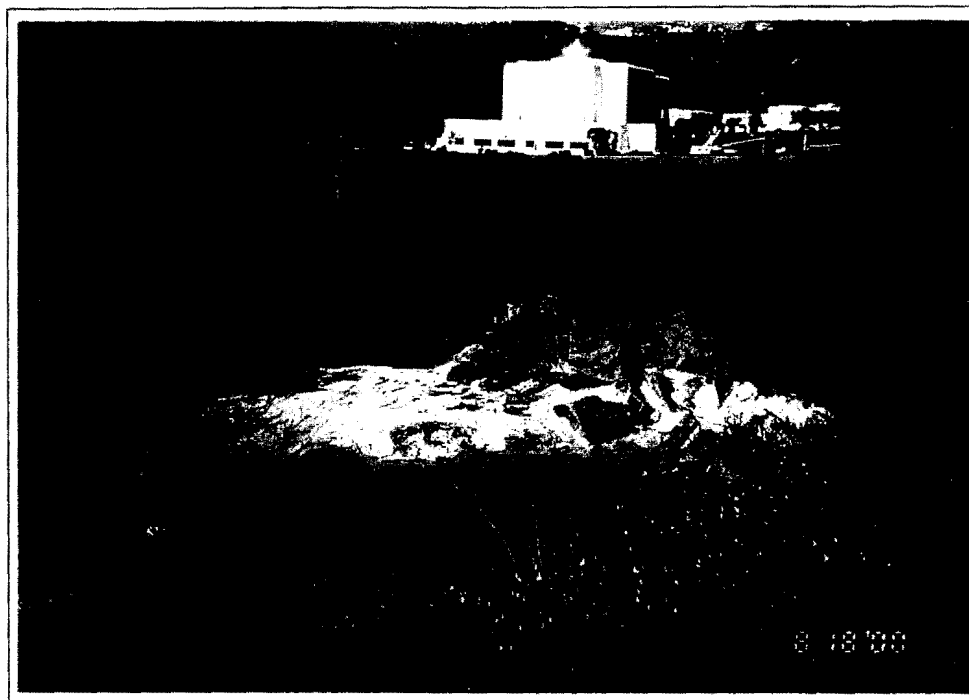


Photo #5: View of 30" water pipeline encased in concrete and rip-rap material (proposed bridge crossing location)



Photo #6: View of proposed restoration area

Lux Canyon Creek ♦ Habitat Enhancement Plan

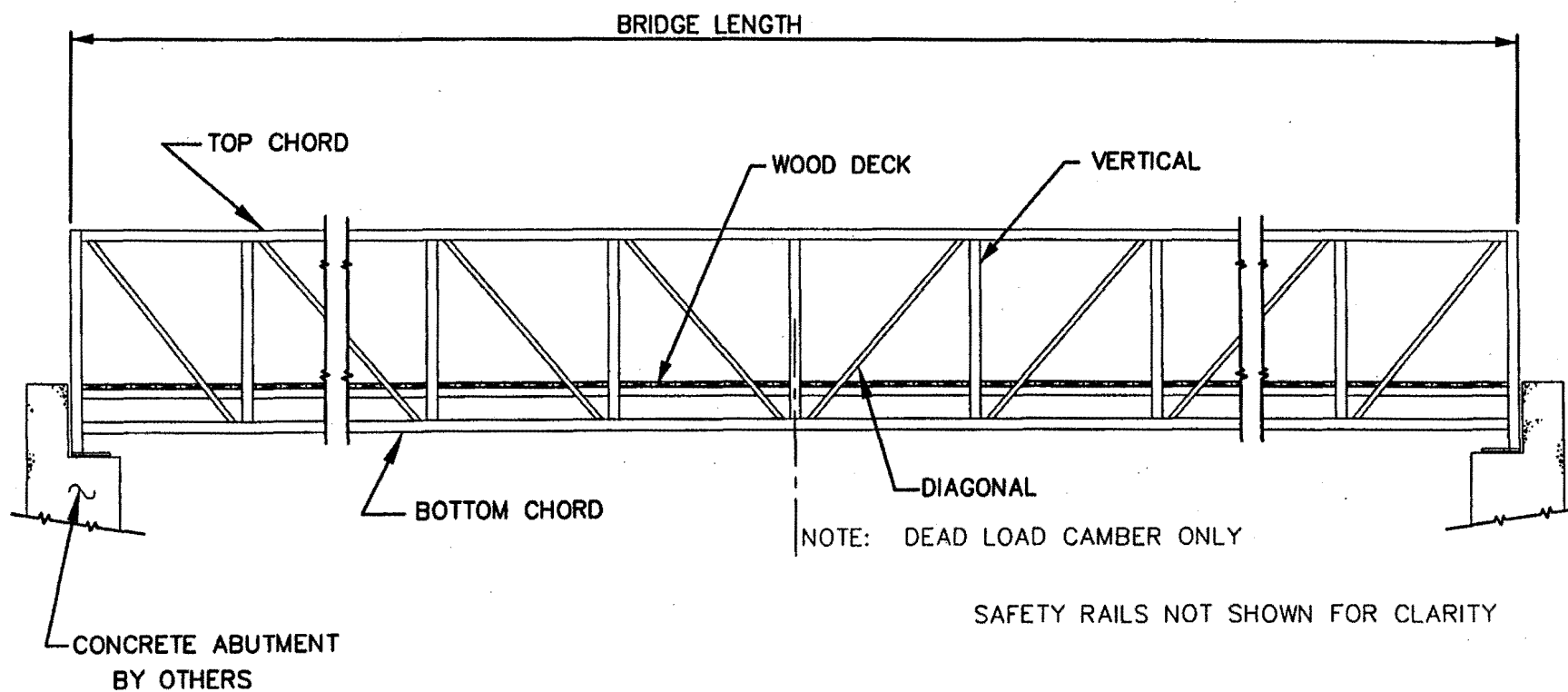
long-term survival of the landmark Torrey pine tree located on the east side of the creek. The wetland creation area will be irrigated until seed and container plants are established, which generally takes two to three years.

The 0.07 acre restoration area lies within the existing creek bed and is currently dominated with sweet clover and Sydney golden wattle, see *Figure 5 and 7*. This area will be cleared of weeds and exotics, seeded with riparian understory species and planted with willow (*Salix* spp.) and mule fat (*Baccharis salicifolia*) cuttings. No grading (*i.e.*, cut or fill) will be done in this area.

A 90-foot span bridge is proposed to cross the narrowest portion of Lux Canyon Creek; the crossing would be located over the existing 30" water line which is located under a grouted, concrete rubble protective cover. Conceptual bridge details are depicted in *Figure 8*. All bridge support and foundations would be constructed within disturbed upland areas. No direct effects to wetland habitat would result from bridge construction. Since the crossing would be located over an unvegetated channel, in an area overlain with a grouted, concrete rubble protective cover, indirect effects from shading of existing habitat would be avoided.

The portion of the creek immediately upstream of the 30" water line will have the eroded banks stabilized with small (8"-24") native and imported stone that will be back-filled with soil and planted with native riparian species, (see *Figure 4* and *Section "A"* on *Figure 7*). Stabilization of the creek banks with the stone and riparian vegetation will stop the stream bank erosion and corresponding downstream turbidity and sediment deposition. The creek banks will be irrigated until the native seed and container plants growing in the backfilled "voids" are established.

The buffer zone, which is currently ruderal habitat, will be cleared of weeds and planted and seeded with coastal sage scrub and isocoma scrub species. The buffer zone will be irrigated with an automated irrigation system until the plants and seed are established. The following exotic and target weed species within the existing creek habitat will be removed: eucalyptus trees (*Eucalytus* sp.), pampas grass (*Cortaderia selloana*), hottentot fig (*Carpobrotus chilensis/edulis*), Sydney golden wattle (*Acacia latifolia*), mustard (*Brassica* sp.), sweet clover (*Melilotus* sp.), wild radish (*Raphanis setivus*) and fennel (*Foeniculum vulgare*).



SOURCE: Continental Bridge, August 2000

No Scale

Lux Canyon Creek Habitat Creation, Restoration & Enhancement Plan
Bridge Elevation

FIGURE

8

