

**CALIFORNIA COASTAL COMMISSION**

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# Th21a

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## STAFF REPORT: AMENDMENT

**Application No.:** 6-84-578-A11

**Applicant:** MiraCosta Community College District

**Agent:** Dudek c/o Amber Geraghty, Shannon Baer

**Location:** 3333 Manchester Avenue, Cardiff, Encinitas, San Diego County (APN Nos. 261-150-60; 261-150-68)

**Original Project Description:** Construction of a southern campus for MiraCosta Community College. The 80,000 sq. ft. facility will house classrooms, administrative offices and a library and will be constructed in two phases.

**Proposed Amendment:** Construct an approximately 11,472 sq. ft., 1-story, Student Services and Administration Building; demolish existing 1-story, 22.5 foot high, approximately 4,000 sq. ft. Administration Building.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The proposed replacement Student Services and Administration building will be located in a landscaped open space area within the MiraCosta Community College campus boundaries, in the central section of the property near the parking lot and library. The proposed facility is not intended to accommodate an increase in student population, and is not expected to result in any impacts to traffic or circulation. At 22.5 feet, the proposed

building will be higher than the majority of the existing buildings, most of which are no higher than 20 feet, but will be screened by existing and proposed trees, and will not impact the scenic quality of the area or nearby San Elijo Lagoon.

**Special Conditions Nos. 1 and 4** require submittal of final construction and landscaping plans that are in substantial conformance with the plans submitted for project review.

**Special Condition Nos. 2 and 5** require submittal of final BMP and Post-Development Runoff plans designed to prevent spillage and runoff of construction-related materials, sediment, and contaminants associated with construction activity. Final BMP plans also require that any disposal of excess grading material shall occur outside of the coastal zone, and that the applicant must implement these BMPs prior to the onset of such activity. **Special Condition No. 3** allows the building to be 22.5 feet in height, and requires submittal of a color board or other indication of the exterior materials and color scheme to ensure the building does not have any visual impacts.

Commission staff recommends **approval** of coastal development permit amendment 6-84-578-A11 as conditioned.

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## I. MOTION AND RESOLUTION

### Motion:

*I move that the Commission **approve** the proposed amendment to Coastal Development Permit Application No. 6-84-578-A11 subject to the conditions set forth in the staff recommendation.*

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

### Resolution:

*The Commission hereby approves coastal development permit amendment 6-84-578-A11 and adopts the findings set forth below on grounds that the development as amended and conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. SPECIAL CONDITIONS

This permit amendment is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final project plans to the Executive Director for review and written /approval. Said plans shall be in substantial conformance with the plans by LITTLE Diversified Architectural Consulting dated December 10, 2018.

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. **Best Management Practices (BMPs). PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit final BMP plans to the Executive Director for review and written approval. Said plans shall

incorporate BMPs designed to prevent spillage and runoff of construction-related materials, sediment, and contaminants associated with construction activity which shall be implemented prior to the onset of such activity. Such measures shall include, but not be limited to:

- a. Proper handling, storage, and application of petroleum products and other construction materials, including designated fueling and vehicle maintenance area with appropriate berms and runoff protection to prevent spillage;
- b. Applicant shall develop and implement appropriate spill prevention measures;
- c. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- d. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters or storm drains;
- e. Erosion control/sedimentation BMPs shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sandbags around drainage inlets to prevent runoff and sediment transport into coastal waters;
- f. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- g. Applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinner and solvents shall not be discharged. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 100 feet away from coastal waters;
- h. Applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction;
- i. In the event that hydrocarbon contaminated soils or other toxins or contaminated materials are discovered onsite, such material shall be stockpiled and transported offsite only in accordance with Department of Toxic Substance Control rules and Regional Water Quality Control Board regulations; and
- j. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

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.

3. **Structure Color/Height.** PRIOR TO ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed Student Services and Administration building to the Executive Director for review and written approval. The color of the structures permitted herein shall be restricted to earth tones including shades of green, brown, and gray, with no white or light shades and no bright tones.

As approved herein the Student Services and Administration Building is permitted to be a maximum of 22.5 feet in height.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board 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.

4. **Final Landscaping Plans.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit final landscape plans to the Executive Director for review and written approval. Said plans shall include drought tolerant plants and efficient irrigation, minimize the use of chemicals for pest control and fertilizers, and include a long-term turf management plan. The plans shall be stamped approved by the City of Encinitas and shall be in substantial conformance with the plans drafted by LITTLE Diversified Architectural Consulting and submitted by Dudek on January 21, 2019. The

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.

5. **Post Development Runoff Plan.** PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review of the written approval of the Executive Director a Post Development Runoff Plan (PDRP) that includes a map, drawn to scale, showing the new development boundaries, building footprint, runoff flow directions, relevant drainage and water quality features, impervious surfaces, permeable pavements, and landscaped areas. The PDRP shall demonstrate that the project:
  - a. Minimizes disturbance of coastal waters and natural drainage features; and avoids, to the extent feasible, covering or compaction of highly permeable soils.

- b. Preferentially uses Low Impact Development (LID) techniques to retain and disperse runoff on site.
- c. Uses infiltration to the greatest extent feasible to retain runoff; minimize the addition of impervious surfaces; disconnect impervious surfaces from the storm drain system by interposing strategically-located pervious areas. Where infiltration is not appropriate or feasible, uses alternative BMPs to minimize changes in the runoff flow regime (e.g., direct roof runoff into rain barrels or cisterns for later use, evaporate roof runoff, construct a rain garden, and/or plant trees).
- d. Unless specifically prohibited by conditions as documented in a detailed site analysis certified by a licensed engineer, runoff from the development, up to and including the 85th percentile, 24-hour runoff event, shall be infiltrated on-site.
- e. Minimize pollutants associated with landscaping and building materials.
- f. Directs drainage from all roofs, walkways, patios, and other impervious surfaces to, in order of priority, a) landscaped areas or open spaces capable of infiltration, b) earthen-based infiltration BMPs, c) flow-through bio-filtration BMPs designed to treat, at a minimum, twice the 85th percentile one-hour storm event volume, accompanied by supporting calculations, d) proprietary filtration systems designed to treat, at a minimum, twice the 85th percentile one-hour storm event volume, accompanied by supporting calculations and product documentation.
- g. Conveys excess runoff off-site in a non-erosive manner.
- h. Where flow-through BMPs are used, includes supporting calculations and product documentation.
- i. Includes all maintenance and operating procedures that will be conducted to keep the water quality provisions effective for the life of the development.

The permittee shall undertake development in conformance with the approved PDRP. No changes to the plan shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

- 6. **Prior Conditions of Approval.** All other terms and conditions of Coastal Development Permit No. 6-84-578, as amended, not specifically modified herein, shall remain in full force and effect.
- 7. **Future Development.** This permit is only for the development described in coastal development permit (CDP) #6-84-578-A11. Except as provided in Public Resources Code section 30610 and applicable regulations, for any future development as defined in Public Resources Code section 30106, including, but not limited to, the change in the density or intensity of use, the applicant shall apply for an amendment to CDP #6-84-578 from the California Coastal

Commission, unless the Executive Director determines that an amendment is not legally required.

### **III. FINDINGS AND DECLARATIONS**

#### **A. PROJECT HISTORY/AMENDMENT DESCRIPTION**

The proposed project is construction of an approximately 11,472 square foot, 1-story, 22.5-foot high Student Services and Administration Building, and subsequent demolition of an existing 1-story, approximately 4,000 square foot Administration Building. The new building site is a currently a landscaped open space area within the San Elijo Campus of MiraCosta Community College, in the central section of the property near the parking lot and library.

MiraCosta Community College 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.

In March of 1985, the Commission approved a coastal development permit (“CDP”) for the new southern campus of MiraCosta Community College (CDP No. 6-84-578). The original permit involved the construction of thirteen buildings totaling approximately 80,000 square feet 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 square feet of structures with Phase II to involve up to an additional approximately 37,000 square feet. In addition, the original approval included 815 parking spaces and a landscaped parking lot south of the buildings along Manchester Avenue with access being taken from three driveways off Manchester Avenue.

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.

On March 24, 1986, the Coastal Commission issued CDP Amendment No. 6-84-578-A, which allowed a reduction in the width of the northwestern parking lot median from the previously required 15 feet to a minimum width of 7 feet and combined the parking space construction of Phase II with that of Phase I.



CDP Amendment No. 6-84-578-A2, issued on October 12, 1986, modified Special Condition No. 3 of the original CDP to extend the deadline for required grading, installation of drainage facilities, utilities, and BMPs to November of 1986.

In 1991, the Commission approved CDP No. 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 up to an additional 432 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 November 2001, the applicant applied to remove the prohibition on classes beginning before 9:00 a.m., but the application was withdrawn prior to Commission action (6-84-578-A4). In April of 2002, the Commission approved a 5-year suspension of the prohibition against classes commencing before 9:00 a.m. with conditions that required the applicant to submit a carpool plan for the college for Executive Director approval and to document attempts to improve public transit use by the students and staff. In addition, if the applicant wanted to continue with early morning classes after the 5-year period, the permit amendment was conditioned to require the applicant to submit a new amendment application that included a traffic analysis documenting traffic during the five year period of the permit amendment, i.e., April 2002 to April 2007. (CDP No. 6-84-578-A5).

CDP Amendment No. 6-84-578-A6 was an immaterial amendment to remove a temporary anchor from a power pole and install a replacement power pole with anchor system within the deed restricted open space area north of the campus.

On June 29, 2006, the Coastal Commission issued CDP Amendment No. 6-84-578-A7, which authorized the construction of an approximately 4,295 square foot first floor addition to the existing approximately 3,016 square foot, 1-story student center involving an increase in height of up to 30 feet (from the existing 20 feet) and approximately 1,920 cubic yards of grading. The amendment also included a request to revise special conditions of the original permit to allow an increase in height and to grade during the rainy season.

CDP amendment No. 6-84-578-A8 approved the permanent deletion of Special Condition No. 8 of the original permit so as to allow classes prior to 9:00 a.m. The applicant contended that because of roadway improvements in the area, the level of traffic during the peak hours had been reduced or kept constant such that commencing classes at 7:00 and 8:00 a.m. would not have an adverse effect on the Level of Service on Manchester Avenue, and submitted a traffic study that supported that conclusion.

On October 11, 2012, the Coastal Commission approved amendment 6-84-578-A9 for the installation of a one story, 4,347 square foot temporary modular classroom and laboratory building in a paved portion of the parking lot within the campus' boundaries and the removal of an unpermitted basketball court to restore 56 parking spaces. While the amendment for the facility was approved, the classroom was never constructed. However,

the applicant did remove the unpermitted basketball courts and restored the parking spaces.

CDP amendment No. 6-84-578-A10 was approved in July 2013, and involved the construction of a one story, approximately 4,700 square foot classroom and laboratory facility in the northern section of the MiraCosta Community College campus.

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, because the proposal involves an amendment to a previously approved CDP issued by the Commission, the request is reviewed by the Commission with the certified LCP used as the standard of review.

## **B. INTENSITY OF USE/PUBLIC ACCESS**

Circulation Policy 2.22 on Page C-7 of the certified LUP is applicable and states:

*To avoid impacts of the expansion and improvement of Manchester Avenue on the San Elijo Lagoon and its environmental resources, right-of-way dedication and widening shall occur to the north, away from the lagoon, rather than toward the lagoon; and the use of fill shall be prohibited. The design of the Manchester/I-5 interchange shall also avoid the use of fill and locate structures as far north as possible to avoid impacts on the lagoon. When design and improvement of Manchester Avenue and the interchange are undertaken, the County Department of Parks and Recreation, the State Department of Fish and Game, the Coastal Commission and others will be notified and given opportunity to participate in the design and environmental review process.*

The San Elijo Campus of MiraCosta College is located on the north side of Manchester Avenue directly across from San Elijo Lagoon Ecological Reserve and Regional Park. San Elijo Lagoon, which is an environmentally sensitive habitat area, is managed jointly by the California Department of Fish and Wildlife (CDFW) and the San Diego County Parks and Recreation Department. The lagoon provides habitat for at least five State or Federally-listed threatened or endangered birds that include the California least tern, the light-footed clapper rail, Belding's savannah sparrow, the brown pelican, and the western snowy plover.

The City's LCP requires any expansions of Manchester Avenue to occur to the north, away from lagoon resources and suggests that any future design of the I-5/Manchester Avenue interchange avoid impacts to the lagoon. However, northward expansion is limited by the amount of available space north of the interchange. The Commission has been concerned that with the intensification of development along this corridor, traffic on Manchester Avenue and at the I-5/Manchester Avenue Interchange will soon reach a point where improvements become necessary to accommodate the increased traffic and these needed improvements may result in fill/impacts to San Elijo Lagoon, which would be inconsistent with LCP policies and Chapter 3 of the Coastal Act. Thus, in its original

approval and subsequent amendments for the development, the Commission placed a cap on enrollment, and any new project must be evaluated to determine if it would result in an increase in enrollment or traffic along this section of Manchester Avenue.

The concern at this site is the potential adverse effect intensification of traffic would have on the need to expand the I-5/Manchester Avenue Interchange or Manchester Avenue into San Elijo Lagoon. As noted above, Manchester Avenue and the I-5/Manchester Avenue Interchange are located directly adjacent to San Elijo Lagoon and the main channel serving the lagoon is located at the base of the slope of Manchester Avenue. Thus, if roadway or interchange improvements are necessary that cannot be accommodated on the north side of the road, direct and significant impacts to San Elijo Lagoon would result.

In the case of the proposed project, the replacement of the existing approximately 4,000 sq. ft. Administration building with a new approximately 11,472 sq. ft. Student Services and Administration building is not expected to increase traffic. The applicant does not propose to amend either the Commission imposed cap on maximum student enrollment of 6,900 students or the cap on maximum student population on campus at any one time – 1,300 students. Thus, while the proposed Student Services and Administration building will be larger than the existing Administration building on the site, it will not result in an increase in enrollment. With the proposed replacement Student Services and Administration building, the total square footage of the campus would be approximately 79,635 square feet, which is consistent with the originally approved proposal for an 80,000 sq. ft. campus.

In addition, conditions have changed since the time of the Commission's original action such that class scheduling and student numbers may not have a significant impairment on surrounding traffic patterns. In particular, the expansion of Manchester Avenue between I-5 and El Camino Real from two-lanes to four and the extension of Leucadia Boulevard (a collector east/west roadway which connects eastern San Diego County to I-5 approximately 3 ½ miles north of the subject site) from Sidonia Street, east to El Camino Real appears to have reduced traffic issues surrounding the college. The applicant previously provided a traffic analysis ("MiraCosta College – Coastal Commission Permit Amendment" letter dated January 17, 2008 from Linscott Law and Greenspan) that identified these changes, and [the applicant maintains the study still accurately describes current conditions].

In addition, the applicant has also identified that it continues to operate a carpool program for the college, although actual use of it has been limited. An incentive for the carpool program is that free designated parking spaces closest to the campus are reserved for carpooling students. All new students are provided information for use of the carpool program as well as detailed public transit information via registration packets and the school's website.

Although the Commission continues to be concerned about increased traffic along Manchester Avenue and its potential to increase demands for widening of the roadway

toward the lagoon, it finds, in this case, that allowing construction of a replacement Student Services and Administration building will not result in adverse traffic impacts.

**Special Condition No. 6** provides notice to the applicant that all other Special Conditions of the original permit, as amended, remain in effect, in particular, Special Condition No. 1 of CDP No. 6-84-578-A5 regarding the encouragement of carpools and use of public transit. Based on the above-cited information, the Commission finds the proposed amendment is consistent with Circulation Policy 2.2 of the City's LCP and will not result in adverse impacts to San Elijo Lagoon.

### **C. WATER QUALITY**

The following LCP policies apply to the proposed development request that includes grading in an upland area north of San Elijo Lagoon Ecological Reserve, an environmentally sensitive habitat. 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)*

When the campus was originally approved by the Commission in 1985, the approximately 47.6 acre site was generally 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 (BMPs), 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 they are being maintained as required. The proposed project will require approximately 11,000 cubic yards of cut and 9,300 cubic yards of fill, generating approximately 1,700 cubic yards of export that the Applicant proposes to dispose of at an upland location outside of the coastal zone. The grading to accommodate the proposed development will occur in the central part of the campus, with a parking lot area lying between the project site 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.

Because the subject development includes both new demolition and the construction of a new building, and will increase in impervious surfaces, it is important to ensure water quality BMPs are implemented for the proposed development. **Special Condition Nos. 2 and 5** require the applicant to adhere to approved BMP and PDRP plans as submitted to the Commission so as to ensure that runoff is managed in a way that mitigates any impacts to the surrounding environment. The Commission's water quality staff have reviewed the project and determined that, as conditioned, the proposed project will not result in adverse water quality impacts, consistent with the resource protection policies of the Coastal Act and the LCP.

#### **D. VISUAL RESOURCES**

The following Encinitas 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 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 low profile and earth tone coloring of the buildings. Both Interstate 5 and Manchester Avenue fronting the campus site are designated as Scenic Highway/Visual Corridor Viewsheds.

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 proposed new Student Services and Administration building will be located towards the middle of campus, not adjacent to Manchester Avenue or against the backdrop of the natural hillside, and is not expected to be highly visible. The development will not result in blockage of any public views and is generally compatible in scale and character with other buildings on the campus. However, Special Condition No. 11 (a) of the original permit, CDP No. 6-84-578, requires that all buildings be not 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 natural grade). As proposed, the new Student Services and Administration building will reach a maximum of 22.5 feet in height above natural grade.

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 little 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 addition, the applicant is proposing to plant additional trees along the façade of the Student Services and Administration building in order to further screen it from public views along Manchester Avenue. Thus, given the location of the building and the amount of existing and proposed landscape screening, the proposed 22.5 foot maximum height for this project will not have an adverse impact on the designated viewshed. Thus, **Special Condition No. 3** allows for the increased height as an exception to the original restriction.

**Special Conditions Nos. 1 and 4** require the applicant to submit and adhere to final construction and landscaping plans describing what is to 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 No. 11b of the original permit requires that the exterior colors for all proposed buildings shall be wood or earth tones. To assure that this proposed project will follow

this coloring requirement, **Special Condition No. 3** requires the submission of a color board that documents the colors to be used will be earth tones, and allows the height of the proposed building to be a maximum of 22.5 feet.

Therefore, as conditioned, the project will not have any adverse impacts to the visual resources of the area consistent with the visual resource policies of the certified LCP.

## **E. SENSITIVE HABITATS**

The LUP of the City of Encinitas contains the following policies relevant to habitat resources and preservation:

### 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...lagoons and their uplands...coastal sage scrub, and coastal mixed chaparral habitats.*

*Policy 10.1: The City will minimize development impacts on coastal mixed chaparral and coastal sage scrub environmentally sensitive habitats by preserving within the inland bluff and hillside systems, all native vegetation on natural slopes of 25% grade and over other manufactured slopes. A deviation from this policy may be permitted only upon a finding that strict application thereof would preclude any reasonable use of the property...Encroachments for any purpose, including fire break brush clearance around structures, shall be limited as specified in Public Safety Policy 1.2. Brush clearance, when allowed in an area of sensitive habitat or vegetation, shall be conducted by selective hand clearance.*

*Policy 10.9: The City will encourage the preservation and the function of San Elijo Lagoon and Batiquitos Lagoon and their adjacent uplands as viable wetlands, ecosystems, and habitat for resident and migratory wildlife, by prohibiting actions (subject to the detailed provisions of Resource Management policy 10.6) which:*

*[...]*

- Adversely affect existing wildlife habitats.*

The San Elijo campus of MiraCosta College is located adjacent to San Elijo Lagoon Ecological Reserve and Regional Park. The open space surrounding parts of the campus contains environmentally sensitive upland habitats including coastal sage scrub at the lower elevations and coastal chaparral on the bluffs. In addition, a small area of salt marsh exists on the southwestern corner of the campus property. Sensitive on-site plant species include the *Adolphia californica*, *Ceanothus verrucosus*, and *Coreopsis maritime*. All these species occur above the 100-foot elevation on the coastal bluffs located on the



northwestern portion of the property. Coastal sandstone bluffs occur on the north end of the property and border the western property line. These bluffs have a variety of topography and soil conditions which support a diversity of habitats for plants and wildlife. The upper bluffs and the walls of side canyons are exposed sandstone out-crops that are highly eroded by runoff from above the mesa. These slopes are sparsely vegetated with both coastal sage scrub and mixed chaparral. The lower slopes of the bluffs are densely covered with typical coastal sage scrub which stabilizes the erodible soils. It is in this community that all three of the sensitive plant species on the property are located.

As part of Special Condition No. 2 of the original CDP authorizing the San Elijo campus (CDP No. 6-84-578), these perimeter slopes of greater than 25% grade, among other areas of the property, were placed in an open space deed restriction, which is in effect in perpetuity. Said open space deed restriction prohibited any alteration of landforms, placement or removal of vegetation, or erection of structures of any type unless approved by the Commission. The proposed Student Services and Administration building is sited in the central part of campus, far enough south that it is located completely outside of the established 100 foot brush management zone that extends southward onto the campus from the natural vegetation line along the steep hillsides. No permanent structure or hardscape may be installed within this area, and it will remain open once this project is constructed. No adverse impacts to the steep slopes and bluffs are foreseen.

**Special Conditions Nos. 1 & 2** are included to ensure that the applicant constructs the proposed Student Services and Administration building in a manner that conforms to Commission-approved plans, as well as implements the required BMPs both during and after construction. This will ensure that impacts to nearby habitat are avoided. Thus, the CDP as amended is consistent with the certified LCP.

#### **F. 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.

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. In addition, the proposed permit amendment will not result in adverse traffic impacts, or the need to widen Manchester Avenue south into San Elijo Lagoon. Therefore, the Commission finds the proposed amendment request will not prejudice the ability of the City of Encinitas to continue to implement its certified local coastal program.

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as

conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

MiraCosta Community College District determined that the project is categorically exempt from the requirements of CEQA pursuant to four categorical exemptions, in Guideline sections 15314 (Minor Additions to Schools), 15302 (Replacement or Reconstruction), 15301 (Existing Facilities), and 15304 (Minor Alterations to Land). (Cal. Code of Regs., tit. 14.) Of primary importance in use of exemptions is the lack of anticipated growth; the proposed facility improvements planned at the San Elijo Campus would result in no growth to the student body or faculty and staff. Further, use of an exemption must not result in a cumulative impact, must not result in a significant impact as a result of unusual circumstances, must not affect resources visible from a scenic highway, must not be located on a hazardous waste site, and must not affect historic resources.

The proposed project has been conditioned in order to be found consistent with the certified LCP. Mitigation measures, including conditions addressing water quality and visual resources, 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.

(Document2)

Appendix B – Substantive File Documents

- Encinitas Certified Local Coastal Program (LCP)
- Complete Set of Special Conditions for Permit No. 6-84-578, as amended by A1 – A11