

CALIFORNIA COASTAL COMMISSION

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

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Staff: BP-SD
Staff Report: 8/27/01
Hearing Date: 9/11-14/01

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-84-617-A

Applicant: Kelly Land Company

Agent: Planning Systems

Original Project

Description: Master subdivision of 433 acre Kelly Ranch to create 20 parcels, rough grading of 120 acres, construction of access roads and implementation of required wetland restoration programs.

Proposed
Amendment:

Modify previously-approved open space boundaries and offers to dedicate open space documents relating to dedication of the wetland preserve (Planning Area B) and the upland habitat preserve (Mello II Core Area); modify land use distribution, grading and infrastructure improvements within the Mello II segment (Core Area) to conform to City of Carlsbad CDP 97-43(A); provide additional wetland mitigation within the wetland preserve; obtain after-the-fact approval of four lot line adjustments resulting in revised boundaries to Planning Areas A, B and C; and revise special conditions as necessary to delete reference to development activity no longer authorized through this permit.

Site: East of Agua Hedionda Lagoon and north of Macario Canyon, Carlsbad, San Diego County

Substantive File Documents: Certified City of Carlsbad Local Coastal Program (LCP)/Mello II Segment. Planning Area E Single Family Subdivision CDP 96-13 (4/8/98), Planning Area F Nature Center CDP 98-59 (10/7/98), Core Area Master Subdivision CDP 97-43(A) (6/12/01), Planning Areas I and J Single Family Subdivision CDP 98-66(A) (6/12/01) and Planning Areas D, G and H Apartment Project CDP 98-70(A) (6-12-01); Cannon Road CDP 6-97-11 (2/4/98)

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

The subject amendment request involves modifications to the entitlements and permit obligations of CDP 6-84-617 to reflect changes to the certified LCP which serves as the

standard of review for development within the Mello II portion of the Kelly Ranch, and to acknowledge and remove from this permit the development which will not be undertaken pursuant to this permit. All development previously authorized within the Agua Hedionda LCP segment will be retained in this permit as approved or modified with this amendment.

The City of Carlsbad has approved a new coastal development permit for subdivision, grading and infrastructure improvements in the Mello II portion of Kelly Ranch (CDP #97-43A, Core Area) which will replace the subdivision, grading and infrastructure improvements within that area previously approved by the Commission in the subject permit. However, all of the approved open space areas and permitted activities and uses within the open space areas will be retained under the subject permit, as amended. Additionally, all of the work which has been completed pursuant to this permit will be retained as authorized, which includes the wetland restoration, wetland dedication, upland open space offer to dedicate, drainage and erosion control structures, surcharge for Cannon Road and future installation of an interpretive center adjacent to Park Drive. Replacement of the previously-approved offers to dedicate the wetland preserve and upland habitat preserve with new recording documents is proposed to reflect the new open space boundaries approved by the Commission as part of the LCP Kelly Ranch Open Space in LCP amendment #2-99D.

The City of Carlsbad CDP Nos. 97-43A, 98-66A and 98-70A, which have been approved for subdivision of 174 acres into 179 lots, construction of 147 homes and 451 apartments, establishment of open space system, grading and infrastructure improvements, have been appealed by the Commission and are scheduled on the September Commission agenda following the subject amendment. The grounds for appeal relate to the fact that the City's permit for residential buildout of the Core Area did not contain specific conditions of approval addressing the recordation of easements for and installation of vista points and trail improvements, and did not specifically address the scope of the restoration and revegetation of the upland habitat preserve required as open space. The City believes the conditions of approval and the subdivision process allows them to require the vista point and trail easements and restoration plan for the open space even though the coastal development permit is not specific as to the easements, improvements and restoration required. However, due to the fact that the Commission's concerns relate to the open space portions of the Core Area development, and the entire open space system for the Kelly Ranch is being addressed by the Commission in the subject amendment request, it is possible to address the appellants' concerns as conditions of approval of this amended permit. Because the non-open space portions of the Core Area will be developed in a manner that is consistent with the certified Mello II LCP, staff is recommending that the Commission find no substantial issue exists with the City's approval of the Core Area. If no substantial issue is found, build out of the Core Area will proceed in accordance with the City-issued permit. The open space portions of the Core Area will remain subject to Commission review now and in the future as conditioned in the amended permit. Subdivision and residential buildout of the Core Area will proceed through implementation of the City's permit.

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve the proposed amendment to Coastal Development Permit No. 6-84-617-A pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE A PERMIT AMENDMENT:

The Commission hereby approves the coastal development permit amendment on the grounds that the development as amended and subject to conditions, will be in conformity with the policies of Chapter 3 of the Coastal Act and with the certified local coastal program and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II: Special Conditions.

The permit is subject to the following conditions:

1. Revised Open Space - Planning Area B. This condition shall replace Special Condition #1 of CDP #6-84-617 in its entirety.

PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall comply with either of the following:

A. Transfer of Title. The applicant shall submit written evidence that the applicant has conveyed fee title to the entirety of Planning Area B, the wetland preserve, as shown on the Proposed Lagoon Parcel Easement Plat attached as Exhibit #3, to the State of California through the Wildlife Conservation Board. The deed shall be in a form acceptable to the Executive Director. The deed shall limit uses in the area to natural resource education, research, or enhancement programs. The agreement may allow for limited intrusion for public infrastructure projects

map CT 97-16A by the City, the applicant shall submit to the Executive Director for review and written approval, a copy of final map #CT 97-16A suitable for recordation without any further modification by the City or applicant, which contains the following:

a. Delineation of the dedicated easement of sufficient size to accommodate a public vista point, 5 foot wide public trail and future cul-de-sac with a minimum of 6 public parking spaces within the disturbed area of Planning Area D open space Lot 163. The easement shall be in substantial conformance with the easement area delineated on Exhibit #7 to this staff report;

b. Delineation of the dedicated easement of sufficient size to accommodate a 10 foot by 16 foot public vista point and 10 foot wide public trail within the disturbed area of Planning Area J open space Lot 79. The easement shall be in substantial conformance with the easement shown on Sheet 4 of 9 CT #97-16A Exhibit B dated 8/9/01 (ref. Exhibit #8).

Within 30 days of recordation of the final map, the applicant shall submit to the Executive Director a copy of the recorded map #CT 97-16A. Any changes to the public vista point and trail easements, as recorded, shall require an amendment to this coastal development permit.

5. Public Vista Point and Trail Improvements. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final plans approved by the City of Carlsbad for public vista point and trail improvements on Planning Areas D and J. The plans shall include at a minimum, one secure bench at each location, interpretive signage and pervious, non-erosive surfacing of the vista point and trail areas. Within Planning Area D, native, non-invasive shrubs compatible with the adjacent coastal sage scrub vegetation shall be planted along the perimeter of the vista point a minimum of 14 feet from the inland edge of the sidewalk (curb), to act as a barrier to disruption of the restored habitat in the adjacent open space. Signage to identify the vista points and trails as "open to the public" shall be provided and be visible from Hemingway Drive at the cul-de-sac on Planning Area D and at the trailhead on Planning Area J. Public parking within the cul-de-sac and along Hemingway Drive shall be provided; no red curbing to eliminate public parking shall be permitted.

The permittee shall install the vista point and trail improvements and signage in accordance with the approved plan concurrent with residential development and prior to the occupancy of the first residence in the Core Area. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Revised Open Space Natural Habitat Restoration and Revegetation Plan.

PRIOR TO THE ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for the review and written approval in consultation with the Department of Fish and Game, a revised restoration and revegetation plan for the Core Area open space which comprises the upland habitat preserve. Said plan shall be in substantial conformance with the submitted Natural Habitat Revegetation Program dated 5/21/01 but shall be revised to also include the following elements:

- a. Identification of the members of the technical restoration team including curricula vitae and restoration responsibilities. The team shall include a senior member who is a restoration ecologist with a proven record of restoring coastal sage scrub (CSS) in southern California. The team shall also include a wetland restoration specialist;
- b. Inclusion of the degraded coastal sage scrub (CSS) within Planning Area D southeast of Cannon Road and north and west of the Planning Area L in the restoration plan. This area shall be restored to CSS that meets the habitat requirements of the California Gnatcatcher;
- c. Inclusion of the area surrounding the settling basin east of Cannon Road in or adjacent to Area E. The intent of the plan in this area is to revegetate the side slopes of the settling basin with CSS but still allow for proper functioning for runoff detention;
- d. Inclusion of the settling basin east of Cannon Road and west of the entry road within Planning Area D. The intent of the plan in this area shall be to replace exotic annual wetland species with perennial native wetland species to the extent feasible with the hydrology that will exist after the development is completed. In order to improve habitat and screen the adjacent RV parking from views, the planting plan shall include at least four trees (24 inch box) capable of survival in a riparian environment, such as sycamore or willow;
- e. Inclusion of open space Lots 160 and 166 of Planning Area F;
- f. An intensive exotic species control plan for the entire upland open space within Kelly Ranch, including restoration areas. In areas of existing degraded natural vegetation, this may include removal and control of exotic annuals for one or two growing seasons prior to revegetation;
- g. A planting and hydroseeding plan based on completed surveys of existing high quality natural vegetation. The surveys shall be based on line intercept or point intercept sampling with sufficient replication to provide estimates of mean vegetative cover with a 90% confidence interval no greater than 20% of the mean. The height of dominant shrubs shall be measured as part of the sampling program. Each plant species growing within one meter of each transect line shall be identified and recorded. Only native species appropriate to the vegetation type being restored shall be used in the hydroseeding mix or planting plan;
- h. A monitoring and maintenance plan to assure the successful establishment of the restored vegetation;
- i. Clear performance standards based either on the documented vegetative characteristics of high quality stands of the vegetation type being restored or on comparisons to appropriate reference sites. In the case of coastal sage scrub, the performance standards should encompass the habitat requirements of the California

Gnatcatcher. The performance standards shall include a description of the statistical tests to be used to assess success.

The permittee shall perform the required revegetation and restoration of the open space in accordance with the approved plan concurrent with residential development of the Kelly Ranch Core Area. Initial approved revegetation/restoration work shall be completed prior to occupancy of any residential unit within the Core Area. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

7. Habitat Restoration Monitoring. Final performance monitoring shall be conducted by an independent contractor acceptable to the Executive Director in consultation with the Department of Fish and Game and funded by the applicant. Final performance monitoring will take place upon the applicant's request, but no sooner than three years after all maintenance activities, other than exotic species control, have ceased, and no later than 10 years following the completion of initial revegetation. If the performance standards are not met at that time, the applicant shall submit a remediation plan as an amendment to this permit.

8. Final Wetland Mitigation Plan. PRIOR TO ISSUANCE OF THE AMENDED COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval in consultation with the Department of Fish and Game, final plans for the wetland mitigation to be completed within Planning Area B in substantial conformance with the Conceptual Wetland Mitigation Plan dated May 14, 2001. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. Modifications to Special Conditions of CDP #6-84-617. Approval of this amendment shall modify the previous conditions of approval as follows:

a. Special Condition #3 shall be deleted as it no longer describes the development authorized by this amended permit;

b. Special Condition #4 shall be deleted as it is no longer applicable to the development authorized by this amended permit. The grading, drainage and erosion control measures for the Core Area development will be completed pursuant to City of Carlsbad CDP #97-43A and CT #97-16A;

c. Special Condition #5 shall remain as it is applicable to the grading approved and completed pursuant to this permit;

d. Special Conditions #6 and #7 shall remain as they are applicable to the wetland restoration approved and completed pursuant to this permit;

e. Special Condition #8 shall be revised to delete the two paragraphs addressing the transfer of maintenance responsibility of the desiltation basin to the homeowners association. This basin is located within the wetland preserve to be dedicated to the

Department of Fish and Game. Maintenance responsibility for the resource value of the basin shall be the responsibility of the accepting agency;

f. Special Condition #9 shall remain and is applicable to the future construction of an interpretive center adjacent to Planning Area A. The condition shall be revised to indicate the construction of the interpretive center shall occur concurrent with future development of Planning Area A.;

g. Special Condition #10 shall be deleted and replaced with Condition #10 below;

h. Special Condition #11 shall remain as it is applicable to the development approved and completed pursuant to this permit;

i. Special Condition #12 shall be deleted as it is not applicable to the development authorized by this amended permit;

j. Special Condition #13 shall be deleted as it is no longer applicable to the development authorized by this permit. The installation of the nature center will be completed pursuant to City of Carlsbad CDP #98-59 (Planning Area F). The adjacent open space will be revegetated and restored pursuant to Special Condition # 5 of this amended permit;

k. Special Condition #14 shall remain and is applicable to bikeway construction that has been approved on Cannon Road and to the future construction of a bikeway on Park Drive adjacent to Planning Area A. The construction of the bikeway shall occur concurrent with future development of Planning Area A;

l. Special Conditions #15 and #16 shall remain as they are applicable to development and open space authorized by this amended permit.

10. Wetland Delineation and Buffers - Planning Areas A and C. No grading or development within Planning Areas A and C is authorized in this amended permit. Prior to filing a coastal development permit application for future development within Planning Areas A or C, an exact delineation of existing wetlands shall be required. No development shall be permitted within any delineated wetlands except to the extent such development is consistent with Section 30233 of the Coastal Act. In addition, a buffer strip of at least 100-feet in width shall be maintained in a natural condition around the perimeter of all delineated wetlands to protect the functions and values of wetlands. Fencing and access improvements shall be required pursuant to the certified Agua Hedionda LCP Land Use Plan as amended pursuant to LCP amendment #2-99D.

11. Other Permits. The applicant shall comply with all of the requirements of the following permits: U.S. Fish and Wildlife Service Biological Opinion, California Department of Fish and Game 1603 Streambed Alteration Agreement, U.S. Army Corps of Engineers (ACOE), Section 404 Nationwide Permit, and State Water Resources Control Board Order.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description.

Background

On April 15, 1985, the Coastal Commission approved LCP amendments for both Agua Hedionda and Mello II (Major Amendments 1-85), which required that the Kelly Ranch property be governed by the Kelly Ranch Master Plan land use document. The master plan created 20 Planning Areas to be developed under Policies 1.2, 3.1 and 3.2 of the Agua Hedionda Land Use Plan and LUP Policy 3-5 and Section 21.38.160 of the Mello II LCP implementation. These policies were to serve as the standard of review for buildout of the Master Plan area. As noted, the project was subject to both the Agua Hedionda LUP and Mello II LCP segments of the certified Carlsbad Local Coastal Program.

At the same hearing, the Commission granted a coastal development permit (CDP #6-84-617) for development of the Kelly Ranch Master Plan. This coastal development permit approved the master subdivision of the 433-acre site to create 20 parcels, rough grading of 120 acres (1.2 million cubic yards), construction of access roads, dedication of an approximately 180 acre wetland preserve to the Department of Fish and Game consisting of low lying areas to the east of Agua Hedionda Lagoon and implementation of wetland restoration program within the wetland preserve. The offer to dedicate has been recorded and the wetland mitigation completed. The approved Kelly Ranch Master Plan also included an approximately 70 acre upland open space system within naturally vegetated steep slope greater than 25% grade containing coastal sage scrub and chaparral vegetation, i.e., "dual criteria" slopes.

CDP #6-84-617 approved the master subdivision of the Kelly Ranch, initial rough grading of portions of Cannon Road and other approved development areas in Mello II now known as the Core Area, including infrastructure improvements (sediment basins and drainage facilities) associated with buildout of the Mello II portion of Kelly Ranch. Construction began in 1985 but the project was not completed and the final map for the subdivision expired. The property was sold in 1997 to Kelly Land Company.

Although permitted by the original CDP #6-84-617, construction of Cannon Road was not carried out pursuant to that permit. Instead, plans for the road were revised, and construction of the revised road was permitted by CDP No. 6-97-11. This major arterial roadway is currently under construction. In addition, Kelly Ranch Planning Area "E" received a coastal permit from the City of Carlsbad (CDP No. 96-13), on January 21, 1998 for 144 single-family homes. The Village E development is also presently under construction. The creation of Planning Area E as a separate lot required a lot line adjustment which requires an "after the fact" amendment to the existing Kelly Ranch permit. Additionally, in October 1998, the City issued CDP No. 98-01 for Planning Area "F" to accommodate the Agua Hedionda Lagoon Information Center. This area was designated for visitor serving or neighborhood commercial uses in the original coastal

development permit. Consistent with that land use designation, the information center (previously a real estate model home) has been donated by the property owner and placed on the site for use by the Aqua Hedionda Lagoon Foundation.

Most recently, the City of Carlsbad approved a coastal development permit for subdivision and development of the 174 acre Core Area for residential uses (147 single-family homes and 451 multi-family units), daycare facilities, RV storage, a revised road system, and revisions to the open space boundaries approved in CDP #6-84-617. The open space revisions were approved to bring the project into compliance with current state laws protecting the habitat of the California gnatcatcher. The Core Area includes all of the Kelly Ranch within the Mello II LCP segment, east of Cannon Road, and Planning Area F west of Cannon Road. This permit is the subject of pending appeal A-6-CII-99-84.

This permit amendment seeks to revise the Kelly Ranch Master Plan requirements as they applied to buildout of the 433 ac. Kelly Ranch. Since the approval of the Kelly Ranch Master Plan development, the State has enacted the Natural Community Conservation Planning Act (NCCP). The City of Carlsbad, the Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS) have worked together to implement the NCCP planning process by establishing habitat corridors connecting critical areas used by multiple species, including the gnatcatcher, that will be preserved. The process has resulted in the City of Carlsbad's draft Habitat Management Plan (HMP) which identifies habitat corridors and preserve areas on the Kelly Ranch property. The present amendment revises the approved open space system to meet the requirements of the NCCP and the Coastal Act.

In Carlsbad LCP amendment 2-99D (July 2000), the Commission approved revisions to the Carlsbad LCP to change the boundaries of Planning Areas A, B and C along the north shore of the lagoon within the Agua Hedionda segment. The boundaries were changed to reflect the changes in the wetland boundaries that have occurred on the property since 1985. These changes include three lot line adjustments and a 2-lot parcel map and have resulted in changes to the configuration of the planning areas. The currently proposed lagoon dedication documents include these changes.

On June 12, 2001 the City approved three coastal development permit amendments (97-43A, 98-66A and 98-70A). The permit amendments were approved by the City to bring the project into compliance with the Commission's suggested modifications to LCPA #2-99D. The permits, as amended by the City, result in a reduction in the number of residential lots by 7 and the number of apartment units by 43, relocation of day care and recreational vehicle areas and modification to the open space boundaries. (See Exhibit #1 for locations of the development approved by the above mentioned permits).

On August 1, 2001 the amended project was appealed (A-6-CII-01-121) by the Commission. Both appeals (A-6-CII-99-84, A-6-CII-01-121) are addressed in one report and the appeals are scheduled at the Commission's September, 2001 hearing, immediately following the Commission's hearing on this permit amendment.

Amendment Description

The subject amendment request involves modifications to the entitlements and permit obligations of CDP 6-84-617 to reflect changes to the certified Mello II LCP which serves as the standard of review for development within the Mello II portion of the Kelly Ranch, and to acknowledge and remove from this permit the development which will not be undertaken pursuant to this permit. All development previously authorized within the Agua Hedionda LCP segment will be retained in this permit as approved or modified with this amendment.

The City of Carlsbad has approved a new coastal development permit for subdivision, grading and infrastructure improvements in the Mello II portion of Kelly Ranch (CDP #97-43A) which will replace the subdivision, grading and infrastructure improvements previously approved by the Commission in the subject permit. However, all of the approved open space areas and permitted activities and uses within the open space areas will be retained under the subject permit, as amended. Additionally, all of the work which has been completed pursuant to this permit will be retained as authorized, which includes the wetland restoration, wetland dedication, upland open space offer to dedicate, drainage facilities and erosion control devices, rough grading for Cannon Road and future installation of an interpretive center and fencing adjacent to Park Drive. Replacement of the previously-approved offers to dedicate the wetland preserve and upland habitat preserve with new recording documents is proposed to reflect the new open space boundaries approved by the Commission as part of the LCP Kelly Ranch Open Space in LCP amendment #2-99D.

Additionally, during the period of 1996 to 1998, Kelly Land Company processed and received approval from the City of Carlsbad for three lot line adjustment plats and one two-lot parcel map. These lot line modifications were conducted primarily in order to realign existing lot lines in accordance with the new information provided by Ca. Dept. of Fish and Game for the revised wetland boundary for dedication. During the ten years between the original offer of dedication and 1996, wetlands vegetation had grown into upland areas, which were not the subject of the original dedication. No coastal development permits or amendments to this permit were approved for these actions. Therefore, this amendment request includes after-the-fact approval of the lot line adjustments which have resulted in the boundary of the wetland preserve (Planning Area B) approved by the Commission as part of the LCP Kelly Ranch Open Space in LCP amendment #2-99D.

2. Open Space Preservation/Resource Management. The proposed permit amendment incorporates revisions to the previously approved permit for buildout of the entire Kelly Ranch Master Plan area. Portions of the development contemplated by the Master Plan have been replaced by subdivision of the majority of the Mello II Core Area, with the exception of Planning Area L. However, when the Commission reviewed the Master Plan and approved the development included within this permit pursuant to the Master Plan, the impacts of buildout of the entire 433 acre Kelly Ranch were considered.

The wetland and open space mitigation that was approved as part of this permit addresses impacts in both the Agua Hedionda and Mello II segments of the LCP. In its subsequent review of the LCP amendment to rescind the master plan and replace it with standard land use designations and zoning, the Commission could not segment the open space mitigation that is required to offset the impacts of development of the entire Kelly Ranch property. As proposed by the City, in its review of the LCP amendment, the Commission considered the potential development of the entire 433 acre Kelly Ranch, including Planning Areas A through J. The revised open space system was established anticipating development of all the planning areas, including Planning Area L which is proposed in the Core Area development as a remainder parcel. Through this amendment, the Commission will allow the buildout of the Core Area to occur through implementation of Carlsbad CDP #97-43, however, the Commission will retain the authority to review the boundaries of and the permitted uses within the entire open space system which is required to offset the impacts of development of the entire Kelly Ranch.

The western portion of Kelly Ranch is addressed by the certified Agua Hedionda LUP which divides this portion of Kelly Ranch into three Planning Areas -- A, B and C. This portion of Kelly Ranch is characterized by a large contiguous wetland area within the boundaries of eastern Agua Hedionda Lagoon as mapped by the State Department of Fish and Game. It includes the wetlands of Agua Hedionda Lagoon and the Wetland Preserve, which is 195 acres to be dedicated to the Department of Fish and Game. The Wetland Preserve is Planning Area B.

Special Conditions 1.A and 1.B of CDP 6-84-617 required that the developer execute and record both an "Irrevocable Offer to Dedicate Fee Title" and an "Irrevocable Offer to Dedicate Open Space easement and Declaration of Restrictions" which were approved and recorded in August, 1985. These two documents have been referred to collectively as the "Wetlands Irrevocable Offers". To fulfill the requirements of the Wetlands Irrevocable Offers, Kelly Land Co. proposes to enter into an agreement with the State of California, acting by and through the CDF&G Wildlife Conservation Board, entitled "Agreement for Dedication of Village B" ("WCB Dedication Agreement"), which when fully executed and recorded will transfer title of the described wetlands. By letter (dated Aug. 16, 2001) from Coastal Commission staff to the Regional Manager of the CDF&G, Staff confirmed that the boundaries of the proposed dedication lands to be transferred were consistent with the boundaries of the wetland preserve as certified by the Commission in LCPA #2-99D. However, the recording document must still be reviewed for its conformance with the conditions of approval of this amended permit.

The applicant is proposing to replace the offer to dedicate the open space required within the upland portion of the Kelly Ranch with new offers to reflect the revised open space system approved by the Commission in the LCP. The revised open space easements as required through Special Condition #2 will include open space within all the planning areas in the Mello II segment consistent with the Commission's action on the LCP amendment. In its approval of the revised open space system for Kelly Ranch, the Commission allowed for impacts to dual criteria slopes and environmentally sensitive habitat area (esha) where those areas were previously protected as open space. Such

impacts to esha were approved in exchange for preservation of a high quality open space preserve that provided greater connectivity and linkages for habitat viability. Additionally, the degraded or low quality habitat within the open space preserve system was to be revegetated, restored and protected in perpetuity as open space.

Although the City has required open space lots within the Core Area development, the proposed amendment will address the open space as a system which is to be restored to provide high quality habitat value and connectivity for threatened and endangered species. Special Condition 2 requires recordation of a new offer to dedicate which will secure all of the area shown on the certified Kelly Ranch Open Space map in open space in perpetuity. It is expected this open space easement will be accepted by the ultimate management authority for the habitat preserve system required through the NCCP process. The condition acknowledges the permitted uses and activity which is permitted within the open space area. In its approval of the LCP open space, the Commission acknowledged that some encroachment for cut and fill slopes and road embankments would be necessary with the open space; however, those disturbed areas are proposed for revegetation in the Natural Habitat Revegetation Program submitted by the applicant.

Commission staff biologist has reviewed the proposed plan and has identified additional areas which should be subject to revegetation and restoration to be acceptable as viable habitat and be sufficient to offset the impacts of buildout of the Kelly Ranch. These additional areas have been identified in Special Condition #6 of the amended permit. Additionally, the maintenance and monitoring requirements, particularly the performance standards which must be achieved, have been enhanced through the condition. Without a solid monitoring program which assures full restoration of the habitat is achieved, the open space preserve system will not function as intended to provide long-term habitat value to threatened and endangered species. Failure of the restoration plan would also be inconsistent with the certified Carlsbad LCP.

Additionally, the proposed amendment also requires revision to the conditions of approval to delete reference to development activity no longer authorized by this permit and revise conditions to correspond to the revised projects. Special Condition 3 of CDP 6-84-617 identifies development activities permitted by the original permit which includes master subdivision of the site into 20 parcels; construction of Cannon Road including grading and bridge construction; construction of roads designated as Park Drive, El Camino Real, Streets A, B and C; rough grading of Areas A-2, C-2, E, G through R; installation of drainage and runoff control systems; construction of a water reservoir; wetland restoration projects; construction of the interpretive center in Area A-3 and relocation of overground utilities (wooden poles) in Area B.

The status of the permitted improvements is as follows: Park Drive construction is no longer included within the project; minor widening of El Camino Real offsite and not affecting wetlands is required; Streets A, B and C have now been revised to eleven named streets to accommodate the current project design. Mass and finish grading of these roadways is also proposed in the revised project. Grading of [previous lettering] Areas A, C, N (now L) and L (now Area J open space) are not proposed in the current

project design. Areas A, C, L and N will be the subject of future coastal development permit processing. Area E was previously approved and fully constructed with 144 single-family homes through a City-issued coastal permit in 1996. Several of the main drainage and runoff control systems identified on the 1985 plan were constructed during the abbreviated 1986 construction program. These drainage lines and desiltation basins are proposed for use in the current project design, however significant additional parts of the [revised design] drainage control system is proposed in conjunction with the revised plan. The water reservoir (tank) is no longer needed and has been deleted from the current project design. The wetland restoration improvements were completed in conjunction with the 1986 construction program. The relocation of overground utilities (wooden poles) in Area B has been completed. Therefore, since Special Condition #3 is no longer an accurate description of the development approved in this permit, it will be deleted from the amended permit.

Special Condition 4 of CDP 6-84-617 requires Erosion, Sedimentation and Drainage plans. Such plans were approved by the Executive Director on 8/23/85. The applicant proposes these plans be replaced by Core Area Grading, Erosion Control, and Drainage plans approved by the City of Carlsbad, and found consistent with the 2000-01 Mello II LCP Suggested Modification requirements for Water Quality. The applicant also proposes that the grading activity scheduling restrictions be deleted as required in this Special Condition, and modified consistent with the certified grading season requirements of Carlsbad Zoning Code Section 21.203.040(B)(4)(e), as identified in the certified LCP. The Commission concurs with the replacement of the previously authorized grading and infrastructure improvements with that approved in Carlsbad CDP #97-43A. However, Special Condition #5 will remain as applicable to the grading approved and completed with this permit.

Special Conditions 6 and 7 of CDP 6-84-617 require 1 to 1 wetland mitigation for Cannon Road wetland impacts approved with this permit which were approximately 11 acres. A number of individual mitigation projects were undertaken within the Wetland Preserve to mitigate Cannon Road impacts including expansion of wetlands adjacent to A-2; habitat enhancement adjacent to A-3; salt marsh restoration in area B; creation of brackish ponds in area B; wetland extension in area D and removal of silt and wetland reclamation adjacent to area C-1. The mitigation plan was approved by Executive Director and work activities completed in 1987 to the satisfaction of CDF&G. Also a Dept. of the Army Section 404 Permit dated 8/12/85 and a CDF&G Section 1603 Permit dated 8/8/85 was approved with respect to the required mitigation. (ref. Exhibit #9)

Additional impacts associated with a realignment of Cannon Road were addressed in CDP 6-97-11 which was issued by the Coastal Commission in February, 1998. CDP 6-97-11 approved a separate mitigation program for approximately 1.75 acres of impacts to primarily riparian vegetation but also included brackish marsh and open water impacts associated with construction of the Macario Canyon bridge and the Agua Hedionda Creek bridge. The Commission approved 6.34 acres of mostly riparian mitigation. Special Conditions #6 and #7 will remain as they are applicable to the wetland restoration approved and completed pursuant to this permit.

Special Condition 8 of CDP 6-84-617 required construction of a desiltation basin within Area B at the east end of the Agua Hedionda Lagoon wetlands. The developer excavated this basin during the 1986 grading period. It is located at the entry point where Agua Hedionda Creek enters the lagoon wetlands area, and was intended to provide additional protection of the lagoon from upstream siltation. At the time that Kelly Land Co. purchased the Kelly Ranch (1996), the City of Carlsbad informed them that the desiltation basin should be dredged in order to maintain proper performance. Kelly Land Co. inquired from USF&WS, CDF&G and ACOE as to whether permits were needed to perform the dredging, and was informed that the southern willow scrub forest that had developed was habitat of the endangered Least Bell's Vireo and the Southern Willow Flycatcher, and could not be impacted in any way. As a result, the unmaintained desiltation basin had developed into a willow forest, which is to be protected.

The applicant states that in and of itself, the willow forest replacing the previous desiltation basin, does perform desiltation functions. The willow trees and scrubs hold silt through their roots, branches and leaves. At some point however, this desiltation function reduces to little functional value.

According to the applicant, the City of Carlsbad is presently in the final design and public review stages for the construction of three desiltation basins on the three respective tributaries into the lagoon at this area. Agua Hedionda Creek, Calavera Creek, and Little Encinas Creek are the three major tributaries which, after converging to from the Agua Hedionda Creek just east of El Camino Real, travel under El Camino Real to enter into the lagoon at the location of the old desiltation basin.

According to the applicant, an approximate 5-ac. detention/desiltation basin is proposed on Agua Hedionda Creek approximately 1 mile upstream of the present old basin location. An approximate 15-acre detention/desiltation basin and an additional 6-ac. wetland mitigation site (willow scrub) are proposed within 1 mile upstream on Calavera Creek. An approximate 8-ac. detention/desiltation basin is proposed approximately 1 mile upstream on Little Encinas Creek. These basins are all in the EIR process at this time, and are proposed for construction/installation beginning in early 2002. These planned upstream basins, in conjunction with the new regulations on water quality (California State Water Quality Control Board Order No. 2001-01) will provide as good or improved water quality entering the lagoon than the original desiltation basin on the Kelly Ranch wetlands. Additionally, the revised drainage plan approved for the Core Area development does not rely on this basin for detention.

Therefore, the Commission finds the desiltation basin should remain as a resource and to naturally function as a desiltation basin. Therefore, Special Condition #8 should be revised to delete the reference to the maintenance responsibility being transferred to the homeowners association. Since the basin is located within the wetland preserve to be dedicated to the Dept. of Fish and Game, maintenance responsibility of the habitat value will be the responsibility of the accepting agency.

Special Condition 9 of CDP 6-84-617 requires an interpretive center kiosk within Planning Area A-2 on the north shore of Agua Hedionda lagoon. No work was conducted in Area A-2. Planning Area A-2 has become part of Parcel B, the lagoon dedication area; therefore, no grading has or will occur within area A-2. The condition requires the Park Drive interpretive center shall be commenced prior to grading within area A-2 which should be revised to indicate the interpretive center will be constructed prior to or concurrent with the development of Planning Area A.

Special Condition 10 of CDP 6-84-617 will be replaced with a new condition which identifies the wetland buffer requirements of the Agua Hedionda LCP Land Use Plan, i.e. 100-ft. from delineated wetlands, and acknowledges that an exact delineation of wetlands within Planning Areas A and C shall be required prior to filing a coastal development permit application for future development on those sites. This requirement is consistent with the certified Aqua Hedionda LUP and serves as notice for any future development of Planning Areas A and C.

Special Condition Nos. 12 and 13 of CDP 6-84-617 should be deleted as they address development which is no longer a part of the amended permit. The installation of the interpretive center on Planning Area F will be completed pursuant Carlsbad CDP 98-59 (10/7/98). The building has been installed on the site, but will not be occupied until utilities and access to the site are secured following recordation of the final subdivision map for the Core Area. At that time, the Area F site will be donated to the Agua Hedionda Lagoon Foundation. The adjacent open space on Planning Area F will be revegetated and restored pursuant to Special Condition #5 of this amended permit.

Special Condition #14 of CDP 6-84-617 requires a bicycle route along Park Drive be installed along the north shore of the lagoon. This requirement will be addressed when a CDP application for Planning Areas A or C is reviewed by the Commission. Special Condition #15 remains as applicable to address State Lands Commission review.

Special Condition #16 of CDP 6-84-617 requires archaeological testing of sites KR-8 and KR-9. These sites are located on the north shore of the lagoon near Planning Area A. A preservation program will be reviewed by the Commission when a CDP application for Planning Areas A or C is received. It will remain as applicable to the open space approved in this permit.

The proposed amendment also requests authorization for additional wetland mitigation required by the ACOE for impacts to two non-vegetated drainages within the approved development footprint of the Core Area. A mitigation plan is proposed that would create 1.24 acres of wetland within the Agua Hedionda Preserve. In addition to mitigating the .04 acres of jurisdictional wetlands, the mitigation is proposed to mitigate impacts to an existing desiltation basin on Planning Area D that contains wetland habitat and was at one time proposed for deletion. However, the Commission in its approval of LCPA 2-99D found that this basin had habitat value and required its preservation. Rather than revise the mitigation proposal and amend the existing ACOE requirements, the applicant has decided to mitigate for the desiltation basin as if it were impacted. Maintenance and monitoring for 5 years is proposed. Coastal sage

scrub is proposed for revegetation on cut slopes created when mitigation sites are lowered. Special Condition #8 requires submittal of a final plan approved by the Dept. of Fish and Game. Also, Special Condition #11 requires compliance with all permits approved by other State and Federal agencies. As conditioned, the Commission finds the amended project is consistent with the resource protection policies of the Coastal Act, the certified Agua Hedionda LCP land use plan, and the certified Mello II LCP.

3. Public Access and Recreation. In recognition of the unique scenic and natural resource values of Agua Hedionda Lagoon, the Commission suggested modifications to the Mello II LCP land use plan and implementing ordinances to assure the visual quality of this scenic coastal area is protected and preserved. Therefore, the Carlsbad LCP recognizes that the lagoon and surroundings present a scenic open space break from the intense urban development characteristic of the Southern California coastal zone. Excellent views and vistas are afforded the public from such vantage points along Carlsbad Blvd., I-5, Adams Street, the upland portions of the Core Area and Park Drive. Cannon Road is designated as a Scenic Highway. As a result, the LCP requires that public trails and vista points be provided within the development of the Kelly Ranch to preserve public views and access to this scenic coastal area, consistent with the public access and recreation policies of the Coastal Act.

As noted above, the City has indicated that easements for vista points on Planning Area D and J and trail access to the vista points are provided within the City approval of the Core Area development. However, because the entire open space system for the Kelly Ranch is being addressed through the subject permit amendment, the Commission finds it is appropriate to acknowledge the easements and access improvements as permitted uses within the open space. Additionally, the City's permit does not specifically address installation of the improvements regarding design or timing of installation. Therefore, Special Condition #4 requires submittal of the final map prior to and after recordation to assure the easements are recorded as shown on the tentative map. In addition, the applicant has agreed to install improvements to facilitate public access at the vista points including a bench and interpretive signage. Also, public access signage must be installed to notify the public that the improvements are open and available for public use. Native landscaping should be provided along the perimeter of the vista point on Planning Area D to provide a natural demarcation between the access trail and adjacent sensitive habitat. These requirements are outlined in Special Condition #5. The improvements must be installed concurrent with residential development but in no case later than occupancy of the first residential unit. With these requirements, the amended development is consistent with the certified Mello II LCP and the public access and recreation policies of the Coastal Act

4. Local Coastal Planning. Section 30604(a) also 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, such a finding can be made. As noted above, Carlsbad LCPC 2-99D approved a number of significant changes to the Mello II and Agua Hedionda LCP segments regarding the 433 acre Kelly Ranch property.

Regarding the Agua Hedionda LUP and as identified herein, several policy areas, including public access, resource protection and visual resource protection were amended. As conditioned herein, no adverse impacts to coastal resources or public access would occur as a result of the current project design when compared to the project as originally approved by the Commission. The Commission will be reviewing any subsequent development proposals in Planning Areas A and C in light of the changes that were approved in Carlsbad LCPA 2-99D.

Similarly, regarding the Mello II segment, a number of significant changes to the existing LCP were approved, including the deletion of Section 21.38.160 of the Mello II LCP implementation and its replacement with amendments to the existing Coastal Resource Protection Ordinance, revisions to the site specific LUP Policy 3-5 which identifies required open space preservation for the protection of multiple species and design guidelines and development standards on the Kelly Ranch. The Commission approved other changes to the Mello II LCP in the policy areas of public access, public views, water quality and resource protection. Again, as conditioned herein, no adverse impacts to coastal resources or public access would occur in the Mello II segment as a result of the current project design when compared to the project as originally approved by the Commission.

5. California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the permit, as conditioned by any conditions of approval, 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 discussed above and incorporated by reference herein, the proposed amended project, as conditioned, will not cause significant adverse impacts to the environment. Specifically, as conditioned, the project has been found consistent with the biological resource policies of the certified LCP and the public access policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed amended project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

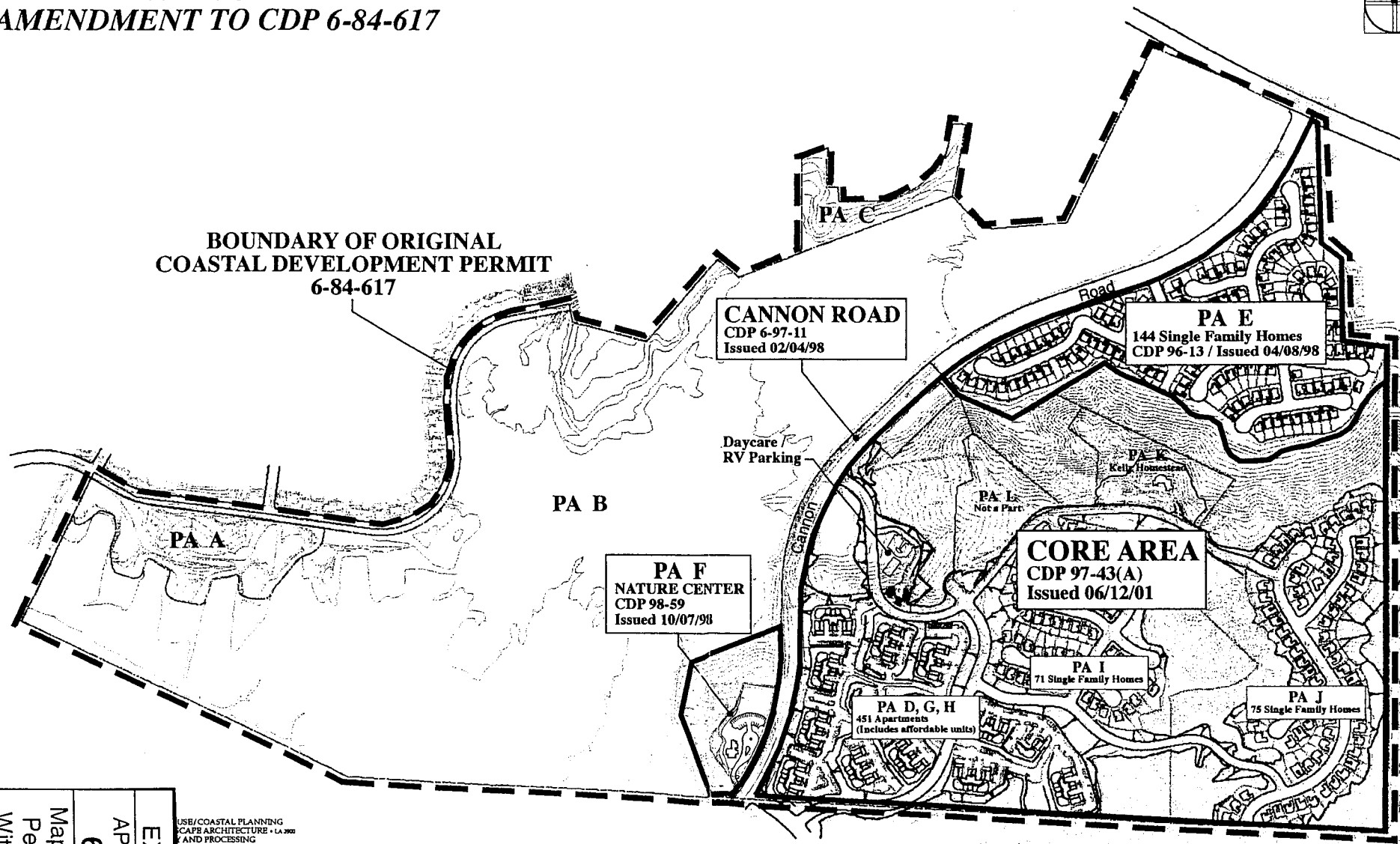


KELLY RANCH

AMENDMENT TO CDP 6-84-617



**BOUNDARY OF ORIGINAL
COASTAL DEVELOPMENT PERMIT
6-84-617**



CANNON ROAD
CDP 6-97-11
Issued 02/04/98

PA E
144 Single Family Homes
CDP 96-13 / Issued 04/08/98

PA F
NATURE CENTER
CDP 98-59
Issued 10/07/98


CORE AREA
CDP 97-43(A)
Issued 06/12/01

PA I
71 Single Family Homes

PA D, G, H
451 Apartments
(Includes affordable units)





PA J
75 Single Family Homes

USE/COASTAL PLANNING
SCAPE ARCHITECTURE • CA 9208
AND PROCESSING
ENVIRONMENTAL MITIGATION
SALSBAD, CA 9208
5744

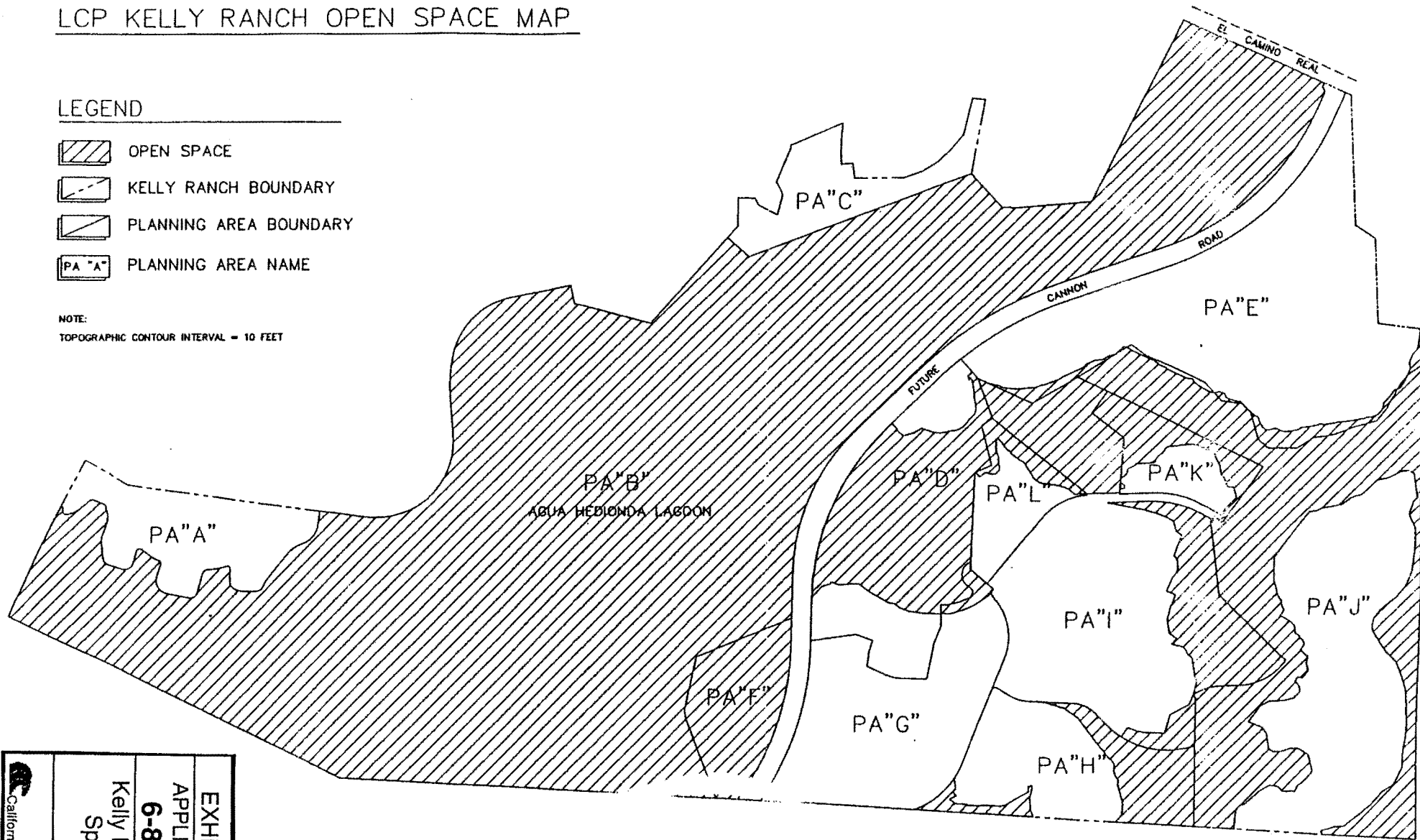
 California Coastal Commission	EXHIBIT NO. 1
	APPLICATION NO. 6-84-617-A
	Map Showing Other Permits Approved Within Kelly Ranch


LCP KELLY RANCH OPEN SPACE MAP

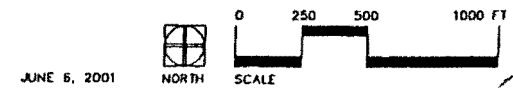
LEGEND

-  OPEN SPACE
-  KELLY RANCH BOUNDARY
-  PLANNING AREA BOUNDARY
-  PLANNING AREA NAME

NOTE:
TOPOGRAPHIC CONTOUR INTERVAL = 10 FEET

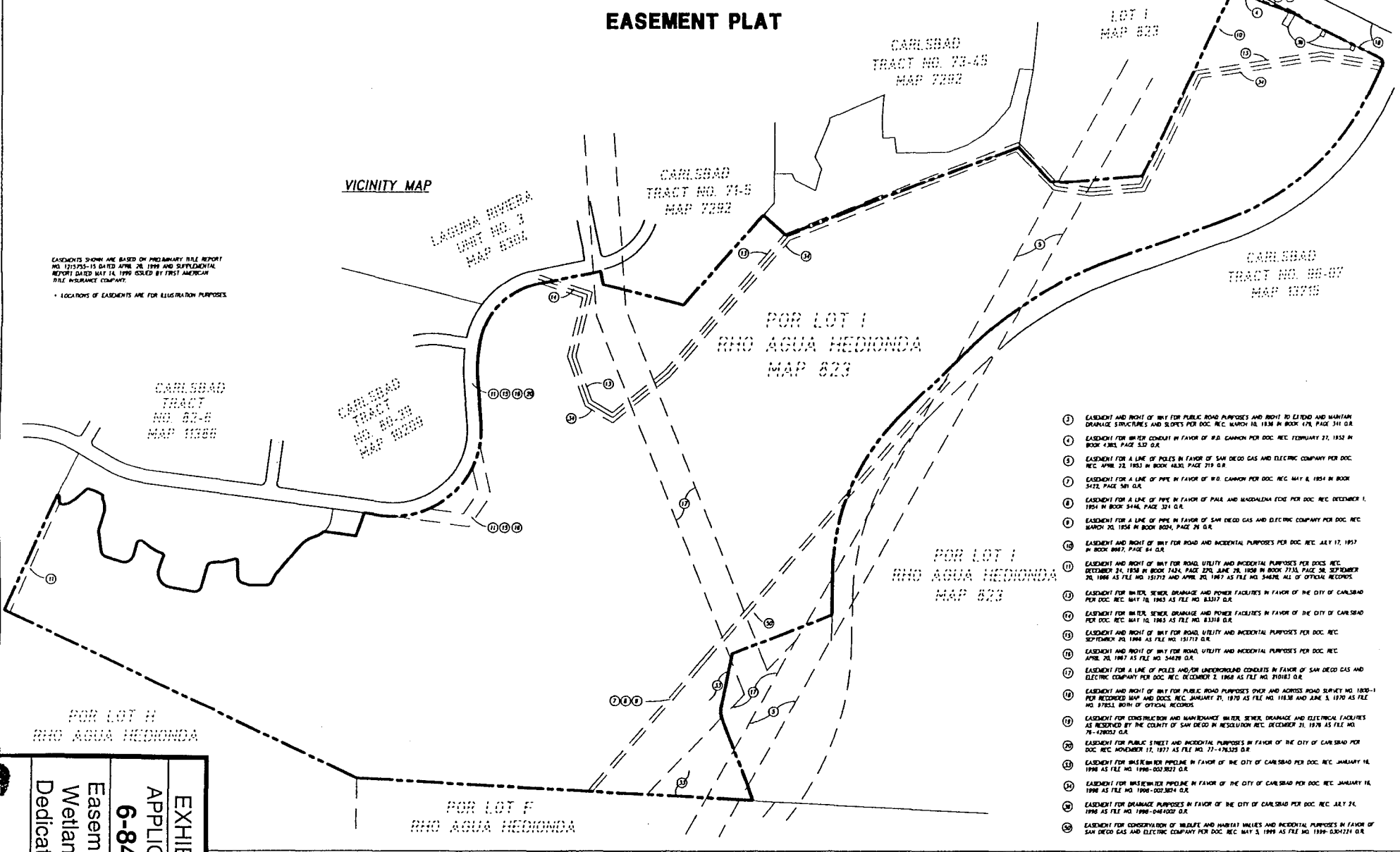


 California Coastal Commission	EXHIBIT NO. 2
	APPLICATION NO.
	6-84-617-A
	Kelly Ranch Open Space Map



JUNE 6, 2001

PROPOSED LAGOON PARCEL EASEMENT PLAT




EASEMENTS SHOWN ARE BASED ON PRELIMINARY TITLE REPORT NO. 1215735-15 DATED APRIL 26, 1999 AND SUPPLEMENTAL REPORT DATED MAY 14, 1999 ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY.

* LOCATIONS OF EASEMENTS ARE FOR ILLUSTRATION PURPOSES

- ① EASEMENT AND RIGHT OF WAY FOR PUBLIC ROAD PURPOSES AND RIGHT TO EXTEND AND MAINTAIN DRAINAGE STRUCTURES AND SLOPES PER DOC. REC. MARCH 16, 1936 IN BOOK 478, PAGE 341 O.R.
- ② EASEMENT FOR WATER CONDUIT IN FAVOR OF R.D. CANNON PER DOC. REC. FEBRUARY 27, 1932 IN BOOK 436L, PAGE 519 O.R.
- ③ EASEMENT FOR A LINE OF POLES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY PER DOC. REC. APRIL 28, 1953 IN BOOK 463L, PAGE 719 O.R.
- ④ EASEMENT FOR A LINE OF PIPE IN FAVOR OF W.D. CANNON PER DOC. REC. MAY 8, 1954 IN BOOK 542Z, PAGE 561 O.R.
- ⑤ EASEMENT FOR A LINE OF PIPE IN FAVOR OF PAUL AND MARGARETA EGGE PER DOC. REC. DECEMBER 1, 1954 IN BOOK 544L, PAGE 324 O.R.
- ⑥ EASEMENT FOR A LINE OF PIPE IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY PER DOC. REC. MARCH 20, 1956 IN BOOK 6024, PAGE 26 O.R.
- ⑦ EASEMENT AND RIGHT OF WAY FOR ROAD AND INCIDENTAL PURPOSES PER DOC. REC. JULY 17, 1957 IN BOOK 6097, PAGE 84 O.R.
- ⑧ EASEMENT AND RIGHT OF WAY FOR ROAD, UTILITY AND INCIDENTAL PURPOSES PER DOCS. REC. DECEMBER 24, 1958 IN BOOK 742Z, PAGE 270; JUNE 28, 1958 IN BOOK 773L, PAGE 58; SEPTEMBER 26, 1958 AS FILE NO. 151719 AND APRIL 20, 1967 AS FILE NO. 83317 ALL OF OFFICIAL RECORDS.
- ⑨ EASEMENT FOR WATER, SEWER, DRAINAGE AND POWER FACILITIES IN FAVOR OF THE CITY OF CARLSBAD PER DOC. REC. MAY 10, 1965 AS FILE NO. 83319 O.R.
- ⑩ EASEMENT AND RIGHT OF WAY FOR ROAD, UTILITY AND INCIDENTAL PURPOSES PER DOC. REC. SEPTEMBER 20, 1966 AS FILE NO. 151717 O.R.
- ⑪ EASEMENT AND RIGHT OF WAY FOR ROAD, UTILITY AND INCIDENTAL PURPOSES PER DOC. REC. APRIL 26, 1967 AS FILE NO. 84628 O.R.
- ⑫ EASEMENT FOR A LINE OF POLES AND/OR UNDERGROUND CONDUITS IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY PER DOC. REC. DECEMBER 2, 1968 AS FILE NO. 81048 O.R.
- ⑬ EASEMENT AND RIGHT OF WAY FOR PUBLIC ROAD PURPOSES OVER AND ACROSS ROAD SURVEY NO. 1280-1 PER RECORDED MAP AND DOCS. REC. JANUARY 21, 1970 AS FILE NO. 11818 AND JUNE 3, 1970 AS FILE NO. 87651, BOTH OF OFFICIAL RECORDS.
- ⑭ EASEMENT FOR CONSTRUCTION AND MAINTENANCE WATER, SEWER, DRAINAGE AND ELECTRICAL FACILITIES AS RESOLVED BY THE COUNTY OF SAN DIEGO IN RESOLUTION REC. DECEMBER 31, 1970 AS FILE NO. 76-428053 O.R.
- ⑮ EASEMENT FOR PUBLIC STREET AND INCIDENTAL PURPOSES IN FAVOR OF THE CITY OF CARLSBAD PER DOC. REC. NOVEMBER 17, 1977 AS FILE NO. 77-476325 O.R.
- ⑯ EASEMENT FOR UNDERGROUND PIPELINE IN FAVOR OF THE CITY OF CARLSBAD PER DOC. REC. JANUARY 14, 1988 AS FILE NO. 1988-001302 O.R.
- ⑰ EASEMENT FOR UNDERGROUND PIPELINE IN FAVOR OF THE CITY OF CARLSBAD PER DOC. REC. JANUARY 14, 1988 AS FILE NO. 1988-001304 O.R.
- ⑱ EASEMENT FOR DRAINAGE PURPOSES IN FAVOR OF THE CITY OF CARLSBAD PER DOC. REC. JULY 24, 1990 AS FILE NO. 1990-048103 O.R.
- ⑲ EASEMENT FOR CONSERVATION OF WILDLIFE AND HABITAT VALUES AND INCIDENTAL PURPOSES IN FAVOR OF SAN DIEGO GAS AND ELECTRIC COMPANY PER DOC. REC. MAY 3, 1999 AS FILE NO. 1999-034224 O.R.

FOR LOT H
RHO AGUA HEDIONDA

FOR LOT F
RHO AGUA HEDIONDA

 <p>California Coastal Commission</p>	<p>EXHIBIT NO. 3</p>
	<p>APPLICATION NO.</p>
	<p>6-84-617-A</p>
<p>Easement Plat For Wetland Preserve Dedication - SC #1</p>	

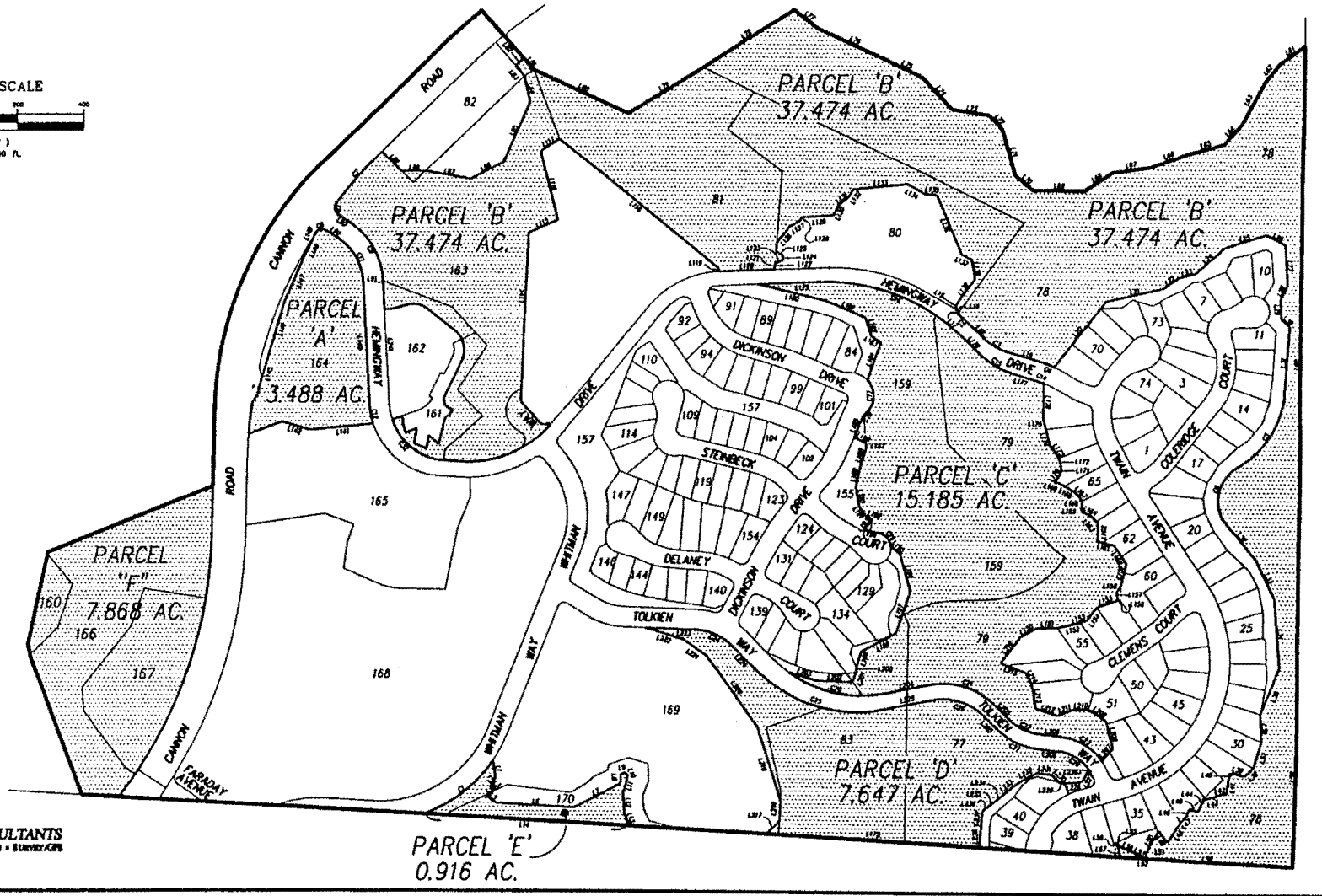
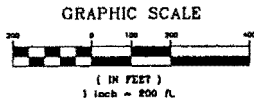
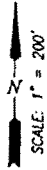
MAP NO. _____

CARLSBAD TRACT NO. 97-16

COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

KELLY RANCH CORE

COASTAL DEED RESTRICTED AREA LIMITS



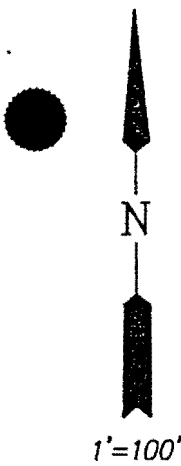
CONSULTANTS
ENGINEERS - SURVEYORS
CALIFORNIA
CA 92101

EXHIBIT NO. 4
APPLICATION NO.
6-84-617-A
Proposed Open
Space Within Core
Area - SC #2

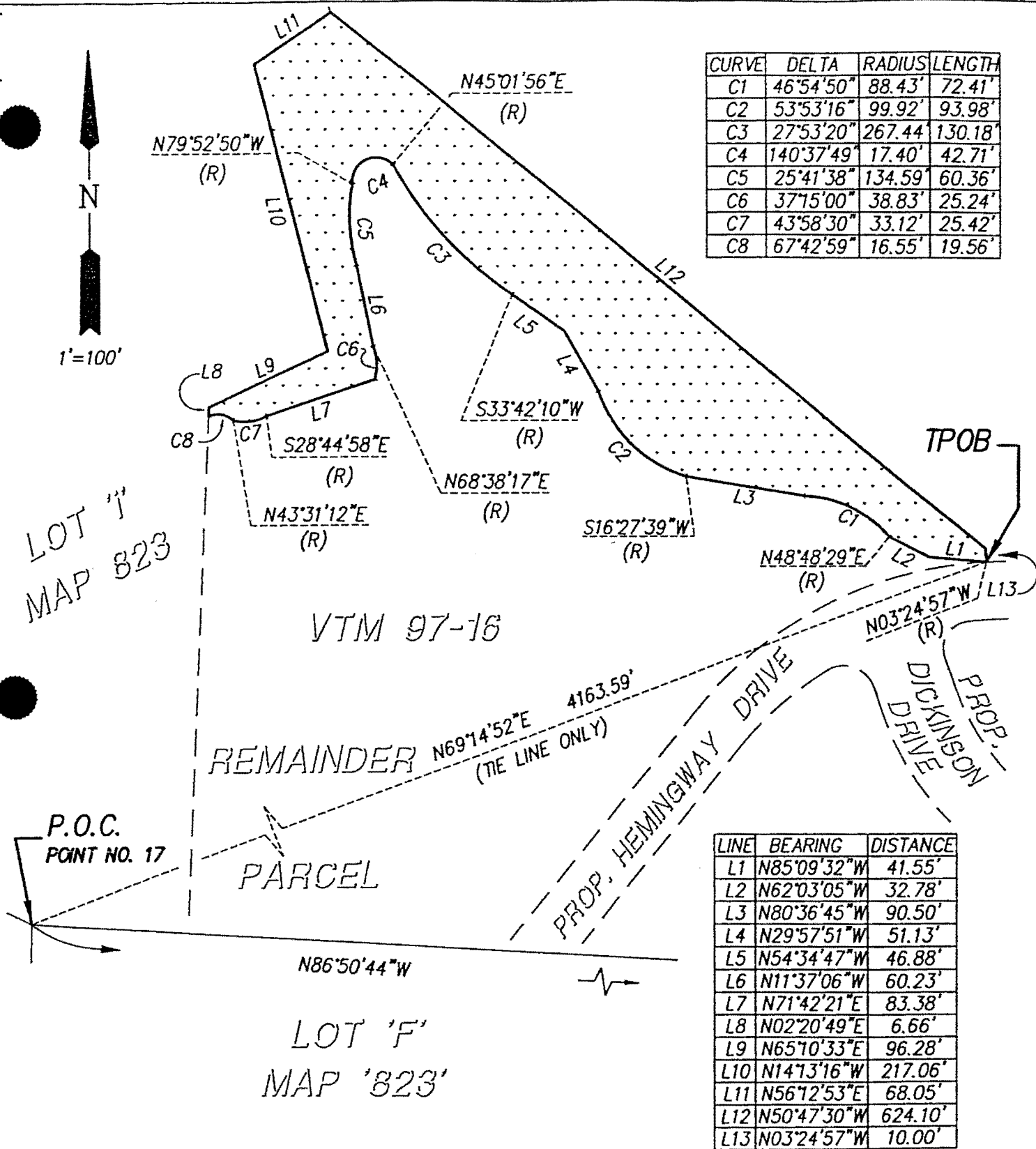
California Coastal Commission

CITY OF CARLSBAD TM 97-16

CALIFORNIA COORDINATE INDEX 326-1689



CURVE	DELTA	RADIUS	LENGTH
C1	46°54'50"	88.43'	72.41'
C2	53°53'16"	99.92'	93.98'
C3	27°53'20"	267.44'	130.18'
C4	140°37'49"	17.40'	42.71'
C5	25°41'38"	134.59'	60.36'
C6	37°15'00"	38.83'	25.24'
C7	43°58'30"	33.12'	25.42'
C8	67°42'59"	16.55'	19.56'



LINE	BEARING	DISTANCE
L1	N85°09'32"W	41.55'
L2	N62°03'05"W	32.78'
L3	N80°36'45"W	90.50'
L4	N29°57'51"W	51.13'
L5	N54°34'47"W	46.88'
L6	N11°37'06"W	60.23'
L7	N71°42'21"E	83.38'
L8	N02°20'49"E	6.66'
L9	N65°10'33"E	96.28'
L10	N14°13'16"W	217.06'
L11	N56°12'53"E	68.05'
L12	N50°47'30"W	624.10'
L13	N03°24'57"W	10.00'

APPLICANT:
 KELLY LAND COMPANY
 1 PALOMAR AIRPORT RD.
 SUITE 206
 CARLSBAD, CA. 92009

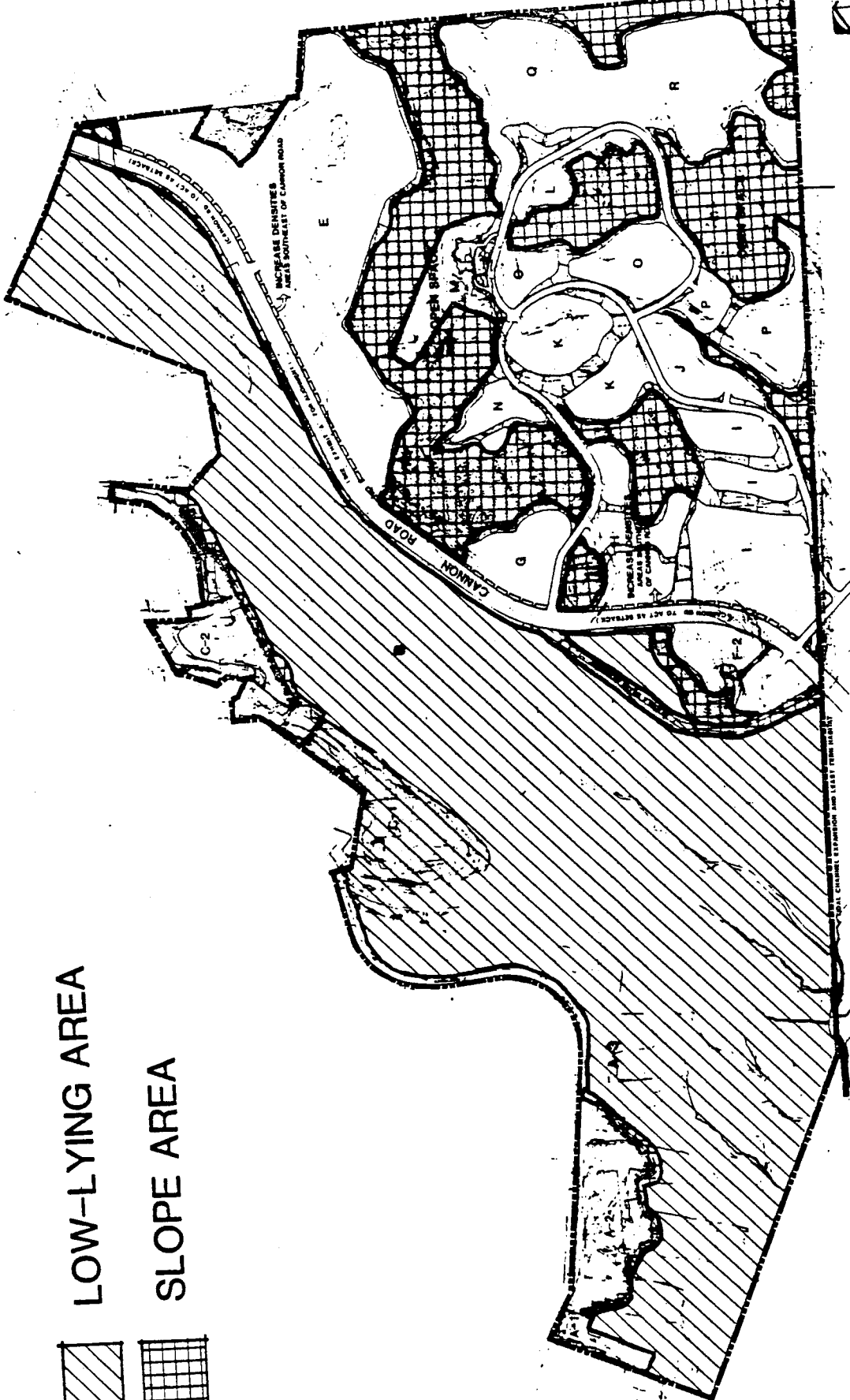
ADJUSTMENT PLAT-CITY OF CARLSBAD

PREPARED BY:
 PROJECTDESIGN CONSULTANTS
 701 B STREET, SUITE 800
 SAN DIEGO, CA 92101

A.P.N.

EXHIBIT 'B'

EXHIBIT NO. 5
 APPLICATION NO.
6-84-617-A
 Proposed Open
 Space On Planning
 Area L - SC #2



LOW-LYING AREA

SLOPE AREA

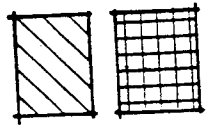
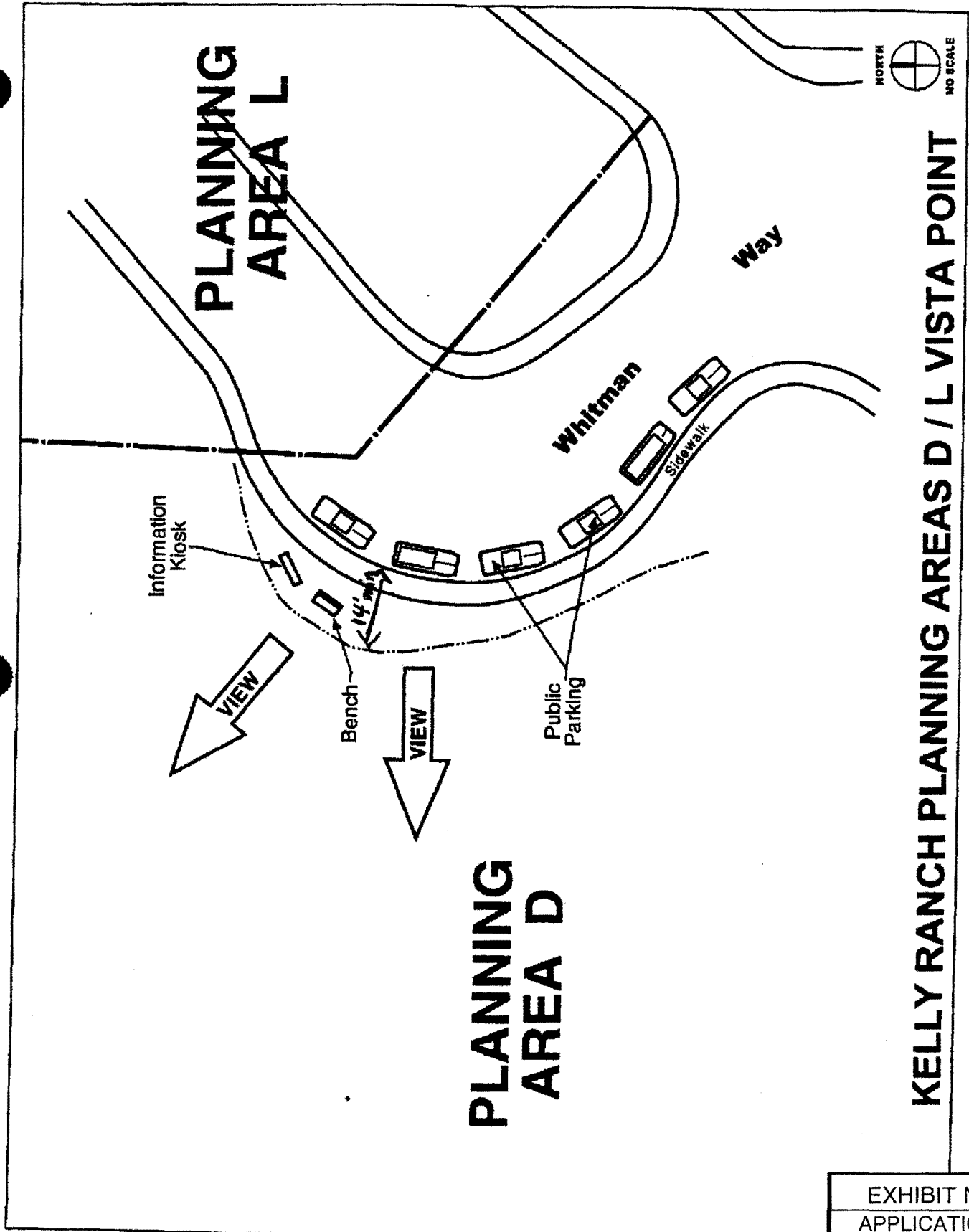


EXHIBIT "B"

OPEN SPACE
 COMMUNITY RANCH A PLANNED COMMUNITY
 IN THE CITIES OF ANAHEIM AND BROAD OF SOUTHERN CALIFORNIA
 BY COMMUNITIES & KAUFMAN

EXHIBIT NO. 6
 APPLICATION NO.
6-84-617-A
 Previously Approved
 Open Space
 Pursuant to SC #2

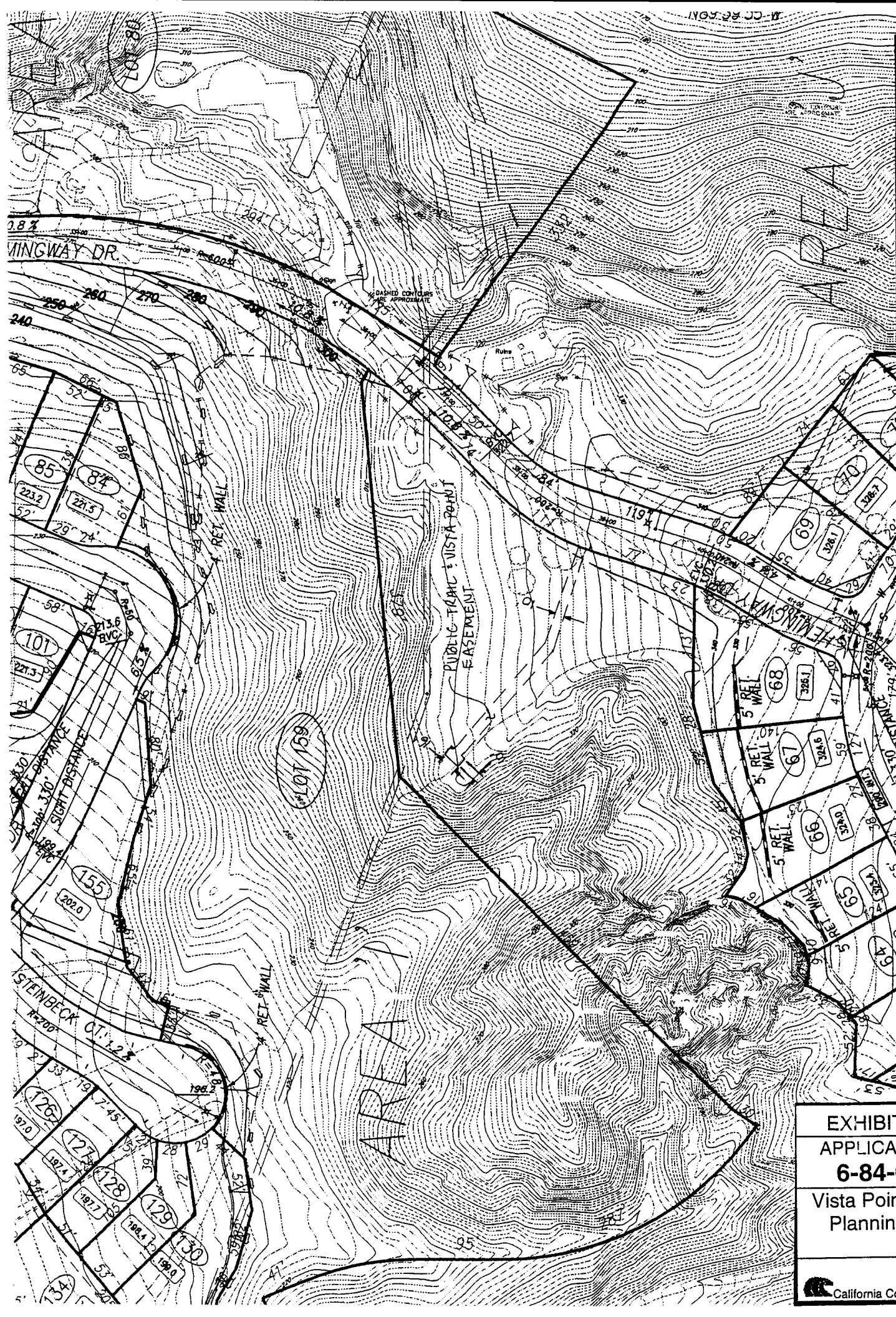


KELLY RANCH PLANNING AREAS D / L VISTA POINT

City of Carlsbad

Local Co

EXHIBIT NO. 7
APPLICATION NO.
6-84-617-A
Vista Point - Planning Area D
California Coastal Commission



AMENDED
TENTATIVE MAP
CT 9-16. (A).

KELLY RANCH
AREAS 'D' & 'F' - L

Project Design Consultants
PLANNING ENGINEERS SURVEYORS
707 "E" Street, Suite 600, Santa Ana, CA
92701
949-255-6471 FAX 949-255-6499



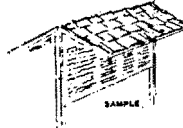
REVISIONS	DATE
12-15-00	
03-20-01	
5-14-01	

DATE 3-29-01
SCALE 1"=100'
NO. 1224.BD

EXHIBIT NO. 8
APPLICATION NO.
6-84-617-
Vista Point & Trail -
Planning Area J

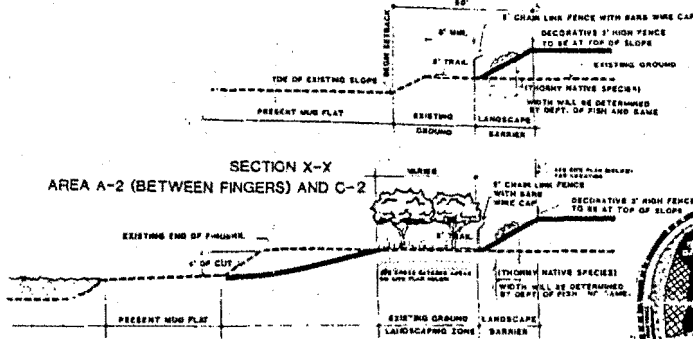
INTERPRETIVE CENTER

- 1) PLACE 1' OF FALL AT 3% GRADE
- 2) PROVIDE 3' WALKWAY AROUND PERIMETER SUITABLE FOR HANDICAPPED
- 3) PROVIDE TWO BENCHES & A 2x4' COVERED SIGN EXPLAINING HISTORY & BIOLOGICAL RESOURCES
- 4) FOR FENCING & BUFFER, SEE BELOW
- 5) 4 PARKING SPACES (ONE OF WHICH IS HANDICAPPED)



SAMPLE

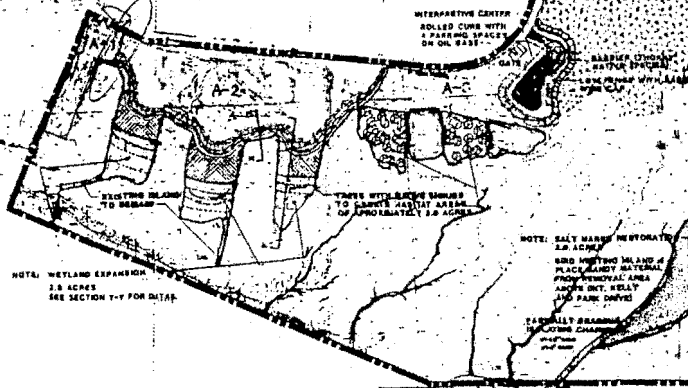
**SECTION X-X
AREA A-2 (BETWEEN FINGERS) AND C-2**



SECTION Y-Y (FINGERS)

COMPREHENSIVE BUFFER AND EXPANDED HABITAT/TIDAL WETLAND AREA

THE CROSS HATCHED AREA IS TO BE LANDSCAPED WITH NATIVE SPECIES. THE FINAL DESIGN AND ALLOCATION OF BIOLOGICAL FEATURES TO BE ESTABLISHED BY CALIF. DEPT. FISH AND GAME AT THE TIME A TENTATIVE MAP IS PROCESSED FOR THIS AREA.

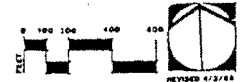


TYPICAL CHANNEL SECTION

(SEE 7TH STUDY FOR MORE DETAILS)

WETLAND EXPANSION FOR CANNON ROAD	
AREA 1	1.0 ACRES
AREA 2	1.0 ACRES
AREA 3	1.0 ACRES
AREA 4	1.0 ACRES
AREA 5	1.0 ACRES
AREA 6	1.0 ACRES
AREA 7	1.0 ACRES
AREA 8	1.0 ACRES
AREA 9	1.0 ACRES
AREA 10	1.0 ACRES
AREA 11	1.0 ACRES
AREA 12	1.0 ACRES
AREA 13	1.0 ACRES
AREA 14	1.0 ACRES
AREA 15	1.0 ACRES
AREA 16	1.0 ACRES
AREA 17	1.0 ACRES
AREA 18	1.0 ACRES
AREA 19	1.0 ACRES
AREA 20	1.0 ACRES
AREA 21	1.0 ACRES
AREA 22	1.0 ACRES
AREA 23	1.0 ACRES
AREA 24	1.0 ACRES
AREA 25	1.0 ACRES
AREA 26	1.0 ACRES
AREA 27	1.0 ACRES
AREA 28	1.0 ACRES
AREA 29	1.0 ACRES
AREA 30	1.0 ACRES
AREA 31	1.0 ACRES
AREA 32	1.0 ACRES
AREA 33	1.0 ACRES
AREA 34	1.0 ACRES
AREA 35	1.0 ACRES
AREA 36	1.0 ACRES
AREA 37	1.0 ACRES
AREA 38	1.0 ACRES
AREA 39	1.0 ACRES
AREA 40	1.0 ACRES
AREA 41	1.0 ACRES
AREA 42	1.0 ACRES
AREA 43	1.0 ACRES
AREA 44	1.0 ACRES
AREA 45	1.0 ACRES
AREA 46	1.0 ACRES
AREA 47	1.0 ACRES
AREA 48	1.0 ACRES
AREA 49	1.0 ACRES
AREA 50	1.0 ACRES
AREA 51	1.0 ACRES
AREA 52	1.0 ACRES
AREA 53	1.0 ACRES
AREA 54	1.0 ACRES
AREA 55	1.0 ACRES
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AREA 68	1.0 ACRES
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AREA 83	1.0 ACRES
AREA 84	1.0 ACRES
AREA 85	1.0 ACRES
AREA 86	1.0 ACRES
AREA 87	1.0 ACRES
AREA 88	1.0 ACRES
AREA 89	1.0 ACRES
AREA 90	1.0 ACRES
AREA 91	1.0 ACRES
AREA 92	1.0 ACRES
AREA 93	1.0 ACRES
AREA 94	1.0 ACRES
AREA 95	1.0 ACRES
AREA 96	1.0 ACRES
AREA 97	1.0 ACRES
AREA 98	1.0 ACRES
AREA 99	1.0 ACRES
AREA 100	1.0 ACRES

EXHIBIT A (PRESENT COASTAL APPLICATION)
HELLY RANCH A PLANNED COMMUNITY
 BY CAL COMMUNITIES & KAUFMAN AND BROAD OF SOUTHERN CALIFORNIA



REVISION 1/2/88

California Coastal Commission
 Original Approved
 Wetland Restoration
 APPLICATION NO.
6-84-617-A
 EXHIBIT NO. 9

REVEGETATION PLAN

REVISED IN SATISFACTION OF CALIFORNIA COASTAL COMMISSION REQUIREMENTS

COASTAL SAGE SCRUB REVEGETATION

Area #	Habitat Revegetated	Size (acres)
R1	CSS (n/e Facing)	1.34
R2	CSS (s/w Facing)	1.41
R3	CSS (n/e facing)	1.13
R4	CSS (n/e Facing)	0.08
R5	CSS (n/e facing)	0.09
R6	CSS (s/w facing)	0.25
R7	CSS (n/e facing)	0.14
R8	CSS (n/e facing)	0.23
R9	CSS (n/e facing)	0.31
R10	CSS (n/e facing)	0.84
R11	CSS (s/w facing)	0.67
R12	CSS (s/w facing)	1.74
R13	CSS (s/w facing)	0.10
R14	CSS (s/w facing)	0.29
R15	CSS (s/w facing)	0.57
TOTAL		9.19

SO. MARITIME CHAPARRAL REVEGETATION

Area #	Habitat Revegetated	Size (acres)
R16	SMC Revegetation	0.64
R17	SMC Revegetation	0.90
R18	SMC Revegetation	1.43
R19	SMC Revegetation	0.04
R20	SMC Revegetation	0.23
R21	SMC Revegetation	0.04
R22	SMC Revegetation	0.36
R23	SMC Revegetation	0.03
TOTAL		3.67

FIRE SUPPRESSION REVEGETATION - Section 3

Area #	Habitat Revegetated	Size (acres)
F1	Fire Sup. Section 3	0.12
F2	Fire Sup. Section 3	0.19
F3	Fire Sup. Section 3	0.43
F4	Fire Sup. Section 3	0.91
F5	Fire Sup. Section 3	0.03
F6	Fire Sup. Section 3	0.13
F7	Fire Sup. Section 3	0.06
F8	Fire Sup. Section 3	0.27
F9	Fire Sup. Section 3	0.25
F10	Fire Sup. Section 3	0.16
F11	Fire Sup. Section 3	0.09
F12	Fire Sup. Section 3	0.25
TOTAL		3.51

OPEN SPACE DESCRIPTION

THE "CORE AREA" OF KELLY RANCH, INCLUDING NECESSARY OFF-SITE IMPROVEMENTS, AND EXCLUDING PREVIOUSLY PERMITTED AREAS, EQUALS 154.85 ACRES. HABITAT PROPOSED TO REMAIN UNDISTURBED IN THE "CORE AREA" TOTALS APPROXIMATELY 50.31 ACRES. UPLAND HABITAT TO BE REVEGETATED, INCLUDING SECTION 3 FIRE SUPPRESSION REVEGETATION, TOTALS 16.37 ACRES. TOTAL ACREAGE TO BE OFFERED FOR DEDICATION AS OPEN SPACE EQUALS 66.52 ACRES.

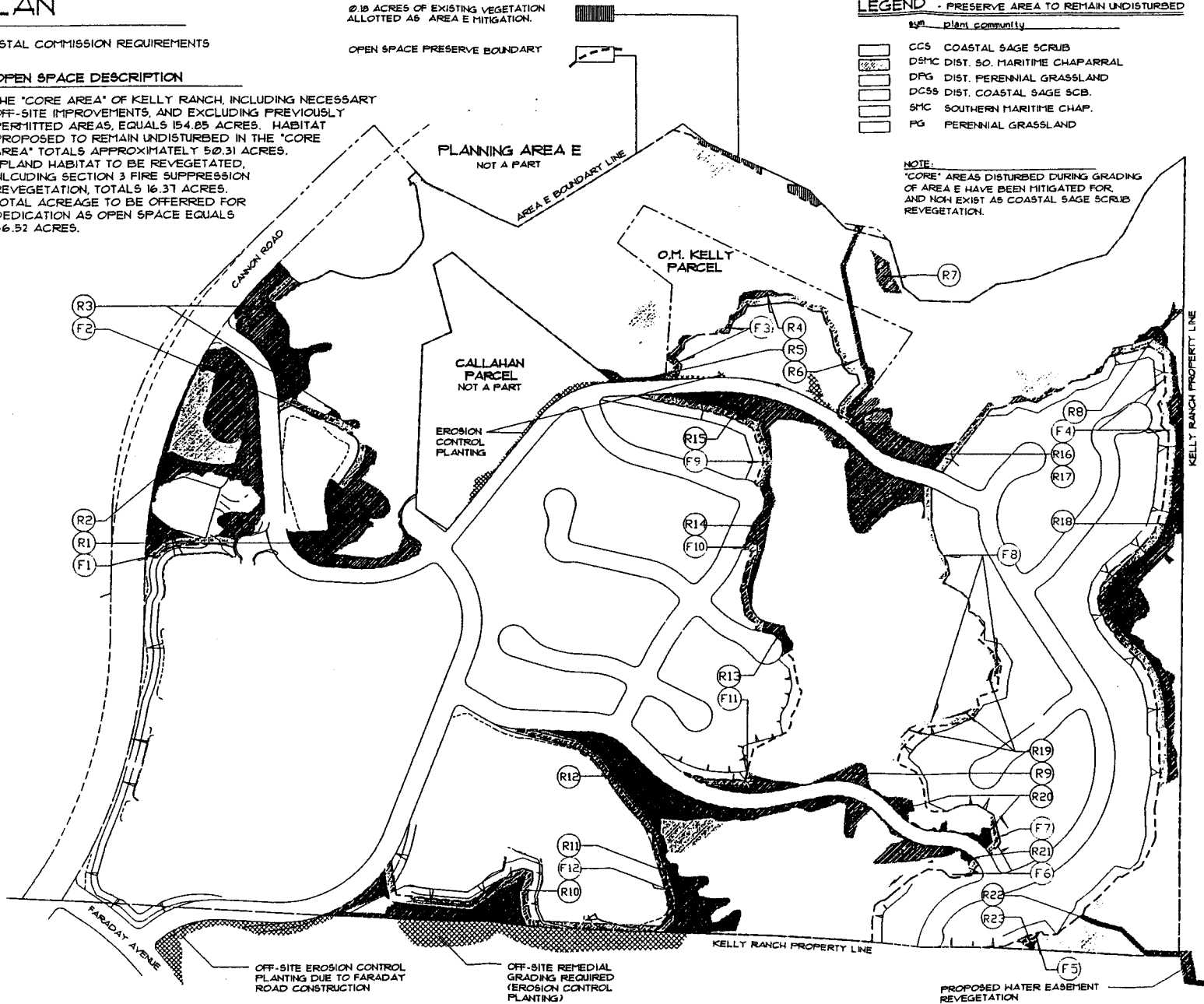
0.18 ACRES OF EXISTING VEGETATION ALLOTTED AS AREA E MITIGATION.

OPEN SPACE PRESERVE BOUNDARY

LEGEND - PRESERVE AREA TO REMAIN UNDISTURBED

- plant community
- CSS COASTAL SAGE SCRUB
 - DSMC DIST. SO. MARITIME CHAPARRAL
 - DPG DIST. PERENNIAL GRASSLAND
 - DCSS DIST. COASTAL SAGE SCRUB
 - SMC SOUTHERN MARITIME CHAP.
 - PG PERENNIAL GRASSLAND

NOTE:
"CORE" AREAS DISTURBED DURING GRADING OF AREA E HAVE BEEN MITIGATED FOR, AND NOW EXIST AS COASTAL SAGE SCRUB REVEGETATION.



LAND USE CONSULTANTS
PLANNING SYSTEMS
1740 CALIFORNIA STREET, SUITE 100, CARLSBAD, CA 92008
(760) 439-9441 FAX: (760) 439-9442

REVEGETATION PLAN
KELLY RANCH HABITAT ENHANCEMENT PLAN
CARLSBAD, CALIFORNIA

EXHIBIT 4

2001
9, 1999

EXHIBIT NO. 10
APPLICATION NO.
6-84-617-A

Proposed Natural
Habitat Revegetation
Program

California Coastal Commission

California Coastal Commission
SAN DIEGO COAST DISTRICT
6154 Mission Gorge Road, Suite 220
San Diego, CA 92120
(619) 280-6992

COASTAL DEVELOPMENT PERMIT NO. 6-84-617
Page 1 of 12



On April 15, 1985, the California Coastal Commission granted to
Kel Cal Communities
this permit for the development described below, subject to the attached
Standard and Special Conditions.

Description: Master subdivision to create 20 parcels, rough grading of 120
acres, construction of access roads and implementation of
required wetland restoration programs.

Lot area	433 acres
Zoning	O.S., R.C., R.M.H., R.M.
Plan designation	Open Space, Residential (medium density), Planned Community Zone

Site: West of the intersection of El Camino Real and Hidden Valley
Road, Carlsbad, San Diego County
APN: 207-101-12,15; 208-020-17,28,30,32, and 33.

Issued on behalf of the California Coastal Commission by

MICHAEL L. FISCHER
Executive Director
and

RECEIVED
AUG 23 1985
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Adam Binkman

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT
WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE.

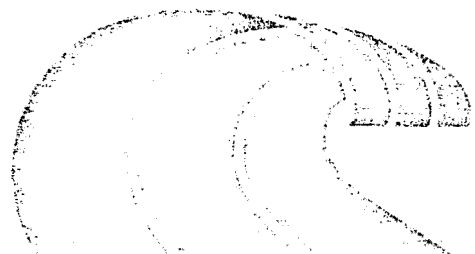
ACKNOWLEDGEMENT

The undersigned permittee acknowledges
receipt of this permit and agrees to
abide by all terms and conditions
thereof.

8/23/85
Date

Wayne K...
Signature of

EXHIBIT NO. 11
APPLICATION NO.
6-84-617-A
Original Coastal Development Permit
California Coastal Commission



STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. In Fee Dedication.

A. Prior to transmittal of the Coastal Development Permit, the applicant shall execute and record an irrevocable offer to dedicate fee title to the low-lying open space portions of the site, designated as areas A-3, B, C-1 and D and F-1 on Exhibit No. 4 of the staff report. The offer to dedicate shall be in a form acceptable to the Executive Director and run in favor of the people of the State of California. Said fee title may be accepted by the

Wildlife Conservation Board of the State of California or other public resource management agency acceptable to the Executive Director. Any public agency accepting such dedication shall limit uses in the area to natural resource education, research or enhancement programs, or agricultural uses when not in conflict with resource management practices..

The offer of dedication shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed. The offer to dedicate shall be in a form acceptable to land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner. The offer to dedicate shall be irrevocable for a period of 21 years, such period running from the date of recording.

B. Prior to transmittal of the Coastal Development Permit, the applicant shall execute and record an irrevocable offer to dedicate an open space easement and deed restriction over the low-lying open space portions of the site, designated as areas A-3, B, C-1 and D and F-1 on Exhibit No. 4. The document shall include legal descriptions of both the applicant's entire parcel and the easement areas and shall prohibit any alteration of landforms, placement or removal of vegetation, or erection of structures of any type unless approved by the Coastal Commission or its successor in interest, except as specified in this permit. Public pedestrian trails, erosion control structures, underground easements, observation points, agricultural uses and landscaping shall be permitted, as approved by the Executive Director, in consultation with the Department of Fish and Game, pursuant to the terms and conditions of Coastal Development Permit No. 6-84-617.

The offer of dedication and deed restriction shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may effect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or Landowner. The offer to dedicate shall be irrevocable for a period of 21 years, such period running from the date of recording. The deed restriction contained in the offer shall be binding from the date of recording until the termination of the offer of the open space easement. If title to the property is accepted by a public agency as provided above, then this offer to dedicate and deed restriction, or the open space easement created by the acceptance thereof, shall terminate.

Neither change in title, as a result of fee dedication, nor recordation of an offer to dedicate an open space easement shall prohibit the applicant from implementing the restoration program measures in such areas as required in the permit. The use of Area C1 for open space shall not preclude the placement of fill from the proposed wetland enhancement site located at Park and Kelly Drive as shown on Exhibit #2 of the staff report, provided such activity will not adversely impact resource values. Said proposal shall be subject to approval by the Executive Director in consultation with Department of Fish and Game.

2. Steep Slopes/Upland Habitat Areas. Prior to the transmittal of the Coastal Development Permit, the applicant shall submit in a form acceptable to the Executive Director an irrevocable offer to dedicate to a public agency or to a private association acceptable to the Executive Director an open space easement over the steep sloping and upland habitat areas of the site as indicated in Exhibit #4 of the staff report.

The document shall include legal descriptions of both the applicant's entire parcel and the easement areas. It shall also prohibit the alteration of landforms, placement or removal of vegetation, or erection of structures of any type unless approved by the Coastal Commission or its successor in interest, except as specified in this permit. Public pedestrian trails, erosion control structures, underground easements, observation points, and landscaping shall be permitted, as approved by the Executive Director in consultation with the Dept of Fish and Game, pursuant to Special Conditions of this permit.

Any improvements permitted in this area shall be maintained by:

- (1) the homeowner's association, with maintenance provided for in the CC&R's of the subdivision
- (2) a maintenance district
- (3) a public agency, or
- (4) the accepting agency which shall have discretion of accepting maintenance responsibility at the time of acceptance of the easement

A maintenance plan designating responsibility shall be submitted for the review and approval of the Executive Director.

Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may effect the interest being conveyed.

The offer shall run with the land in favor of the People of the State of California, binding the successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

3. Future Development. This permit is valid for only the development proposals listed below:

- (a) master subdivision of the site,
- (b) construction of Cannon Road including grading and bridge construction,
- (c) installation of sewer, water, electrical, gas, telephone, cable television and other underground utilities together with such surface access or other facilities normally associated with such installation
- (d) construction of roads designated as Park Drive, El Camino Real, Streets A, B, and C on Exhibit #2 including grading,
- (e) rough grading of areas A-2, C-2, E, G, H, I, J, K, L, M, N, O, P, Q, and R,

- (f) installation of drainage and run-off control systems including catchment basins, surface and underground drains, detention basins, energy dissipators and other measures included on drainage plans,
- (g) construction of water reservoir as shown on Exhibit #3,
- (h) wetland restoration projects including the desiltation basin, the willow woodland, expansion of wetland adjacent to area A-2, habitat enhancement adjacent to A-3, salt marsh restoration in area B, creation of brackish ponds in area B, wetland extension in area D, removal of silts and wetland reclamation adjacent to area C-1, and construction of the interpretive center in area A-3, and
- (i) relocation of over ground utilities (wooden poles) in area B.

Subsequent subdivision, grading or construction activity shall require prior review and approval by the Coastal Commission or successor in interest under separate Coastal Development Permit(s).

4. Erosion, Sedimentation and Drainage.

I. Submittal of Plans

Prior to the transmittal of the Coastal Development Permit, the applicant shall submit for the review and written approval of the Executive Director an erosion, sedimentation and drainage plan for the project. The plan shall be prepared and reviewed in accordance with the 1980 Master Drainage Plan for the City of Carlsbad, including the Model Erosion Control Ordinance contained in the plan.

The erosion, sedimentation and drainage plan shall include:

A. A runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year, 6-hour frequency storm. Runoff control shall be accomplished by a variety of measures, including but not limited to, on-site catchment basins, detention basins, siltation traps and energy dissipators.

B. Detailed maintenance arrangements and various alternatives for providing the on-going repair and maintenance of any approved drainage and erosion control facilities. If the off-site or on-site improvements are not to be accepted or maintained by a public agency, detailed maintenance agreements binding the applicants and their successors in interest shall be secured prior to the issuance of a permit. Such agreements shall be subject to the review and written approval of the Executive Director.

C. A plan and map for the protective staking and fencing off of the steep sloping and upland areas to be retained in open space pursuant to special conditions # 1 and 2 of this permit and as indicated on Exhibit #4 of the staff report. The plan shall specifically prohibit running or parking earth moving equipment stockpiling of earthwork material, or other disturbances within open space areas, except as permitted for erosion or sedimentation control purposes as allowed under special condition #4. The plan shall provide for the placement of fencing prior to grading. Coordination with the District Commission staff shall also be provided to allow for a field inspection after said staking and fencing is in place, but prior to commencement of grading, to assure compliance with the intent of these special conditions.

D. Landscaping. Prior to the issuance of the permit, a detailed landscaping plan indicating the type, and location of plant and hydroseeding material, irrigation system, and other landscape features shall be submitted to, reviewed, and determined adequate in writing by the Executive Director. Drought tolerant plant materials and native vegetation shall be utilized to the maximum extent feasible. The plant species list and landscape plan shall be reviewed by the Executive Director in consultation with the State Department of Fish and Game to guard against introduction of any species which are inherently noxious to or incompatible with the adjacent lagoon habitat.

E. Grading for Park Drive. No grading in Area B as shown on Exhibit #2 for the construction of Park Drive shall be permitted and the final design of Park Drive shall be completed in a manner which will not require grading in Area B.

II. Grading Activities.

Mitigation measures tailored to the project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:

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

B. All grading activities, including that required for streets and utilities, shall be prohibited within the period from October 1st to March 31st of each year.

C. All areas disturbed by grading, but not completed during the construction period, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and landscaping. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under seeding, mulching, fertilization and irrigation adequate to provide 90 percent coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established within that 90 day period. This requirement shall apply to all disturbed soils, including stockpiles. All planting shall conform to an approved landscaping plan per special condition #4D of permit #6-84-617. Revegetation of graded pad areas may be required upon a written determination by the Executive Director that planting is necessary either to assure adequate erosion and sedimentation control or to maintain the scenic integrity of the site.

5. Final Grading Plans. Prior to transmittal of the Coastal Development Permit, the applicant shall submit for the review and written approval of the Executive Director the final grading plans for the grading approved in the permit. The plans shall show the existing and finished topography of the areas to be graded or filled, as well as the existing topography of the areas to be left in their natural condition as open space. The plans shall be certified as accurate by a registered engineer or other qualified professional, to be true and accurate. The plan shall also contain reasonably accurate estimates of the amount of cut and fill grading required.

The plans shall include a grading schedule which outlines the units of grading that can be completed during the non-rainy season (April 1- Oct. 1). Any variation from this schedule shall be reported to the Executive Director immediately.

6. Cannon Road/ Wetland Encroachment/Wetland Restoration. Prior to authorization for any grading necessary for construction of Cannon Road, the applicant shall submit final grading plans. Cannon Road shall be constructed in accordance with the alignment indicated on Exhibit #10 of the staff report unless otherwise specified herein.

All grading activities necessary for the construction of Cannon Road which encroach on to wetland/grazing areas as mapped by the State Dept. of Fish and Game and as shown in the certified Carlsbad Agua Hedionda LCP land use plan, shall be fully mitigated in accordance with the wetlands restoration plan prepared by the applicant and the terms and conditions below.

A. Wetland Replacement Ratio. Mitigation shall involve the establishment of wetland habitat or reestablishment of wetland habitat (areas which have been previously been filled or disturbed) on-site at a minimum ratio of 1:1.

(1 sq.ft. of established or re-established wetlands for each 1 sq.ft. of encroachment upon wetlands.)

Such mitigation shall be stipulated in an overall wetland restoration plan to be reviewed and approved in writing by the Executive Director in consultation with the State Dept. of Fish and Game prior to the transmittal of the Coastal Development Permit.

B. Grading Plans. Prior to the transmittal of the Coastal Development permit the applicant shall submit final grading plans for the roadway which have been approved by the city engineer. The plans shall show the proposed elevations, cut and fill slopes and ultimate right of way boundaries for that portion of Cannon Road to be constructed on the subject property. The final grading plans shall incorporate a topographic map with the precise roadway alignment in sufficient detail to determine the information required for paragraph A above, but no less than one inch to one hundred feet in scale and having a minimum contour interval of two feet. The final grading plans shall specifically state that the running or parking of earth moving equipment, stockpiling of materials or other disturbances shall not occur within adjacent open space areas.

C. Wetland Replacement Mitigation Sites. A topographic map of the areas in which mitigation is proposed, showing the areas in their present and proposed conditions shall be submitted in conjunction with the requirements of subsection 6-A..

The determination of wetland replacement mitigation sites suitable to incorporate the required ratio of 1:1 replacement mitigation, shall be subject to the review and written approval of the Executive Director in consultation with the State Dept. of Fish and Game.

D. Erosion Control. All grading required for the construction of Cannon Road and implementation of approved mitigation enhancement programs shall be subject to the erosion control requirements contained in special condition #4 of Coastal Development Permit # 6-84-617.

E. Wetland Restoration Measures. All wetland restoration program measures shall be subject to the terms and requirements of special conditions #7, 8, and 9, including the requirement for submittal of plans and the requirements regarding the commencement of program implementation.

7. Wetland Restoration and Enhancement Plans. Prior to transmittal of the Coastal Development Permit, the applicant shall submit plans for the implementation of the following restoration/enhancement programs:

- a. The expansion of wetlands adjacent to area A-2,
- b. habitat enhancement adjacent to area A-3,
- c. salt marsh restoration in area B,
- d. creation of brackish ponds in area B,
- e. wetland extension in area D and
- f. removal of silts and wetland reclamation adjacent to area C-1.

The plans shall be subject to the review and written approval of the Executive Director in consultation with the Dept. of Fish and Game.

Implementation of the plan shall be the responsibility of the applicant to commence concurrent with any grading of the 433 acre project site and shall be completed within a reasonable period of time.

8. Cannon Road Desiltation System. Concurrent with grading and construction of Cannon Road, the applicant shall commence construction of the 15,000 cubic yard desiltation system at the intersection of El Camino Real and Cannon Road as indicated on Exhibit #7 of the staff report.

Prior to the construction of the desiltation basin, the applicant shall submit final design plans for the desiltation system. The plans shall be reviewed and approved in writing by the Executive Director in consultation with the State Dept. of Fish and Game. Said plans shall include a maintenance schedule, including periodic cleanout of the desiltation system.

Unless provided by the City of Carlsbad or other agency acceptable to the Executive Director, responsibility for maintenance of the desiltation system shall rest with the applicant. At such time that a homeowners association is established and operative, and provided the homeowners association regulations provide for the adequate collection of fees to maintain the desiltation system, the applicant may transfer the maintenance responsibility to the homeowners association, with maintenance specifically provided for in the CC&Rs of each subdivision. The Executive Director shall review and approve in writing any proposal for maintenance by the homeowners association.

The City, applicant, or homeowners association shall maintain the desiltation system in a sound operative condition. Until the City accepts maintenance responsibility, or the homeowners association is responsible for maintenance, the applicant shall bond for maintaining the desilting system, such bond shall be renewed annually as long as the applicant retains maintenance responsibility. Maintenance costs shall be calculated and submitted for Executive director review; these costs shall be certified as a best effort at obtaining accurate figures.

9. Interpretive Center (Park Drive). Prior to grading in area A-2 as indicated in Exhibit #5, the applicant shall commence construction of the interpretive center in Area A-3 as indicated in Exhibit #5. The interpretive center shall include at a minimum: three off-street parking spaces, benches, a walkway suitable for use by handicapped persons, landscaping, and a 100-foot buffer area with fencing between the interpretive center and wetland areas.

Prior to construction of the interpretive center, the applicant shall submit for the review and written approval of the Executive Director, final grading and construction plans for the center. Construction of the interpretive center, in accordance with the approved plans, shall be the responsibility of the applicant. Maintenance of the interpretive center shall be the responsibility of the Wildlife Conservation Board or other public agency acquiring title to the interpretive center site (area A-3) as a result of Special Condition #1.

In the event that the area is not accepted in Fee Title by an agency acceptable to the Executive Director, construction of the interpretive center shall not be required.

10. Buffer Zones. Prior to grading in areas A-2, A-3 or C-2, the applicant shall submit for the review and approval of the Executive Director, final grading and buffer zone plans for the respective areas to be graded. The plans shall reflect the following criteria and shall be reviewed in consultation with the State Department of Fish and Game.

A) Buffer zones for areas A-2, C-2 and A-3 shall be provided in accordance with Exhibits #'s 5 and 8 of the staff report. Specifically, no buffer zone shall be less than 100 feet in width except for the northern inlets of the finger areas of area A-2; and area C-2 where a buffer zone with a minimum width of 50 feet shall be allowed.

No vehicle, pedestrian or equestrian access shall be permitted within the buffer zone except for resource management or educational purposes.

B) Buffer zones shall include the following improvements to be provided by the applicant prior to construction in the adjacent developable area:

1. A 5 foot high chain link fence with barbed wire gap;
2. A 15 foot wide strip of thorny native plant species to be located adjacent to the 5 foot high chain link fence. Such planting shall be in accordance with the landscaping plan required under Special Condition # 4D of the Coastal Development Permit #6-84-617.
3. For A-2, an additional 3 foot high fence shall be constructed by the applicant at the top of the fill slope as indicated on Exhibit #8 of the staff report.

C) The width of the respective buffer zones shall extend from the edge of the corresponding wetland area as designated by the State Department of Fish and Game.

11. Waiver of Liability. Prior to transmittal of the permit, the applicant shall submit to the Executive Director a deed restriction for recording free of prior liens except for tax liens, that bind the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall apply to those portions of Area E which lie northwesterly of the 100-year floodplain line, as indicated on Exhibit #10. The deed restriction shall provide (a) that the applicant understands that the site may be subject to extraordinary hazard from flooding and the applicant assumes the liability from those hazards; (b) the applicant unconditionally waives any claim of liability on the part of the Commission or any other public agency for any damage from such hazards, and (c) the applicant understands construction in the face of these possible known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of flooding.

12. Transfer of Development Rights. Because of the requirements for additional open space along Park Drive and El Camino Real, a transfer of development rights to area upland of Cannon Road to the east is acceptable. However, in no event shall the total number of residential units permitted in areas E through P exceed a maximum of 1400 units.

13. Visitor-Serving Commercial Use (Area F). Visitor -serving or neighborhood commercial is an acceptable use designation, however, Area F-2 may only be graded in accordance with the plan attached hereto as Exhibit No. 11. All other special conditions regarding grading shall apply to area F-2 (Exhibit #11 attached).

14. Bicycle Routes. Concurrent with construction of improvements of Cannon Rd. and Park Drive respectively, the applicant shall construct:

A) A continuous 5-foot wide bicycle route within the proposed 102 foot wide right-of-way of Cannon Rd., between El Camino Real and the southern property line as indicated on Exhibit #10 of the staff report.

B) A continuous 5-foot wide bicycle route within the 68-foot wide right-of-way of Park Drive, between the western property line and the intersection with Kelly Drive, as indicated on Exhibit #5 of the staff report. Such route shall be provided special condition #4-E notwithstanding

15. State Lands Commission Review. Prior to issuance of the coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:

- A. No State Lands are involved in the development, or
- B. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or
- C. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

16. Archaeology. A limited testing program followed by a program of implemental preservation and/or impact mitigation for sites identified as KR-8 and KR-9 shall be as recommended in the draft EIR and required by the City of Carlsbad. Any change in this requirement shall be reported to the Executive Director.

(0022P)