

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. 6-84-578 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 ground that the development as amended and subject to conditions, will be in conformity with the policies of certified City of Encinitas Local Coastal Program 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. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT 6-85-578-A7, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall include the following:

- a. A plan showing the type, size, extent and location of all plants and trees to be planted on site for the proposed development which shall include a substantial number of native trees which at maturity will effectively screen the proposed development from views from San Elijo Lagoon, Manchester Avenue and Interstate 5.
- b. All proposed landscaping for the proposed development shall be drought-tolerant and native, non-invasive plant species. (No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Exotic Pest

Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.

- c. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion of construction
- d. A written commitment by the applicant that all required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- e. The use of rodenticides and pesticides shall be prohibited.
- f. Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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

2. Grading/Erosion Control. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT 6-84-578-A7, the applicant shall submit to the Executive Director for review and written approval, final grading and erosion control plans and grading schedule that are in substantial conformance with the plans submitted with this application by "tBP Architecture and Planning", dated 3/3/06. The plans shall contain written notes or graphic depictions demonstrating that that all permanent and temporary erosion control measures will be developed and installed prior to or concurrent with any on-site grading activities and include, at a minimum, the following measures:

- a. Placement of a silt fence around the project anywhere there is the potential for runoff. Check dams, sand bags, straw bales and gravel bags shall be installed as required in the City's grading ordinance. Hydroseeding, energy dissipation and a stabilized construction entrance shall be implemented as required. All disturbed areas shall be revegetated after grading.
- b. Only small incremental amounts of daily grading is permitted; the site shall be secured daily after grading with geotextiles, mats and fiber rolls. Concrete, solid waste, sanitary waste and hazardous waste management BMP's shall be used. In addition, all on-site temporary and permanent runoff and erosion control devices shall be installed and in place prior to commencement of construction to minimize soil loss from the construction site.
- c. If grading is to occur during the rainy season (October 1st to April 1st) of any year, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning November 1st of any year continuing to April 1st which shall be submitted to the Executive Director for review and written approval at the end of each month. The reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices, including temporary and permanent desilting basins. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the season.

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

3. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT 6-84-578-A7, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

4. Color Board. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of student center addition which demonstrates that the exterior colors are of earth tones consistent with the requirements of Special Condition #11b of the original coastal development permit (CDP #6-84-578).

5. Prior Conditions of Approval. All other terms and conditions of the original approval of Coastal Development Permit #6-84-578, as amended, not specifically modified herein, shall remain in full force and effect.

III. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The San Elijo Campus of Mira Costa College, subject of this amendment request, is one of two community college campuses serving coastal north San Diego County. The site is located on the north side of Manchester Avenue, approximately one-half mile east of Interstate 5 and directly across from San Elijo Lagoon Ecological Reserve and Regional Park in the Cardiff community of the City of Encinitas.

The proposed amendment request involves an approximately 4,295 sq. ft. one-story addition to the existing approximately 3,016 sq. ft. one-story student center along with construction of an approximately 1,214 of outdoor deck area. The project will involve approximately 1,920 cu. yds. of grading which is proposed to occur during the rainy season. The addition and outdoor deck area are proposed in order to construct kitchen and dining facilities for the campus which currently do not exist. In addition, the amendment requests that the height of the single-story student center be permitted to extend up to 30 ft. in height in order to construct larger window areas to allow for additional natural lighting within the enclosed dining area. The applicant has identified that the proposed addition is to serve only the existing student and staff population and is not designed to accommodate an increase to authorized student enrollment. In order to grade during the rainy season and to increase the height of the existing student center to 30 ft., the amendment also involves a request to revise Special Conditions #3b and #11a of the original permit which prohibits grading during the rainy season (#3b) and limits the height of the student center to 20 ft (#11a).

In March of 1985, the Commission approved a coastal development permit for the new southern campus of Mira Costa Community College (CDP No. 6-84-578/Mira Costa College). The original permit involved the construction of thirteen buildings totaling approximately 80,000 sq. ft. to be constructed in two phases and consisting of classrooms, administrative office and library facilities to be built on the northern portion of an approximately 47 acre site. Phase I involved construction of up to approximately 43,000 sq. ft. of structures with Phase II to involve up to an additional approximately 37,000 sq. ft. In addition, the original approval included an 815 space, landscaped parking lot in front of the buildings along Manchester Avenue with access being taken from three driveways off Manchester Avenue. To date, the campus consists of approximately 60,000 sq. ft. of buildings. Since the original approval authorized up to 80,000 sq. ft. of building area, the proposed addition of approximately 4,295 sq. ft. is within the limits authorized in 1985. However, because design of the student center has

been revised and includes an increase in height that differs from the original permit, the subject amendment is required.

The original permit was approved with conditions addressing improvements and alignments to Manchester Avenue adjacent to the site; the limitation of the enrollment to a maximum of 3,000 students with no more than 1,000 students on campus at any one time; the prohibition of classes scheduled before 9:00 a.m. to avoid peak morning rush hour; the quality of runoff and erosion control; visual impacts through landscaping, lighting, and height limits on buildings; the requirement of a recorded offer to dedicate open space; the documentation of parking adequacy and a study of traffic circulation prior to commencement of Phase II; and, the use of the parking lot for any potential beach shuttle service in the future.

In the 1986, the Commission approved an amendment to allow a reduction in the width of the northwestern parking lot median and to allow construction of the parking lot to occur in either Phase I or II of the development (Ref. CDP #6-84-578-A1). In September of 1986, the Commission approved an amendment to modify Special Condition #3 to extend the deadline for grading, installation of drainage and erosion control devices until November 1, 1986 (Ref. CDP #6-84-578-A2). In 1991, the Commission approved an amendment to the original permit (CDP #6-84-578-A3) to increase the maximum enrollment from 3,000 to 6,900 students with no more than 1,300 students on campus any one time; partial implementation of Phase II development by constructing approximately 14,070 sq. ft. of school facilities; and, construction of an additional 394 parking spaces to accommodate the increase in permissible enrollment and square footage additions. In addition, the Commission maintained the prohibition against classes prior to 9:00 a.m.

In April 2002, the Commission authorized the removal of Special Condition #8 of permit which prohibited classes prior to 9:00 a.m. (ref. 6-84-578-A5). (Amendment 6-84-578-A4 involving a similar request was withdrawn.) The amendment authorized classes to be held from 7:00 a.m. to 9:00 a.m. for a five year period and subject to an approved carpool/public transit plan. Finally, in 2002, the Commission authorized a non-material amendment for the removal and replacement of a power pole within an open space deed restricted area (ref. 6-84-578-A6).

The City of Encinitas has a certified Local Coastal Program (LCP) and has been issuing coastal development permits since May of 1995. The subject site is located within the City's LCP jurisdiction. However, since the proposal involves an amendment to a previously approved coastal development permit issued by the Commission, the request is reviewed by the Commission with the Certified LCP used as the standard of review.

2. Visual Resources. The proposed request to add an approximately 4,295 sq. ft. one-story addition to the existing approximately 3,016 sq. ft. one-story student center includes a request to increase the height of the existing approximately 20 ft. high student center to approximately 30 ft. above the natural grade, which has the potential of affecting public views of the site.

The proposed development will be located on a south facing upland area overlooking San Elijo Lagoon. The overall campus site is visible from Interstate 5 although views of the various structures are effectively masked by trees and other mature landscaping that has been placed throughout the campus along with the earth tone coloring of the buildings. Both Interstate 5 and Manchester Avenue fronting the campus site are designated as Scenic Highway/Visual Corridor Viewsheds. In addition, the following Local Coastal Program policies relate to the proposed development:

Resource Management Element

Policy 4.6 The City will maintain and enhance the scenic highway/visual corridor viewsheds.

Policy 4.7 The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

[...]

- Manchester Ave. from San Elijo Ave. to Encinitas Blvd.
- Interstate 5, crossing San Elijo Lagoon

Policy 4.8 The City will designate Scenic/Visual Corridor Overlay and scenic Highway viewshed areas as illustrated on the Visual Resource Sensitivity Map (Figure 3).

Policy 4.9 It is intended that development would be subject to the design review Provisions of the Scenic/ Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:

-Development Design

- Building and vegetation setbacks, scenic easements, and height and bulk restrictions should be used to maintain existing views and vistas from the roadway.
- Off-site signage should be prohibited and existing billboards removed.
- Development should be minimized and regulated along any bluff silhouette line or on adjacent slopes within view of the lagoon areas and Escondido Creek.
- Where possible, development should be placed and set back from the bases of bluffs, and similarly, set back from bluff or ridge top silhouette lines; shall

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

- Development that is allowed within a viewshed area must respond in scale, roof line, materials, color, massing, and location on site to the topography, existing vegetation, and colors of the native environment.

Land Use Policy 6.6

The construction of very large buildings shall be discouraged where such structures are incompatible with surrounding development. The building height of both residential and non-residential structures shall be compatible with surrounding development, given topographic and other considerations, and shall protect public views of regional or statewide significance.

Land Use Goal 9

Preserve the existence of present natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 View Corridor and within other view corridors, scenic highways and vista/view sheds as identified in the Resource Management Element.

The City's certified Implementation Plan (IP) also contains similar measures to assure development located within Scenic View Corridors is designed to address visual impacts of the development:

30.34.080 Scenic/Visual Corridor Overlay Zone.

A. **APPLICABILITY.** The Scenic/Visual Corridor Overlay Zone regulations shall apply to all properties within the Scenic View Corridor, along Scenic Highways and adjacent to Significant Viewsheds and Vista Points as described in the Visual Resource Sensitivity Map of the Resource Management Element of the General Plan.

B. **DEVELOPMENT STANDARDS.** When development is proposed on any properties within the Scenic/Visual Corridor Overlay Zone, consideration will be given to the overall visual impact of the proposed project and conditions or limitations on project bulk, mass, height, architectural design, landscaping, grading, and other visual factors may be applied to Design Review approval, and shall be applied to Coastal Development Permit approval.

The proposed approximately 4,295 sq. ft. addition to the existing approximately 3,016 sq. ft. student center is consistent with the original permit which authorized the construction of up to 80,000 sq. ft. of building area throughout the campus. To date only about 60,000 sq. ft. has been constructed. Thus, with the proposed addition, the overall building square footage for the campus is under the allowed 80,000 sq. ft. However, Special Condition

#11a of the original permit requires that all buildings shall be no higher than 20 ft. in height above the natural grade with an exception for the fine arts building and library which were authorized to be 26 ft. above the natural grade. With this amendment, the applicant is requesting that the height of the existing student center be increased from 20 ft. to 30 ft. in height in order to build a pitched roof over the one story indoor dining area so as to increase window areas allowing more natural light into the dining area.

As cited above, the City's LCP requires that any development within a designated viewshed must be designed to preserve existing views and be compatible with its surroundings. The restriction on height placed by the Commission in 1985 was done to minimize the prominence of structures in an otherwise natural area adjacent to San Elijo Lagoon, and was particularly necessary at the time of construction because there was insufficient vegetation within the development site to otherwise hide or mask the structures. The campus today consists of a substantial number of mature trees that exceed 30 ft. in height such that campus buildings are effectively masked from views from off campus public areas. In this case, the proposed approximately 4,295 sq. ft. of one-story addition even at 30 ft. in height will not have an adverse impact on the designated viewshed because of the substantial number of existing large trees that exceed 30 ft. in height which will serve to mitigate or eliminate the appearance of the proposed addition. In addition, Special Condition #1 has been attached to the subject amendment to require additional landscaping be placed around the proposed development. The condition requires the use of native, non-invasive plants and trees that when mature will effectively breakup the facade of the proposed structure. In addition, even if a sporadic, partial view somehow occurs following construction, the color of the structure will serve to mitigate its visibility. All previous special conditions of approval for campus construction will continue to apply to the proposed addition. Special Condition 11b of the original permit requires that the exterior colors for all proposed buildings shall be wood or earth tones. To assure that all additions to the existing student center will be consistent with this coloring requirement, Special Condition #4 requires the submission of a color board that documents the colors to be used.

The student center is located in the middle of the campus, far removed from Manchester Avenue. As a result, the proposed addition will not result in blockage of any public views and is compatible in scale and character with other buildings on the campus. Therefore, since the proposed addition is not located along Manchester Avenue, is conditioned to be landscaped and colored to effectively mitigate any visual prominence and because of the large number of mature trees that currently exists on site, the applicant's request to increase the height of the student center to 30 ft. will not have any adverse impacts to the visual resources of the area consistent with the visual resource policies of the LCP.

3. Water Quality/Erosion Control. The following LCP policies apply to the proposed development request that includes approximately 1,920 cu. yds. of grading in an upland area north of San Elijo Lagoon Ecological Reserve, an environmentally sensitive habitat. In addition, the applicant is requesting that Special Condition #3b of the original permit be amended to allow site grading for the proposed development

during the rainy season (October 1 to April 1). The following LCP policies apply to this amendment request:

Resource Management Element:

Goal 10: The City will preserve the integrity, function, productivity, and long term viability of environmentally sensitive habitats throughout the City, including kelp-beds, ocean recreational areas, coastal water, beaches, lagoons and their uplands, riparian areas, coastal strand areas, coastal sage scrub and coastal mixed chaparral habitats. (Coastal Act 30230/30231/30240)

Goal 14: The City shall stringently control erosion and sedimentation from land use and development to avoid environmental degradation of lagoons and other sensitive biological habitat, preserve public resources and avoid the costs of dealing with repair and sedimentation removal. (Coastal Act 30240/30250)

Policy 14.5: To minimize erosion and allow sedimentation control systems to work, no grading or vegetation removal shall be allowed to occur during the wet season, October 1- April 15, without all systems and devices per an approved erosion control plan and program being in place. During other times of the year such systems shall be provided and operative as required by a comprehensive City erosion control ordinance. No grading shall occur during the rainy season within the Special Study Overlay area, or in areas upland of sensitive areas including lagoons, floodplains, riparian or wetland habitat areas, unless by site-specific determination, the grading would not be occurring on sensitive slopes, in floodplain areas or upland of floodplains, where sedimentation might occur in other sensitive habitat areas. Then, if grading is determined to be allowable, all necessary erosion control devices, including sedimentation basins, must be in place, and shall be monitored and maintained throughout the grading period. (Coastal Act/30251)

Policy 14.6: To achieve the ends of erosion control, a comprehensive erosion control plan shall be required with final building permit and improvement plans, subject to review and approval prior to commencement of grading and construction. (Coastal Act/30251)

When the campus was originally approved by the Commission in 1985, the approximately 47.6 acre site was generally in a natural undisturbed site that was vegetated throughout with coastal sage scrub species (approximately 97% of the site according to the project EIR). Thus, in approving the development, the Commission was very concerned that grading activities, especially during the rainy season, could adversely affect the water quality of the nearby lagoon by the introduction of sediments and polluted runoff. In addition, to assure that grading and development activities did not adversely impact the lagoon during the rest of the year, the original permit included special conditions requiring the installation of Best Management Practices (BMP's) including adequate temporary and permanent erosion and storm water runoff controls for

the structures and all other impervious services within the campus. These have subsequently been installed and the applicant asserts are being maintained as required. The proposed approximately 1,920 cu. yds. of grading to accommodate the proposed development will occur in the middle part of the campus with several buildings and parking lot areas lying between it and Manchester Avenue, the street that surrounds the northern border of San Elijo Lagoon. As such, any runoff from the proposed graded area will flow into existing permanent erosion and storm water control devices (that include several permanent desiltation basins) before entering into the lagoon. However, to assure that these existing BMP devices do not become overwhelmed during the rainy season, Special Condition #3 has been attached to require additional BMP's that are specific to the proposed development. With these additional BMP's along with the existing erosion control and runoff measures, the proposed grading for the student center expansion, even during the rainy season will not have any potential of adversely impacting the lagoon or ocean waters, consistent with the City's LCP policies.

4. Local Coastal Planning. The City of Encinitas received approval of its LCP in November of 1994 and began issuing coastal development permits on May 15, 1995. The subject site is designated and zoned Public/Semi-Public in the City's Certified Implementation Plan. The proposed amendment request is consistent with that planning designation. The proposed development includes a small expansion of an existing established college campus. The proposed addition will occur within the developed portion of the campus and as conditioned, will not result in any adverse impacts on coastal resources. Therefore, the Commission finds the proposed amendment request will not prejudice the ability of the City of Encinitas to continue to implement their certified local coastal program.

5. California Environmental Quality Act (CEQA). Section 13096 of the California Code of Regulations requires Commission approval of a coastal development permit to be supported by a finding showing the permit to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the certified LCP of the City of Encinitas. Mitigation measures, including conditions addressing erosion control and landscaping will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

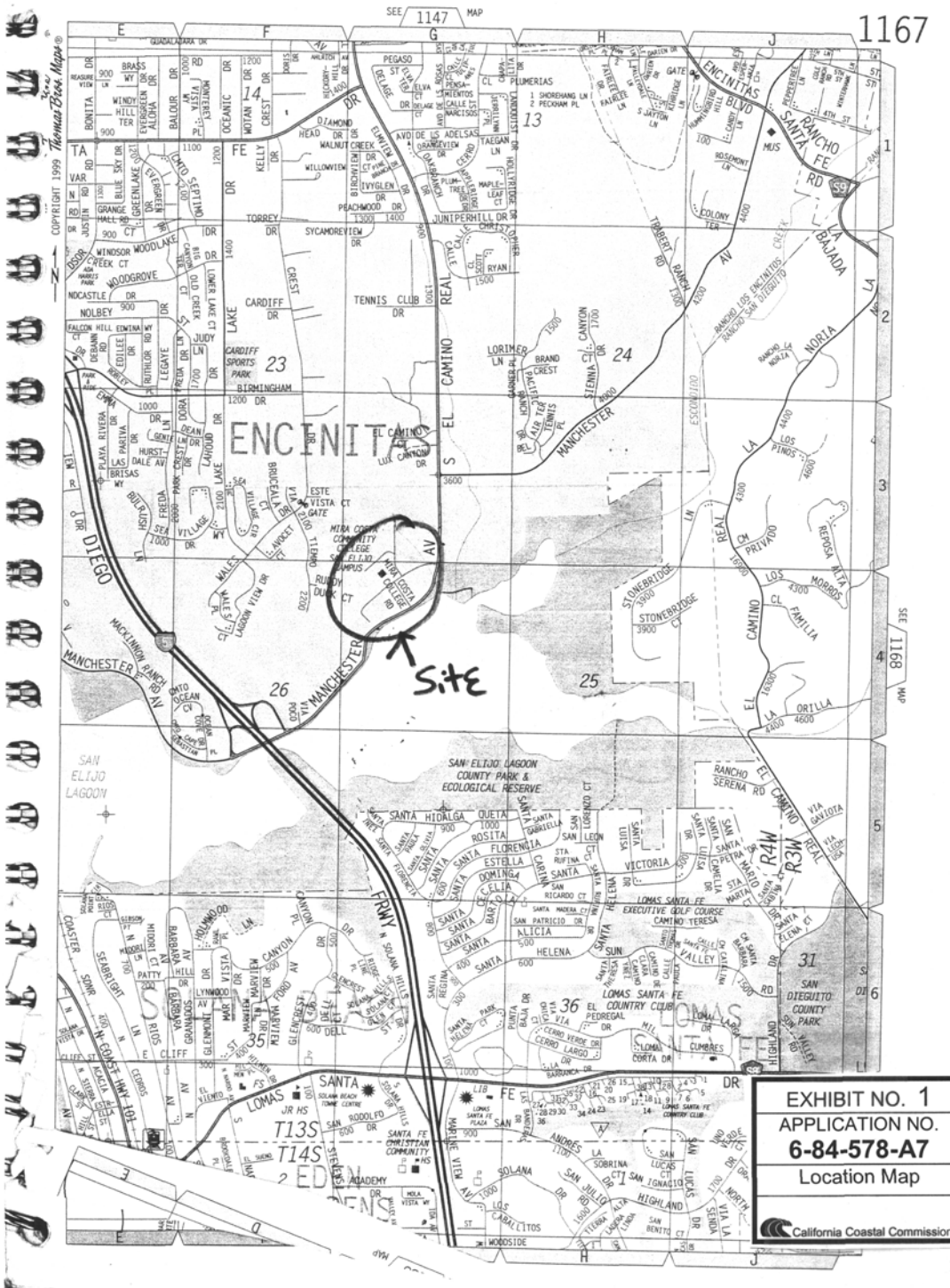


EXHIBIT NO. 1
APPLICATION NO.
6-84-578-A7
Location Map
California Coastal Commission

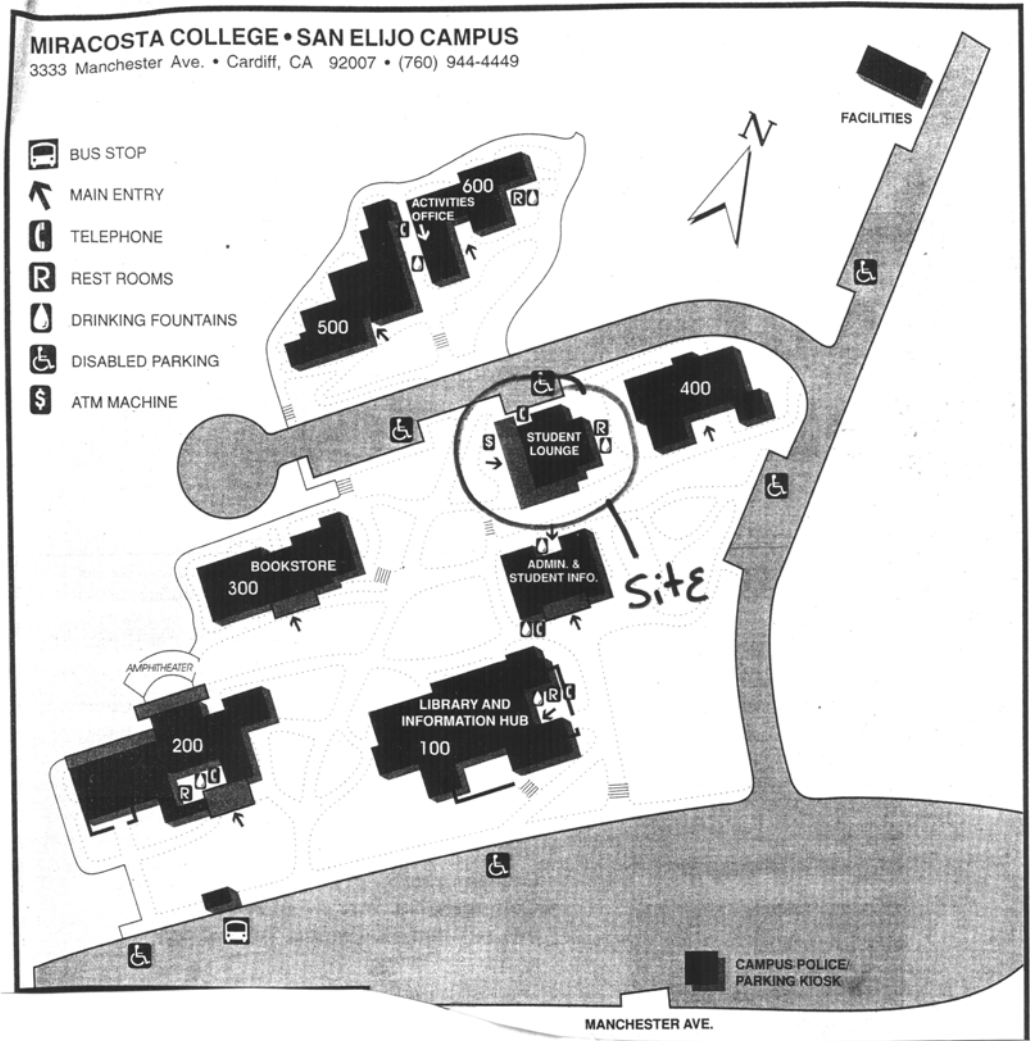
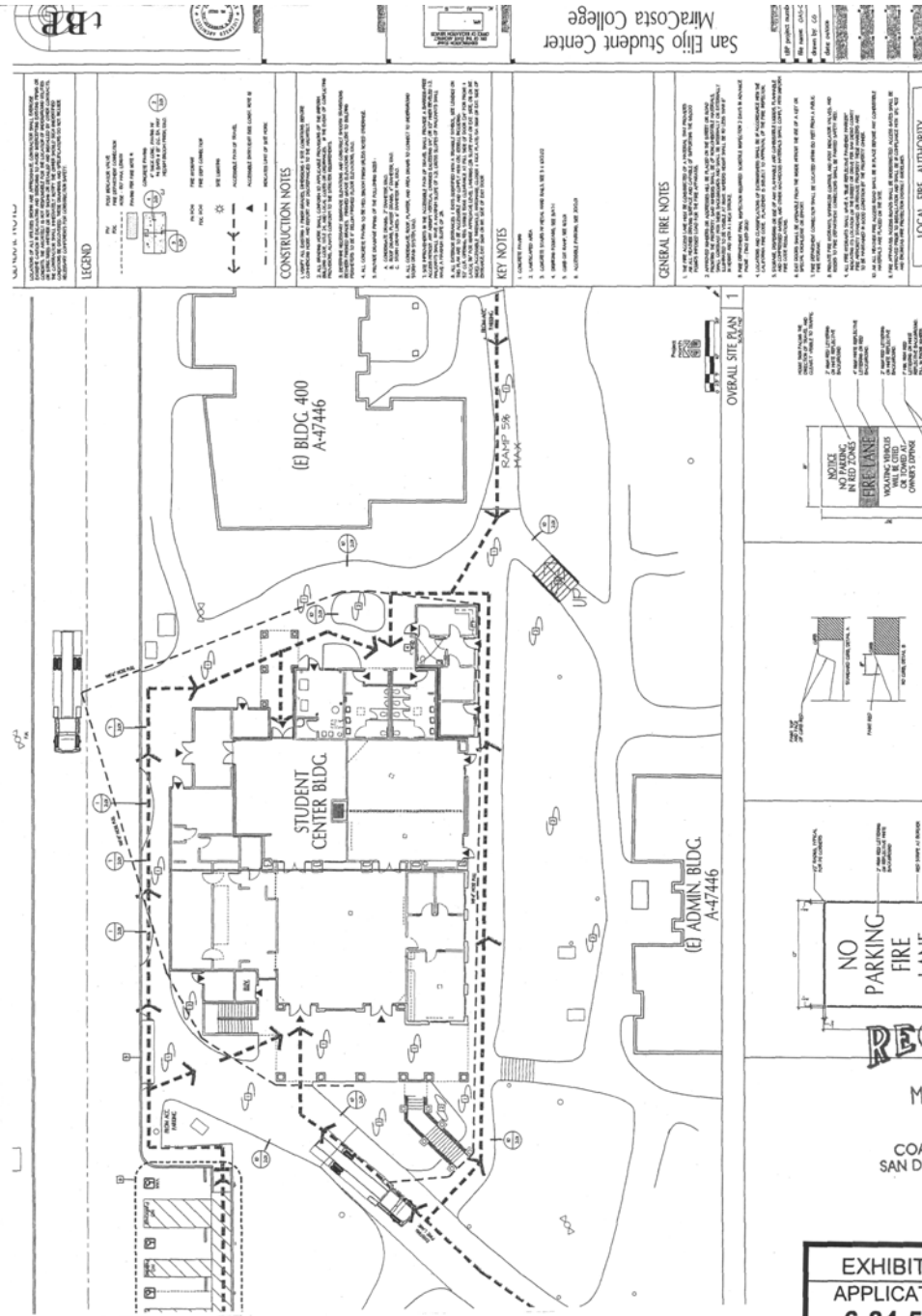


EXHIBIT NO. 2
APPLICATION NO.
6-84-578-A7
Campus Map

California Coastal Commission



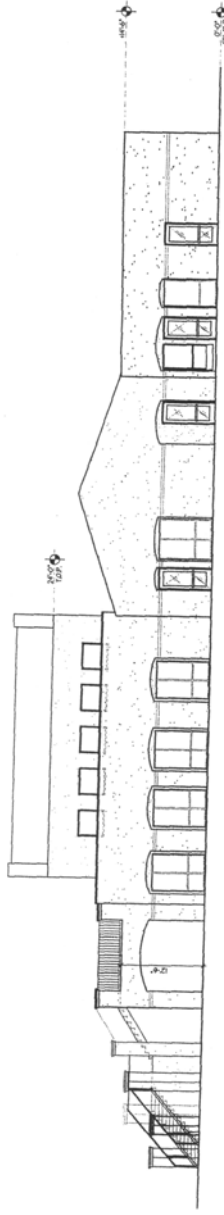
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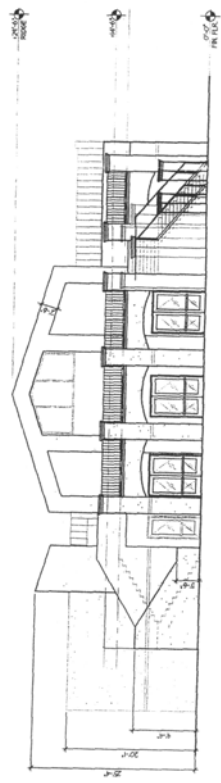
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 3
APPLICATION NO.
6-84-578-A7
Site Plan

California Coastal Commission



SOUTH EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



WEST EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

EXHIBIT NO. 4
APPLICATION NO.
6-84-578-A7
South and West
Elevations



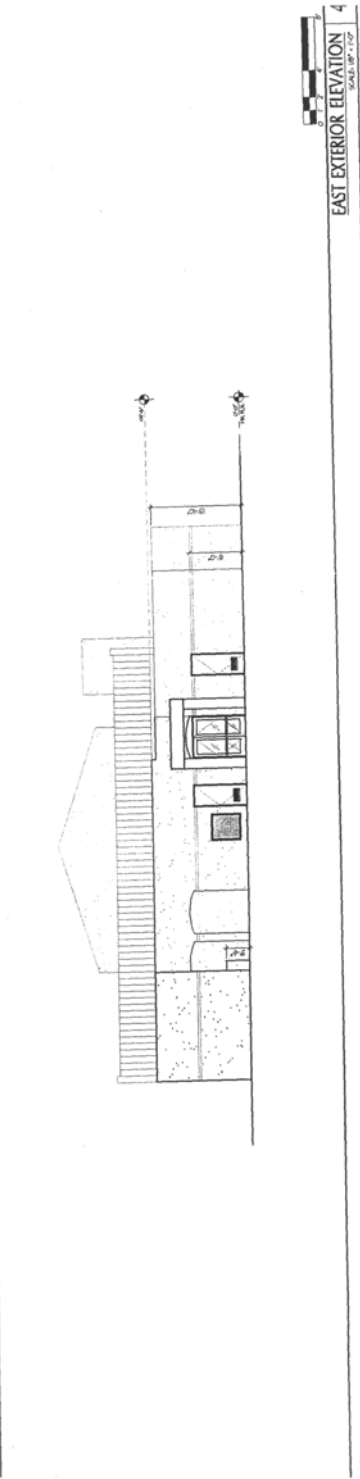
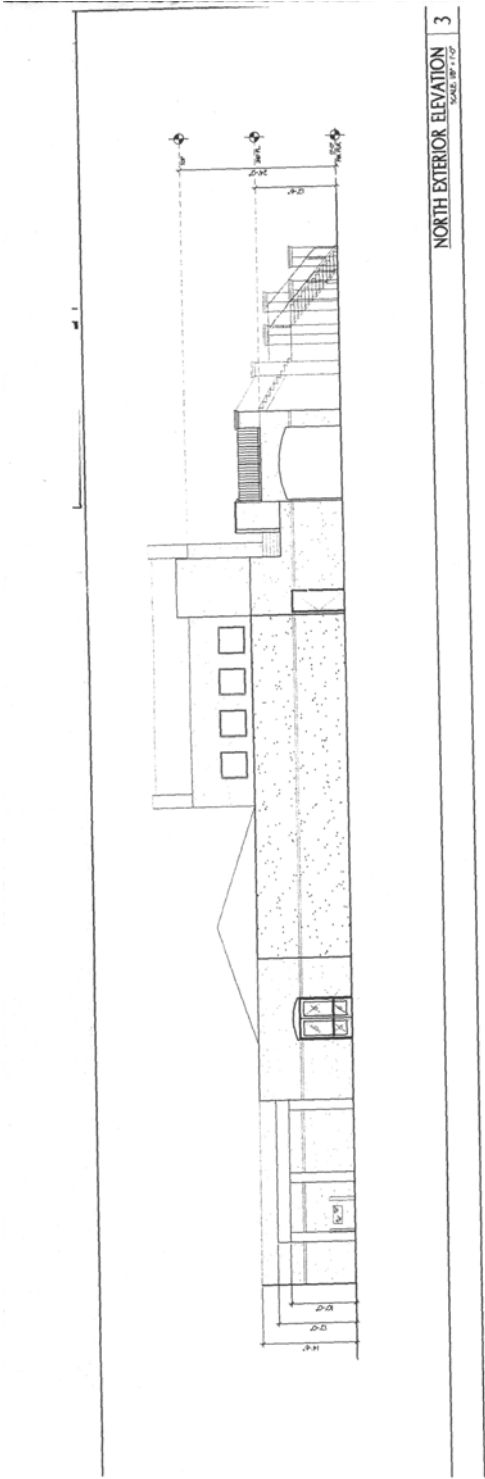


EXHIBIT NO. 5
APPLICATION NO.
6-84-578-A7
North and East
Elevations

