

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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**Thu 9a**

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Staff: KA-SD  
Staff Report: 5/7/03  
Hearing Date: 6/11-13/03

STAFF REPORT AND RECOMMENDATION ON APPEAL  
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Carlsbad

DECISION: Approval with Conditions

APPEAL NO.: A-6-CII-00-87

APPLICANT: City of Carlsbad

PROJECT DESCRIPTION: Development of an 18 hole championship golf course, clubhouse, parking lot, maintenance facilities, driving range, conference center and pads for future industrial/golf related uses on 397 acre site.

PROJECT LOCATION: North of Palomar Airport Road and east and west of College Boulevard, Mello II, Carlsbad, San Diego County APN 155-104-04

APPELLANTS: Commissioners Sara Wan and Pedro Nava

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SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed. The LCP provides the following relevant requirements: (1) wetland and riparian resources shall be protected and preserved; (2) new development must be set back a minimum of 50 feet from riparian resources and 100 feet from wetland resources; and (3) steep slopes (>25%) with endangered plant/animal species and/or coastal sage scrub and chaparral plant communities (aka "dual criteria slopes") shall be preserved in their natural state. In approving the subject development, the City will allow impacts to approximately 3.65 acres of wetland and riparian resources and up to 8.5 acres of dual-criteria slopes occupied by the California gnatcatcher, a majority of which are located in the coastal zone. Based on continuing inconsistencies with the wetland and riparian resource protection policies, buffer requirements and policies protecting steep slopes and environmentally sensitive habitat areas (ESHA), the project appears to be inconsistent with the City of Carlsbad's certified LCP.

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SUBSTANTIVE FILE DOCUMENTS: Certified City of Carlsbad Local Coastal Program; City of Carlsbad File No. CDP 97-25; Appeal File A-6-CII-087

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I. Appellants Contend That:

The City's decision is inconsistent with several provisions of the City's LCP, in that the City's approval fails to demonstrate that development will conform to the sensitive habitat requirements of the certified Mello II land use plan (LUP). Specifically, the Appellants contend that the approved coastal development permit is inconsistent with the resource protection policies of the LCP that address wetland and riparian resources, dual-criteria slopes, and environmentally sensitive habitat area (Policies 3-7, 3-8 and 4-3). The City did not address these inconsistencies with the LCP, but found that the impacts were acceptable if adequately mitigated as required in the City's draft Habitat Management Plan (HMP). However, the draft HMP is not part of the certified LCP and as such is not the standard of review for such impacts.

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II. Local Government Action:

The coastal development permit was approved by the City of Carlsbad Planning Commission on June 7, 2000. The conditions of approval address impacts and mitigation to many sensitive plants and animals including coastal sage scrub, southern maritime chaparral, wetlands and riparian habitat, and California coastal gnatcatcher and least Bell's vireo, drainage impacts to Agua Hedionda Lagoon, and consistency with the City's Habitat Management Plan.

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III. Appeal Procedures:

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

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends

"substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

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

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3.

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

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IV. **MOTION:**     *I move that the Commission determine that Appeal No. A-6-CII-00-087 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

**STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:**

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

**RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:**

The Commission finds that Appeal No. *A-6-CII-00-087* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

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## V. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Permit History. The proposed development is a championship municipal golf course and associated development on a 397 acre site consisting of 18 golf holes (354 acres), a 22,000 square foot clubhouse, a 222 stall, 2.5 acre parking lot, 11.5 acre driving range with bunker lighting, creation of three pads totaling 22.2 acres for future development of planned industrial/golf related commercial development, a 9,040 sq.ft. maintenance building, restroom facilities and a 21,000 sq.ft. conference center and related uses. The site is vacant with the exception of College Boulevard, a major north/south roadway which generally runs through the middle of the site, utility powerlines and an existing police shooting range, located in the northeast portion of the site. The single point of public access to the golf course parking lot and clubhouse is at the northern terminus of Hidden Valley Road. The project site is located both in and out of the coastal zone, with approximately two-thirds of the site located within the coastal zone.

The site is located north of Palomar Airport Road and on either side of College Boulevard. The project is immediately east of Carlsbad Ranch/Legoland and west of the Carlsbad Research Center and Palomar Airport. Portions of the site are within Phase III of the Carlsbad Airport Center, College Business Park, and the southern section of Veteran's Memorial Park. To the north is the Veteran's Memorial Park which will ultimately be developed as an outdoor recreation facility. To the west is Legoland Carlsbad which is also primarily an outdoor recreation facility.

The project site is traversed by three electric transmission lines (which are carried on poles and towers) and a 20-inch gas pipeline. The utility lines cross the middle of the site from the southeast to the northwest sections. The gas pipeline traverses the northern portion of the site generally paralleling and then crossing a riparian area. An outdoor police shooting range is also located on the site and is proposed to be relocated.

The project encompasses approximately 397 acres and has a varied topography which consists primarily of 25 acres of riparian habitat and rolling hills to moderately steep slopes. Portions of the site have been disturbed through previously approved grading, active agriculture, easement and line maintenance, and illegal encampments. Those areas which have not been disturbed have varying degrees of significant and insignificant native and non-native vegetation. Nearly 199 acres of the site are non-native grassland with approximately 150 acres of native vegetation located on both steep and non-steep slopes.

The clubhouse is proposed as a split-level two-story structure. As seen from the main entrance, it is a single-story building and as seen from the south, it is two stories. The project proposes habitable building height up to 35 feet and architectural elements up to 45 feet. Setbacks and parking have been provided over the minimum requirement. The

upper level houses the foyer, bar and dining facilities as well as administrative offices and pro shop, while the lower level houses the locker rooms and equipment and cart storage. The building incorporates design elements of the Mission, Bungalow and Prairie styles. There is an extensive use of rock and wood. The roof material is proposed as metal standing seam.

The first of the front nine holes begins at the clubhouse. Holes two through seven are on the east side of College Boulevard and are accessed via a proposed 17-foot wide bridge which has a span over College Boulevard of 127 feet. The design of the bridge includes materials and design elements found on the clubhouse. Holes eight and nine parallel Palomar Airport Road and Hidden Valley Road consecutively to return to the clubhouse. Adjacent to hole number nine is the 11.5-acre practice facility. The practice facility provides bunker style lighting for play in the evenings, and has been designed with tee boxes at either end so that balls can be hit in either direction, north to south or south to north. The back nine holes start at the clubhouse and begin a zigzag down the north facing slopes to the creek area at the bottom of Macario Canyon. A cart path crosses the creek at four locations to access holes 13, 14, 15, and 16, which are laid out parallel to the riparian area. A cart path connects to hole 17, which is up the hill and then winds to the west to hole 18 and ultimately the clubhouse (see Exhibit 4).

The first of three industrial pads is five acres in size and is located at the corner of Palomar Airport Road and Hidden Valley Road. The two other industrial pads are proposed at the eastern edge of the site on either side of College Boulevard. The 8.4-acre pad proposed on the north side of College Boulevard will be located partially in the coastal zone. The 5.9-acre proposed pad on the south side of the road is not located in the coastal zone. Both pads will be accessed from College Boulevard

On July 13, 1988, the Commission approved CDP #6-88-124/Huntington Beach Co., for the subdivision of 110 acres into 23 separate lots to prepare building pads for an industrial park on the southern portion of the project site. The Commission approved the project as proposed by the applicant allowing encroachment of the development into dual criteria slopes. Of the total 134,500 sq.ft. of dual criteria slopes on the property, encroachment was permitted upon 60,200 sq.ft. or roughly 35% of the sensitive steep slopes. Some of this encroachment, 13,870 sq. ft., was associated with the construction of roads within the City's Circulation Element (College Blvd. and Hidden Valley Road) and was allowed under the policy of the LCP. However, the majority of the proposed encroachment (greater than 25% dual criteria encroachment), was not associated with such roadway construction. The Commission found that although the proposed encroachment exceeded the maximum 10% allowed under the LCP, the encroachment was offset by the addition of open space adjacent to both the large block of on-site dual criteria slopes and the off-site hillsides of Macario Canyon to the north.

The Commission found that with the plan as proposed by the applicant, a larger contiguous block of open space would be preserved thus allowing the use of the area as a wildlife corridor to the larger expanses of sensitive lands off-site. The Commission

found that absent the placement of the less steep slope areas into open space, the block of sensitive slopes in the northwest corner of the site would instead be isolated and severed from other natural open space by industrial lots with less potential for its continued biological productivity. The Commission concluded this approach was preferable from a resource preservation standpoint and found the proposal consistent with the intent of the certified LCP. While the final map has been recorded and the permit vested, this project was never built.

In CDP #6-86-102 (City of Carlsbad), the Commission approved the construction of College Blvd., a major north/south roadway which generally runs through the middle of the site. Some of the residual cut grading associated with construction of the road was placed on the property adjacent to the road right-of-way pursuant to CDP #6-86-269.

2. Jurisdiction/Standard of Review. Because development is proposed within 100 feet of wetlands, the site lies within the Commission's appeal jurisdiction. There are up to fourteen "delineated wetlands" scattered across the site as well as the 25-acre corridor comprised of a delineated stream and riparian vegetation that bisects the site from east to west. A majority of these wetlands are located in the coastal zone. Many of the components of the development are located within 100 feet of wetlands (most of the golf course holes, driving range, industrial pads, club house, etc.). In addition, a number of proposed impacts to dual-criteria slopes are also located within 100 ft. of wetlands. Therefore much of the development can serve as the basis for appeal to the Commission. The standard of review is consistency with the certified City of Carlsbad Local Coastal Program, Mello II segment, and the public access policies of the Coastal Act.

3. Resource Management/Sensitive Habitat Areas. As noted previously, the project site contains a number of significant and sensitive resources including wetlands, steep natively vegetated slopes and a number of threatened and/or endangered species.

a. Wetlands

The appellants contend that approval of the project by the City is inconsistent with provisions of the City's certified LCP pertaining to permitted uses within wetlands and did not address whether impacts were avoidable or whether the project represented the least environmentally damaging alternative. The City's LCP includes several provisions pertaining to the protection of wetlands.

Policy 3-7 of the certified Mello II LUP states, in part:

Wetlands and riparian resources outside the lagoon ecosystems shall be protected and preserved. No direct impacts may be allowed except for the expansion of existing circulation element roads identified in the certified LCP and those direct impacts associated with installation of utilities. There must be no feasible less environmentally damaging alternative to the proposed disturbance; any allowable

disturbance must be performed in the least environmentally damaging manner. Open space dedication of sensitive resource areas is required.

Mitigation ratios for any temporary disturbance or permanent displacement of identified resources also must be determined in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. Appropriate mitigation ratios shall be determined based on site-specific information. Specific information shall include, but is not limited to, the type and size of the development and or proposed mitigations (such as planting of vegetation or the construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the designated resource. The California Department of Fish and Game and the United States Fish and Wildlife Service shall be consulted in such buffer determinations. Buffer zones shall be protected through the execution of open space easements and passive recreational uses are restricted to the upper half of the buffer.

According to the EIR, several wetland and riparian habitat types are present on-site, including a mature riparian woodland surrounding a stream that bisects the site and numerous upland drainages containing southern willow scrub, mulefat scrub, freshwater marsh, and riparian herb (see Table 1 below). A majority of these wetland and riparian features are located within the coastal zone. State and federally listed (or otherwise protected) species identified on site that use these habitats include the southwestern willow flycatcher and least Bell's vireo. Potential indirect impacts to least Bell's vireo were also identified. The proposed direct impacts to these habitats are shown in Table 1.

Approximately 0.15 acres of wetlands impact are associated with three golf cart paths that are proposed to cross the riparian corridor and streambed to provide access to holes 13 and 15 on the north side of the stream. The remaining impacts to wetland resources result from various components of the development (golf holes, driving range, club house, industrial pads and drainage facilities) and are scattered over the site. Mitigation proposed for project impacts to wetlands involve both on-and off-site conservation of habitat as well as on-and off-site habitat restoration. Table 1 shows the acreage of existing onsite wetlands and the amounts of wetland habitat that will be impacted, and proposed mitigation. Approximately 5.3 acres of riparian habitat is proposed to be enhanced offsite at the Carlitas site south of Palomar Airport Road in Encinas Creek, which is within the coastal zone. Approximately 5 acres of on-site creation of riparian habitat is proposed adjacent to an existing wetland mitigation site located on the project site along the north bank of the stream within the coastal zone (mitigation for wetland impacts associated with the construction of Cannon Road to the west).

**Table 1 –Total Wetland Impacts and Mitigation Requirements (in acres)**

<b>Habitat</b>	<b>Total</b>	<b>Impact</b>	<b>Ratio</b>	<b>Mitigation</b>
Southern Willow Scrub	20.5	1.3	3:1	3.90
Mulefat	1.85	1.97	3:1	5.91
Freshwater Marsh	2.95	.22	N/A	other
Riparian herb	0.24	0.16	2:1	0.32
<b>Total:</b>	<b>25.54</b>	<b>3.65</b>		<b>10.13</b>

As cited above, the LCP limits the fill/disturbance of wetlands. The on-site wetlands consist of riparian woodland along the creek bed and numerous drainage courses at higher elevations. As noted, the project as approved by the City includes fill of 1.3 acres of willow scrub, 1.97 acres of mulefat scrub, .22 acres of freshwater marsh, and .16 acres of riparian herb, located mostly within the coastal zone. In its approval of the project, the City found the California Coastal Act acknowledges that there may be conflicts between the letter of the Act and prudent implementation of programs which better satisfy the goals of the Act. Specifically, the City staff report states:

The legislature found that in carrying out Act policies, resolution may be achieved in a manner which on balance is the most protective of significant coastal resources. In consultation with the California Department of Fish and Game and the United States Fish and Wildlife Service, significant resources were identified and preserved within the context of providing the greatest protection to significant resources which include coastal resources.

Although there is proposed disturbance to these wetlands, a significant enhancement of the riparian vegetation both in the creek bed, and off-site mitigation at a 3:1 ratio, is proposed as part of the mitigation monitoring and reporting program. In addition, the project has been conditioned to avoid any impacts to the fresh water marsh. This approach to wetlands is consistent with the Local Coastal Program goal to provide regulations in areas which provide the best wildlife habitat characteristics. The proposed wetland enhancement is consistent with the City of Carlsbad Habitat Management Plan (HMP).

Based on the above, the City found that fill of wetlands associated with the proposed project is in compliance with the requirements of the Local Coastal Program because the proposal would result in a significant enhancement of the existing riparian corridor, consistent with the City's draft HMP.

However, the provision of mitigation does not by itself satisfy the requirements of the certified LCP regarding wetland fill. The City's approval fails to identify that development will conform to the sensitive habitat requirements of the certified Mello II LUP. Specifically, Policy 3-7 provides wetland and riparian resources shall be protected and preserved and that no direct impacts may be allowed except for expansion of existing circulation element roads and those direct impacts associated with the installation of



utilities. (emphasis added) The City did not address whether the impacts associated with the golf course were a permitted use within a wetland (they are not), did not address whether impacts were avoidable or whether the project represented the least environmentally damaging alternative. Instead, the City found that on balance, because the impacts were accepted by the resource agencies as being consistent with the City's draft HMP, they could be accepted if adequately mitigated. However, the draft HMP is not part of the certified LCP and as such is not the standard of review for such impacts. Thus, the appeal raises a substantial issue regarding the conformity of the project with Policy 3-7 of the Mello II LUP.

b. Wetland Buffers

The appellants also contend that the City did not adequately address wetland buffers. Policy 3-8 of the certified Mello II LUP addresses buffers and states:

Buffer zones of 100 feet in width shall be maintained around all identified wetland areas and 50 feet in width shall be maintained around all identified riparian areas, unless the applicant demonstrates that a buffer of lesser buffer width will protect the identified resource, based on site-specific information. Such information shall include, but is not limited to, the type and size of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the delineated resource. The California Department of Fish and Game and the U.S. Fish and Wildlife Service shall be consulted in such buffer determinations. Buffer zones shall be protected through the execution of open space easements and passive recreational uses are restricted to the upper half of the buffer zone.

As noted above, Policy 3-8 of the Mello II LUP states that new development must setback a minimum of 50 feet from riparian resources and 100 feet from wetland resources unless the applicant demonstrates that a buffer of lesser buffer width will protect the identified resource, based on site-specific information. Such information shall include the proposed mitigation such as planting or vegetation or the construction of fencing which will also achieve the purposes of the buffer. The policy provides that the resource agencies shall be consulted in such determinations and that buffer zones shall be protected through the execution of open space easements and passive recreational uses are restricted to the upper half of the buffer zone. The project plans indicate that a 50-foot buffer will be provided from the edge of the playable course to the edge of the proposed on-site riparian mitigation area. This area will be planted with the non-playable rough species mix and has been designed to capture the first flush runoff of 0.5 inch.

However, the buffer is less than 50 feet in width in other areas. The buffer includes two separate areas: "playable rough" and "non-playable" rough. The playable rough is proposed as an open vegetation type, predominantly native grass species where golfers can enter. The non-playable rough is proposed as a more dense vegetation less than three feet in height. The objective of the buffer is to provide a transition from the non-native species mix used on the fairways and "golf rough". Physical barriers (split rail fence,

"poison oak" signage and "rattlesnake" signage) are proposed to discourage ingress into the sensitive resource areas. Barrier planting (including California rose and California blackberry) are proposed in the buffer to further reinforce the out of bounds areas. As noted above, the project includes impacts to existing wetlands. However, no findings were made by the City relative to the establishment or adequacy of buffers for existing on-site wetlands. Thus, the appeal raises a substantial issue regarding conformity of the proposed development with the Mello II LUP.

c. Steep Slopes/Native Vegetation

The appellants also contend that the development as approved by the City allows impacts to 8.5 acres of dual criteria slopes (34%), whereas the maximum impact to such slopes allowed within the LCP is 10%. Policy 3-1 of the certified Mello II LCP, "Slopes and Preservation of Vegetation" is applicable and states:

Certain areas of the Carlsbad coastal zone have very high habitat value. These areas are not suitable for farming. These areas exhibit a large number and diversity of both plant and animal species, several of which are threatened because of extensive conversion of mixed chaparral and coastal sage scrub habitats to urban or agricultural uses. Also, well-established and well-maintained vegetation is a major deterrent to soil erosion and attendant difficulties.

Unless specifically addressed in other policies of this Land Use Plan, the vegetation on steep slopes shall be maintained so that natural habitats are preserved and soil erosion is minimized.

Policy 4-3 of the certified Mello II LCP is also applicable and states, in part:

(b) All Other Areas

Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Troups maps. The slope mapping and analysis shall be prepared during CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

- (1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities: For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:

(a) Slopes of 25% grade and over shall be preserved in their natural state unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with all or nearly all of their area in slope area over 25% grade, encroachment may be permitted; however, any such encroachment

shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Use of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

According to the EIR, the following upland habitat types are present on-site: Diegan coastal sage scrub (80.2 acres), Southern maritime chaparral (6.7 acres), non-native grassland (199 acres), and native grassland (2.0 acres). Project implementation will result in direct impacts to 46.75 acres of coastal sage scrub, 3.75 acres of southern maritime chaparral, 122.46 acres of non-native grassland, 7 pairs of coastal California gnatcatchers, possibly one burrowing owl and an undetermined number of orange-throated whiptails. The project is located within the Mello II segment of the Carlsbad Local Coastal Program, and is subject to its habitat protection and preservation provisions. These provisions require resource protection measures to preserve, protect and enhance the habitat resource values on naturally vegetated steep sloping hillsides. The proposed development will impact slopes greater than 25% which also contain native plant species. These "dual criteria" slopes are protected within the Mello II segment of the Local Coastal Program. Dual criteria slopes not only contain sensitive coastal sage scrub and chaparral communities which provide habitat to sensitive plants and animals but also provide a visual resource and help preserve slope stability. Table 2 provides information on upland habitat and potential impacts.

**Table 2 –Total Upland Impacts, Conservation, and Mitigation Requirements (in acres)**

<b>Habitat</b>	<b>Total</b>	<b>Impact</b>	<b>Ratio</b>	<b>Mitigation</b>	<b>On-Site Conservation</b>
Coastal Sage Scrub	80.2	46.75	2:1	93.5	33.45
Southern Maritime Chaparral	6.7	3.75	3:1	11.25	2.95
Non-Native Grassland	199.0	122.46	0.5:1	61.23	76.54
Native Grassland	2.0	0.0	N/A	N/A	2.0
<b>Total:</b>	<b>287.9</b>	<b>172.96</b>		<b>165.98</b>	<b>114.94</b>

As noted previously, the project site is located both within and outside the coastal zone. The City found that significant impacts could be reduced to a less than significant level with the implementation of mitigation measures required by the Mitigation Monitoring and Reporting Program. Mitigation proposed for project impacts to plant communities involve both on-and off-site conservation of habitat as well as on-and off-site habitat restoration both in and out of the coastal zone.

The City's approval provides that approximately 44.5 acres of dual-criteria slopes within the project site, both inside and outside the coastal zone, will be preserved. A significant amount of dual-criteria slopes that are proposed to be graded are located within 100 feet

of wetlands located in the coastal zone. Approximately 58.8 acres of slopes less than 25% but with habitat are being preserved both inside and outside the coastal zone. A re-vegetation plan will be implemented as part of an overall mitigation program which will include the restoration of 1.04 acres of habitat on slopes in the coastal zone which are greater than 25% grade. These re-vegetated slopes will be a part of the greater preserve area identified in the City's draft HMP. The City found the project follows the example of the approach to preservation of slopes with habitat implemented by the Pacific Rim Specific Plan (Aviara). The Pacific Rim example allowed the disturbance of dual criteria slopes in exchange for unprotected slopes with habitat. The City found the advantage of preserving less steep slopes with habitat versus steep slopes with habitat is that the less steep slopes typically have better quality habitat and more value to wildlife. Table 3 shows potential impacts to steep and nonsteep areas within the project site, for areas that have native vegetation and those that do not have native vegetation.

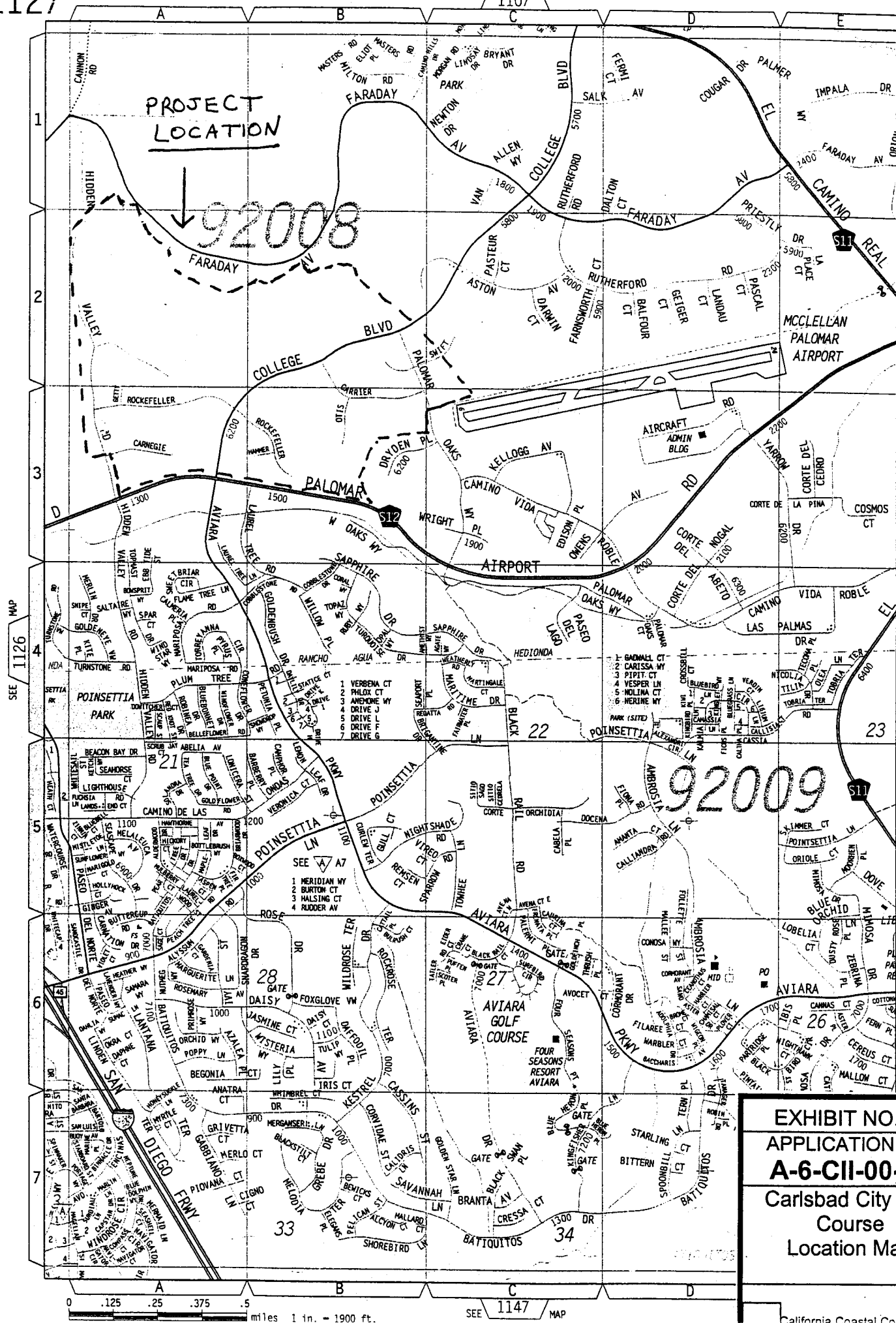
**Table 3**  
**Impacts to Steep and Nonsteep Areas (in acres)**

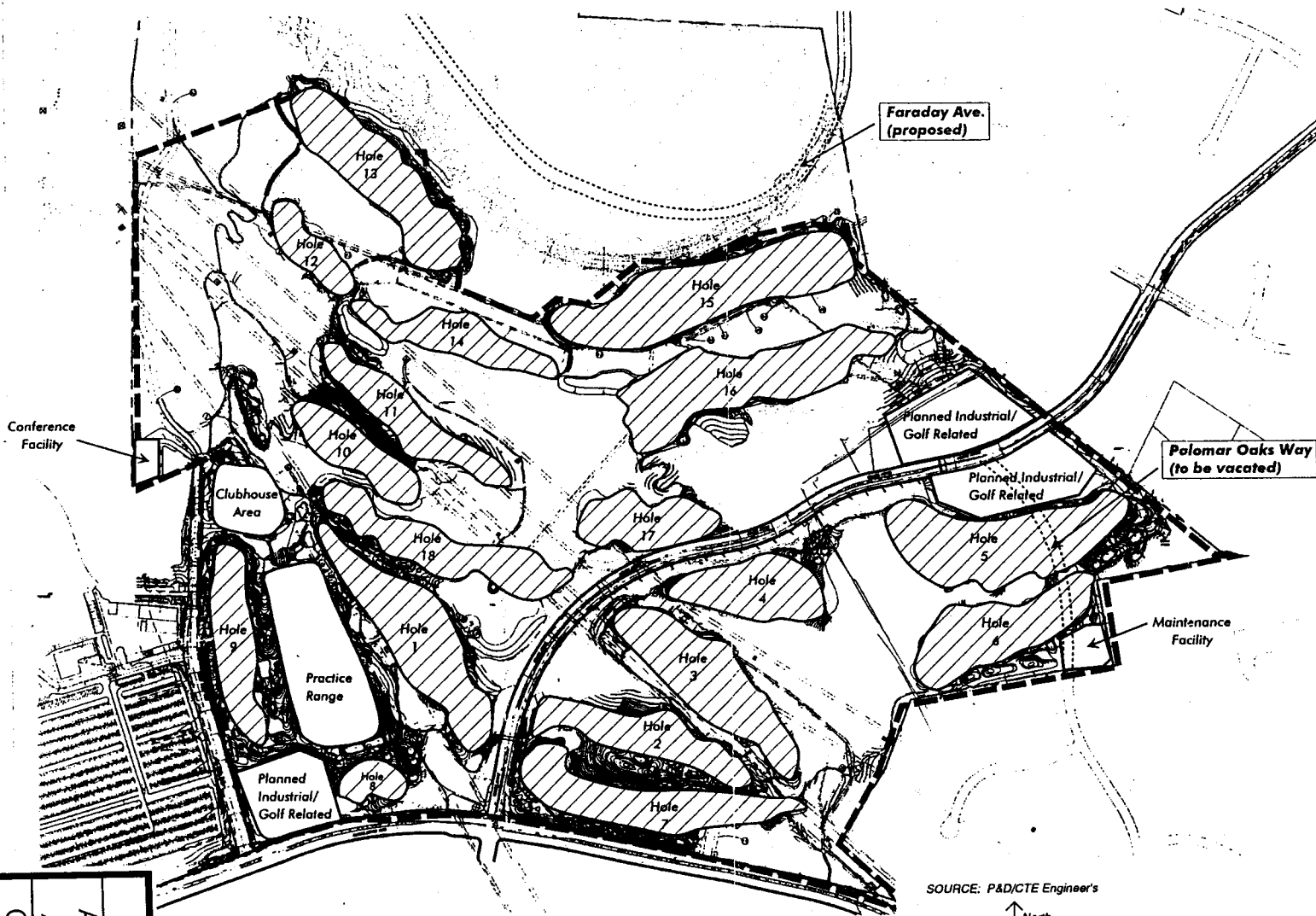
	Within Coastal Zone		Outside Coastal Zone	
	Impact	Preserve	Impact	Preserve
>25% Native Impacts	8.5	16.4	8.9	13.1
>25% Non-Native Impacts	10.4	13.2	3.7	7.4
<25% Native Impacts	20.5	42.3	23.4	16.5
<25% Non-Native Impacts	117.3	44.9	43.5	14.1
<b>Totals:</b>	156.7	116.8	79.5	51.1

The City has indicated that they have undergone nearly two years of consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) to achieve the least environmentally damaging alternative for the site. During this consultation process several alternative alignments were rejected due to environmental and engineering feasibility constraints. The resource agencies had identified at the early consultation phase, the need for a wildlife corridor to serve as a connection between the area south of Palomar Airport Road through the project to Agua Hedionda Lagoon. Therefore, while avoidance and minimization of site specific impacts to sensitive resources were the primary concern during the design effort, preservation of an area which would effectively function as wildlife corridors was another major consideration. These large corridors were important to provide wildlife (predominately avian species) with the opportunity to relocate. Wildlife corridors are important for dispersal of the young and serve as refuge in the event of catastrophic events (e.g. fire, flood, or other habitat disturbance). However, from an engineering feasibility perspective, the project site contains several constraints to development: utility corridors,

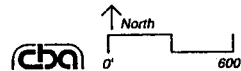
roads and steep slopes. On the environmental side, wetland habitats and coastal sage scrub presented environmental constraints.

The Mello II LUP states that up to 10% of the total slopes in the coastal zone greater than 25% possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities (dual criteria slopes) may be disturbed, but only when necessary to allow minimum reasonable use of the site or when necessary to access flatter development areas. The site contains 24.9 acres of dual criteria slopes in the coastal zone. Approximately 8.5 acres (34%) of those dual criteria slopes will be impacted; more than three times as much slope encroachment and impact than is allowed in the LCP. This proposed significant encroachment is not needed to allow minimal reasonable use of the site, not for the development of utilities or circulation element roads, nor to provide access to flatter areas of the site. The proposed impacts are related to the construction of the clubhouse, conference center, driving range, parking facilities, and associated golf course improvements. Thus, the appeal has raised a substantial issue regarding the conformity of the proposal as approved by the City with Policies 3-1 and 4-3 of the certified Mello II LCP.





SOURCE: P&D/CTE Engineer's












Carlsbad Municipal Golf Course  
Revised Draft EIR

3-5

Figure 3-3  
Golf Course Plan

City of Carlsbad  
January 2000

EXHIBIT NO. 2  
APPLICATION NO  
A-6-CII-00-87  
Carlsbad City Go  
Course  
Site Plan

-  Site Boundary
-  Development Footprint
-  Coastal Zone
-  Faraday Ave.
-  Index Contours
-  Native Vegetation on 25% Slopes and Steeper
-  Non-Native Vegetation on 25% Slopes and Steeper
-  Native Vegetation on 0-24% Slopes
-  Non-Native Vegetation on 0-24% Slopes

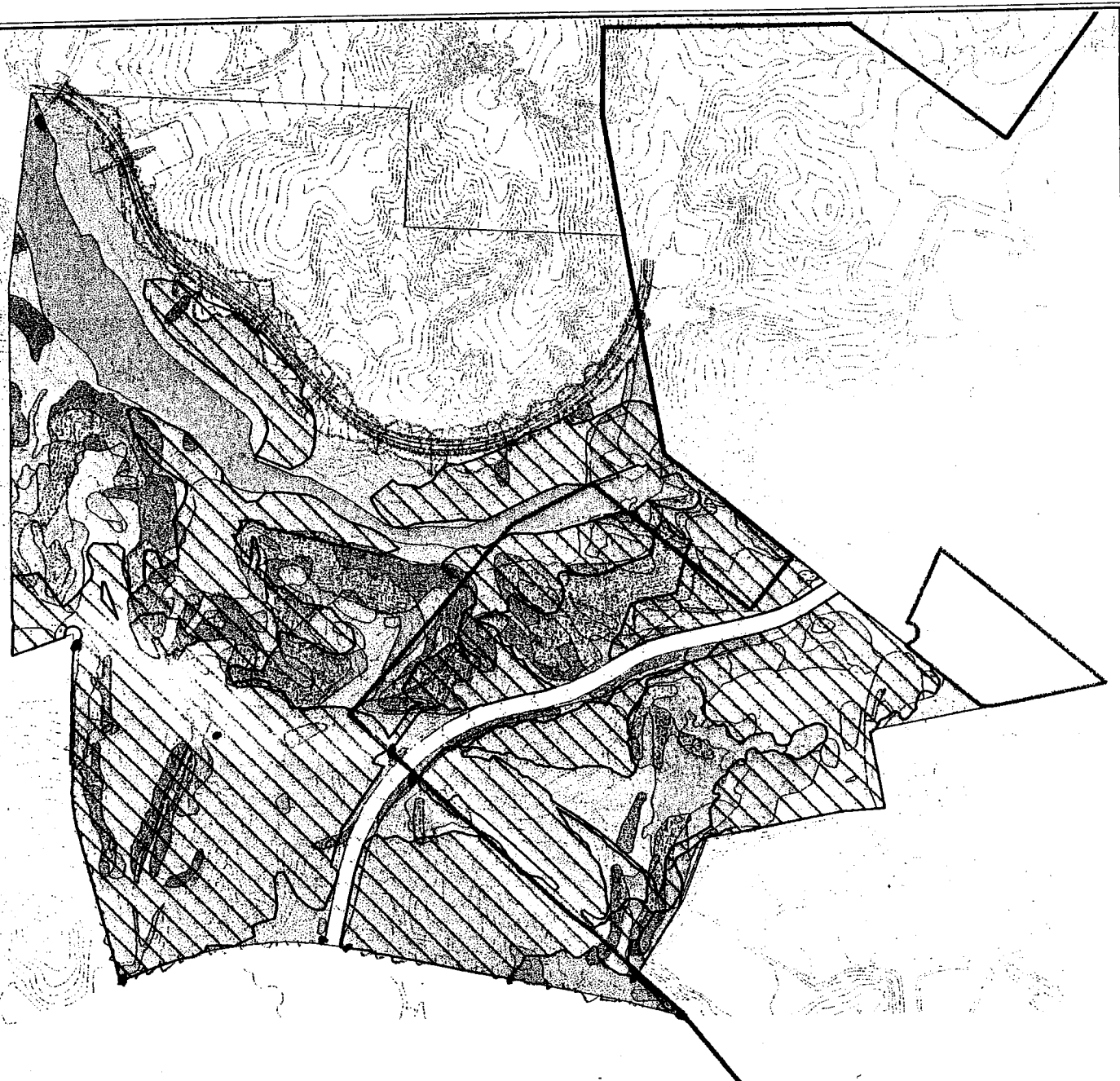


EXHIBIT NO. 3  
 APPLICATION NO.  
**A-6-C11-00-87**  
 Carlsbad City Golf  
 Course  
 Vegetation and Steep  
 Slopes

1000 0 1000  
 Feet



P&P Environmental Services