AGUA HEDIONDA LAND USE PLAN

ADOPTED MAY, 1982

Kelly Ranch LCP Amendment
July 11, 2000

Habitat Management Plan LCP Amendment
August 8, 2003

NPDES Update
August 14, 2006

Drainage Master Plan Update
March 10, 2010

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I. INTRODUCTION

This document represents a revised version of the Agua Hedionda Specific Plan, originally submitted to the California Coastal Commission in October, 1977. This plan proposes land uses and environmental control measures for an 1,100 acre segment of the Carlsbad Coastal Zone, including the 230 acre Agua Hedionda Lagoon and adjacent marsh, upland habitats and wetland areas.

1. Plan History

The Agua Hedionda Land Use Plan was originally developed as a pilot local coastal plan under a $16,000 grant from the California State Coastal Commission. The Plan was formulated as a joint effort between property owners, the City of Carlsbad and the Coastal Commission. Following numerous public hearings and workshops, the plan was submitted by the City to the Coastal Commission in October, 1977. Several public hearings regarding the Plan were conducted by the Regional and State Coastal Commissions, and the Plan was returned to the City with 32 conditions of approval (32 issue areas requiring modification to meet the requirements of the Coastal Act).

In response to the State Coastal Commission's actions regarding the Plan, the Carlsbad City Council suggested setting up a Negotiating Committee to resolve unsettled issues. The Negotiating Committee, including City and Coastal Commission staff members and elected representatives, began meeting on July 6, 1979. The final meeting of the Negotiating Committee occurred in November, 1980, and resulted in a revised version of 24 conditions of approval resolving the majority of unsettled issues.

This Plan represents a synthesis of the original Plan, incorporating the negotiated conditions of approval, and utilizing the format of the City - modified Carlsbad Local Coastal Plan, prepared by the firm of PRC Toups. Attachment 1 provides a complete chronology of the development and past procedural aspects of the Plan.

2. Scope

Each of the 15 counties and 53 municipal jurisdictions along the California coast are required to prepare a Local Coastal Program (LCP). The LCP consists of a local government's Land Use Plans, Zoning Ordinance and Zoning which meet the requirements, and implement the provisions and policies of the California Coastal Act. The LCP consists of two principal components: (1) the Land Use Plan and (2) Implementing Ordinances. This portion of the Agua Hedionda LCP is meant to fulfill the requirements for a Land Use Plan. Implementation will be considered at a later date, subsequent to City and Coastal Commission review and approval of the Land Use Plan.

The Carlsbad Coastal Zone, as a result of legislative action, has been segmented into four distinct planning areas (see Exhibit "A"). These are as follows:

- Agua Hedionda LCP Segment 1,100 acres;
- Mello Bill Local Coastal Plan Area 1,000 acres;
- San Dieguito LCP (County of San Diego) 1,191 acres; and
- City of Carlsbad Local Coastal Plan 5,387 acres.

This plan addresses only those issues pertaining to the 1,100 acre Agua Hedionda Local Coastal Plan area.

II. BACKGROUND

This section of the plan addresses the major components and documents upon which development of the plan is based. The Plan represents a synthesis of the requirements of the California Coastal Act, relevant policies of the Carlsbad General Plan and the environmental concerns and mitigation measures contained in the Agua Hedionda Environmental Impact Report.

1. Environmental Setting

Agua Hedionda Lagoon is one of three coastal lagoons within the Carlsbad General Plan Area. The lagoon is centrally located in the Carlsbad Coastal Zone, and comprises approximately 230 acres of water surface, and additional upland marsh and wetland areas. The lagoon extends 1.7 miles inland from the coast, and is approximately .5 miles across, at its widest point. The lagoon consists of three distinct areas, as follows:

(1) Outer Lagoon, comprising 66 acres of water, used as a cooling water source for the San Diego Gas & Electric Co. (SDG&E) power plant facility;

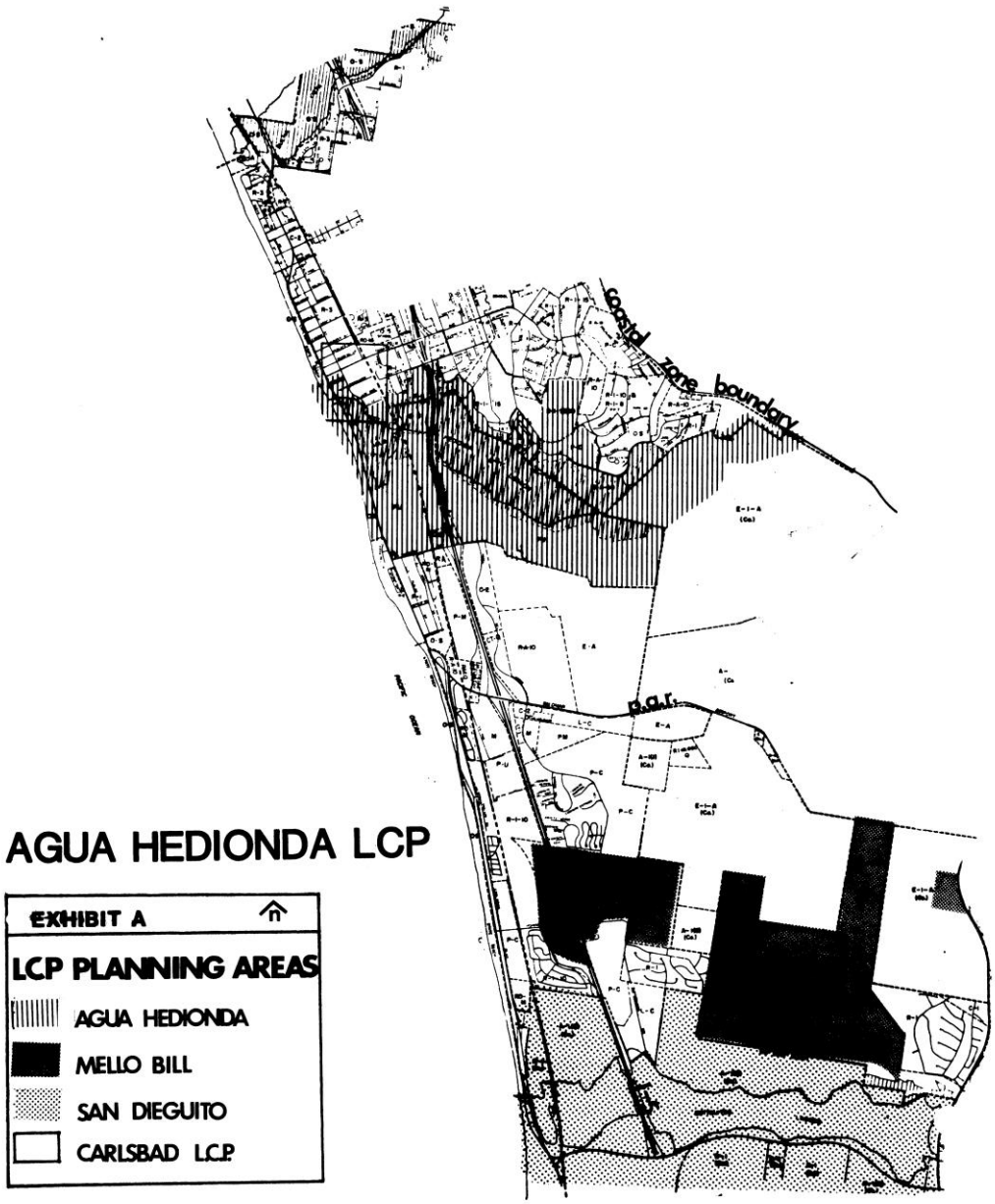
(2) Middle Lagoon, containing 27 acres of water surface, used principally for passive recreation uses; and

(3) Inner Lagoon, totals approximately 140 acres of water surface, used for active recreation activities. Additional wetland areas, containing environmentally sensitive habitats, are located at the extreme eastern end of the lagoon.

The separation of the lagoon into three areas is the result of the development of transportation corridors crossing the lagoon body. These include the construction of the railroad in the late 1800's, the bridging of the lagoon mouth by Pacific Coast Highway in 1910, and the construction of the I-5 freeway corridor in 1967.

Originally, the lagoon was an increasingly restricted salt water marsh, the result of accumulated sedimentation, and the absence of tidal flushing. Between 1952 and 1954, the San Diego Gas & Electric Company (SDG&E) removed approximately 310,000 cubic yards of sediment from the lagoon, restoring the lagoon to an average 10 foot depth, and opening the lagoon mouth to permanent tidal flushing. As noted in a report by the State Department of Fish and Game, the resultant deepening and tidal flushing created a new deep-water environment, supporting a wide variety of marine and terrestrial environments. The report goes on to state, "This environment, or ecosystem, contains a highly diverse flora and fauna that, in addition to making a more interesting and attractive lagoon and wetland, provides a wider range of recreational and educational use."[1]

[1]Jack Bradshaw, The Natural Resources of Agua Hedionda Lagoon, (San Diego, California: U.S. Fish and Wildlife Service, June, 1976), p. 1.


AGUA HEDIONDA LCP
EXHIBIT A
LCP PLANNING AREAS
AGUA HEDIONDA
MELLO BILL
SAN DIEGUITO
CARLSBAD L.C.P.
coastal zone boundary
p.o.r.

2. The California Coastal Act

The California Coastal Act, originally passed as the California Coastal Zone and Conservation Act on November 7, 1972, and subsequently renewed as the California Coastal Act of 1976 provides the basic policy framework upon which the Agua Hedionda Plan is based. The Coastal Act requires coastal counties and municipal jurisdictions to prepare Land Use and implementation programs for all lands within the California Coastal Zone.

The major policies, goals and priorities articulated in the Coastal Act of 1976 are as follows:

Basic Policies:

- That the California Coastal Zone is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem;

- That the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residents of the State and nation;

- That to promote the public safety, health, and welfare and to protect public and private property, wildlife, marine fisheries, other ocean resources and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction; and

- That existing developed uses, and future developments that are carefully planned and, developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

Basic Goals:

- Protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and man-made resources.

- Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the State.

- Maximize public access to and along the coast and public recreational opportunities in the coastal zone consistent with sound resource conservation principles, a constitutionally protected right of private property owners.

- Assure priority for coastal-dependent and coastal-related development over other development on the coast.

- Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development of mutually beneficial uses, including educational uses, in the coastal zone.

Priorities:

The Coastal Act articulates land use priorities for the coastal zone. Highest priority is placed on the preservation and protection of natural resources, including environmentally sensitive habitat areas, wetlands and agricultural lands. The following lists Land Use/Development priorities defined by the Coastal Act:

- Preservation of natural resources and environmentally sensitive areas;
- Coastal dependent development (i.e., development requiring a site adjacent to the ocean to function);
- Public recreational uses;
- Visitor-serving commercial recreation; and
- Private residential, industrial and commercial development.

3. Carlsbad General Plan: Goals and Policies

The Carlsbad General Plan provides the broad guidelines and goals which shape and direct the future growth of the City.

The General Plan recognizes the unique environmental status of the lagoon and its environs, designating the entire shoreline, and a majority of the flood-plain area and the south shore properties as "open space." The General Plan further requires the development of a specific plan for the lagoon area, and designates the entire Agua Hedionda Plan area as a "special treatment area."

In order to provide consistency with other areas of the City, and to allow for the eventual integration of the contents of this Plan with the overall General Plan, the specific plan must address relevant aspects of the General Plan.

Major goals and policy groups of the Carlsbad General Plan relevant to the formulation of this Plan are summarized as follows:

Land Use

- Preserve and enhance the environment, character and image of the City as a desirable residential, beach and open space-oriented community;

- Promote the economic viability of the agricultural and horticultural industries;

- Generate the development of commercial enterprises that support local industries, population and tourist trade;

- Encourage development only in those areas which can best support a change in land use without adverse impact;

- Protect and conserve natural resources, fragile ecological areas, unique natural assets and historically significant features of the community; and

- Provide for an orderly balance of both public and private land uses within convenient and compatible locations throughout the City and ensure that all such uses - (type, amount, design and arrangement) - serve to protect and enhance the environment, character and image of the City.

Open Space/Conservation

- Landforms. To protect the unique variety of landforms distinctive of the City's topography and to ensure that the development process considers and strives to preserve these landforms rather than to create an unnatural, uniform landscape.

- Outdoor Recreation. To conserve, develop, and utilize areas particularly suited for outdoor recreation by preserving areas of unique scenic, historical and cultural value and developing areas especially suited for active park and recreational purposes.

- Preservation of Natural Resources. To preserve natural resources by: protecting fish, wildlife and vegetation habitats; retaining the natural character of waterways, shoreline features, hillsides and scenic areas; safeguarding areas for scientific and educational research; respecting the limitations of our air and water resources to absorb pollution; and encouraging legislation that will assist in preserving these resources.

- Agricultural Lands. To regard agricultural land and prime soil as a natural resource and as a significant contrasting land use to the urbanized environment of the City.

Geologic Hazards

- The Geologic and Seismic Safety Element goal is to minimize the loss of life, injury to health and destruction of property in the City of Carlsbad by implementing necessary planning and development policy recommendations that give consideration to potential geologic and seismic occurrences and their long-range impact on the community.

Circulation

- Coordinate the circulation plan with the development of the scenic route program (covered exclusively in the Scenic Highway Element) for the preservation and enhancement of the scenic qualities of selected corridors.

- Improve operational efficiencies of streets by using modern design standards and the latest available technology. Include provisions for emergency and public service vehicles.

- Construct each addition to the circulation system so that it will provide a usable link in the total system.

- Provide bikeways for school routes, commuter routes and recreational uses. Also, make provisions for bikeways in virtually all new major secondary and scenic roadways. Coordinate implementation of bikeways with Parks and Recreation Element.

- Encourage and assist in the planning and development of a regional mass transit system with other appropriate agencies.

Housing

- Preservation. Preserve the neighborhood atmosphere, retain the identity of existing neighborhoods, maximize open space and ensure slope preservation.

- Choice. Ensure a variety of housing types, a choice of all economic ranges, wide range of housing types, apartments, townhouses, etc., different styles and price levels in a variety of locations.

- Housing Needs. Utilize programs to revitalize deteriorating areas or those with high potential for deterioration; and seek to provide low and moderate income housing.

4. Environmental Impact Report

The Environmental Impact Report (EIR) on the Agua Hedionda Local Coastal Plan was certified by the Carlsbad City Council on December 21, 1976. All mitigation measures recommended in the EIR were accepted by the Carlsbad City Council, and have been incorporated into this Plan. The Agua Hedionda EIR thoroughly documented and identified potential environmental impacts, and recommended an excellent mitigation program aimed at minimizing all potential adverse impacts. In the process of review, the EIR was well received and considered to be a thorough analysis of the proposed Plan. In an academic critique of the Plan, funded by the State Coastal Commission, an analysis of the EIR states, "The EIR adequately, if not excellently, assesses the natural resource values... and presents a reasonable analysis of impacts and mitigation measures."[2] A report on Agua Hedionda Lagoon by the State Department of Fish and Game concludes, "The EIR reflects the City of Carlsbad Planning Department's awareness and concern for the area's natural resources," and further states that, "The Specific Plan also enumerates thoroughly environmental impacts that cannot be avoided if the project is implemented, and many sound mitigation measures for those impacts identified."[3]

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[2] Christopher Onuf, Guidelines for the Protection of the Natural Resources of California's Wetlands, (University of California, Santa Barbara, May, 1979), P. 1-12.

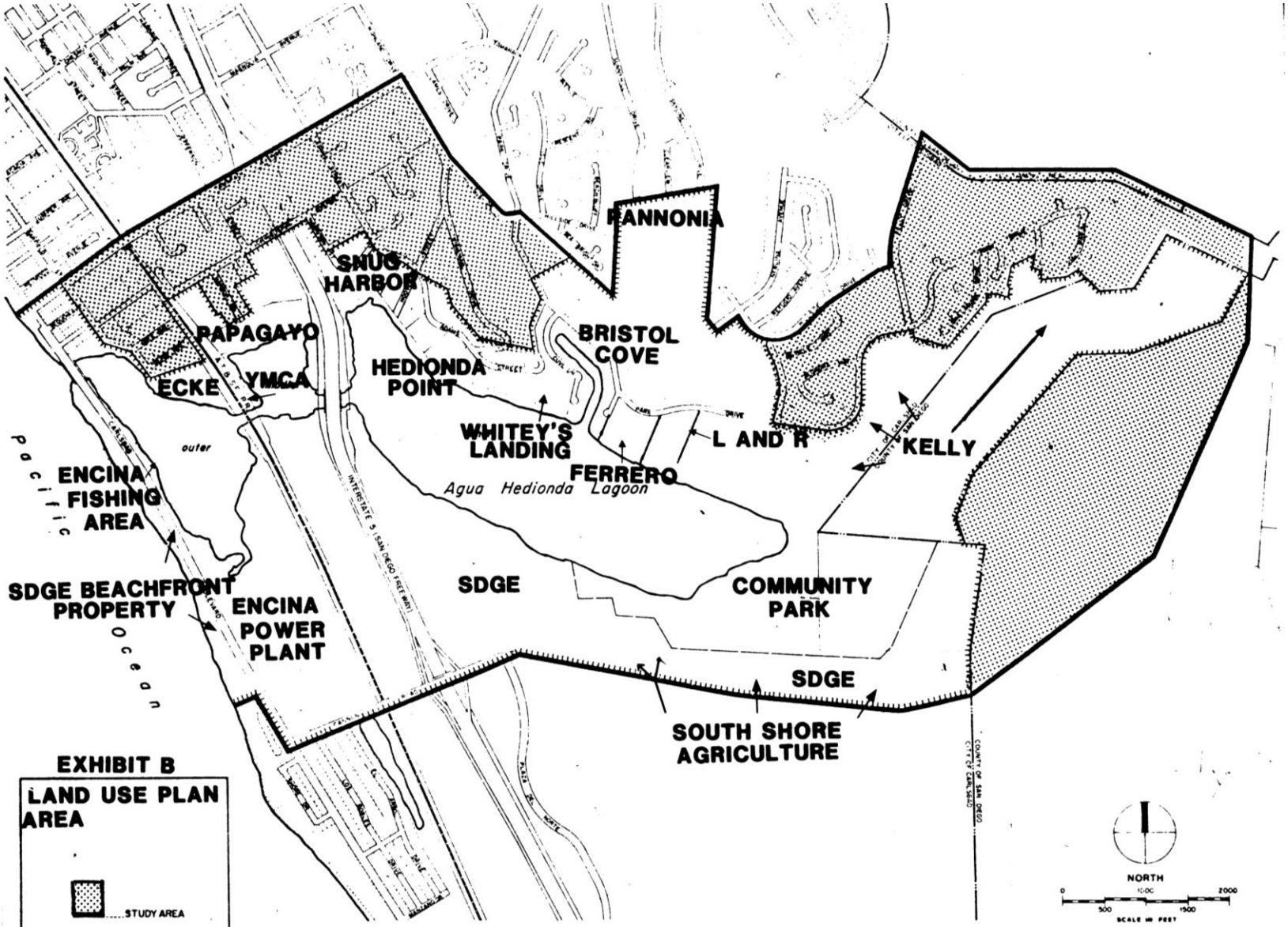
[3] Jack Bradshaw, The Natural Resources of Agua Hedionda Lagoon, (San Diego, California: U.S. Fish and Wildlife Service, June, 1976), p. 8.

III. LAND USE PLAN

This report comprises the Land Use Plan portion of the Agua Hedionda Local Coastal Plan. The Land Use Plan is made up of two primary components, (1) the Land Use Map and (2) the Land Use Text. The Map graphically depicts allowable land use activities, while the Text provides a written discussion of the Land Use Plan and contains policy statements. Subsequent to City and Coastal Commission review and approval of the Land Use Plan, the implementation(zoning/action programs) portion of the Agua Hedionda Plan will be developed. The Land Use Plan, together with the Implementation Program, will comprise a complete Local Coastal Program.

In developing the original Agua Hedionda Land Use Plan, an area larger than the Local Coastal Plan area was included in the study. This larger area ("study area") was included to take a more comprehensive look at potential environmental impacts and planning issues. Policy issues and Land Use discussion contained in this document pertain only to the Agua Hedionda Plan area (referred to as "planning area"). The remaining "study area" properties are under the jurisdiction of the Carlsbad Local Coastal Program, approved by the State Coastal Commission in June 1981. Exhibit "B" illustrates these areas, and designates parcels specifically addressed in the Plan.

Following certification of this plan by the City and Coastal Commission, periodic review will occur. The Coastal Act requires an evaluation of the Plan for effectiveness and the impact of changing conditions, at least every five years. Amendments to the certified plan may be processed similar to general plan amendments subject to the approval of the State Coastal Commission.



AGUA HEDIONDA LCP

1. Land Use

- Coastal Act Policies

30001. That the California Coastal Zone is a distinct and valuable resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

That the permanent protection of the State's natural and scenic resources is a paramount concern to present and future residences of the State and nation.

That to promote the public safety, health, and welfare and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.

That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this State and especially to working persons employed within the coastal zone. (Amended by Cal. Stats. 1979, Ch. 1090.)

- Discussion

The Agua Hedionda Lagoon is somewhat unique in its status as a multiple-use wetland area. The lagoon provides an extensive range of water-related passive and active recreational uses, as well as providing habitat for a wide variety of marine and terrestrial life forms. It is this diversity of activities upon which fundamental land use policies are based. The land use plan recognizes that a balance must be maintained which provides for continuance and expansion of recreational opportunities, while protecting the integrity of environmentally sensitive habitat areas.

Existing land uses within the plan area include a variety of residential, commercial and recreational uses. The north shore includes a range of residential densities, commercial and semi- public recreation uses, and large areas of undeveloped property. The south shore blufftop area, east of the I-5 freeway, is primarily in agricultural production. The SDG&E power facility occupies the entire south shore west of the freeway, and the eastern end of the lagoon contains extensive wetland and floodplain areas.

The lagoon provides for a wide range of water related uses, including aquaculture, boating, water skiing, fishing and wildlife habitat. The outer lagoon is used primarily for fishing, and provides cooling water for the SDG&E power facility. The middle lagoon is used for sailing and swimming. The western half of the inner lagoon is used for power boating and water skiing, while the eastern end of the lagoon contains environmentally sensitive wetland and habitat areas.

The land use categories and residential density ranges utilized in the land use map and policy statements are based on those contained in the Carlsbad General Plan. This provides for consistency between the Agua Hedionda Plan and the General Plan, and allows for eventual

integration of the two documents. Zoning ordinances and designations will be developed in the implementation phase of the Agua Hedionda Land Use Plan.

The various densities of residential uses indicated on the map will be modified in actual practice by several considerations. Reservations of public access easements, preservation of defined view-corridors, and limitations on grading are all factors that will tend to reduce the potential yield of living units per acre. Projects within the areas designated RM, RMH, and RH which exceed the minimum guaranteed General Plan density will be subject to additional review by the City Council. The Council may allow up to the maximum General Plan density only if the necessary public facilities are available to serve the project, the higher density will not adversely impact the surrounding areas, and the development provides unique onsite amenities, public recreational opportunities, preserves/enhances unique geological environmental features, or provides affordable housing.

Land use designations, must be considered in conjunction with other sections of this plan. Certain parcels, because of unique environmental or ecological considerations, will be limited for development in some ways that are not applicable to other parcels having the same use designation. For the most part, these limitations, requiring a greater degree of creativity on the part of the land planner, can be an asset rather than a liability to the owner, since their purpose is to enhance desirable features of the land and the natural environment.

- Policies

  1.1 Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Map (Exhibit C).

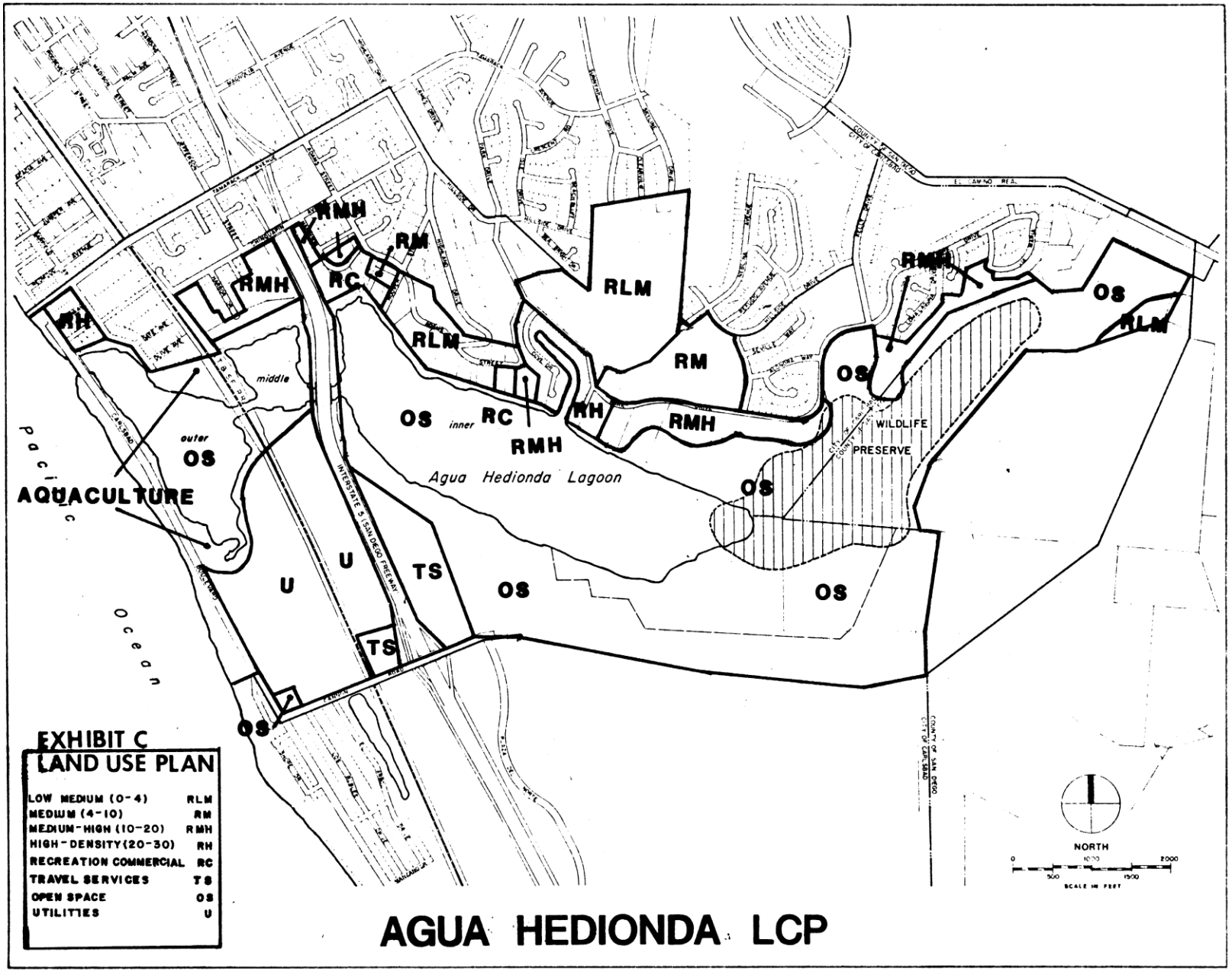


EXHIBIT C
LAND USE PLAN
LOW MEDIUM (0-4) RLM
MEDIUM (4-10) RM
MEDIUM-HIGH (10-20) RMH
HIGH-DENSITY (20-30) RH
RECREATION COMMERCIAL RC
TRAVEL SERVICES TS
OPEN SPACE OS
UTILITIES U
AQUACULTURE
outer
middle
inner
Agua Hedionda Lagoon
WILDLIFE PRESERVE
INTERSTATE 5 (SAN DIEGO FREEWAY)
Pacific Ocean
NORTH
SCALE IN FEET
AGUA HEDIONDA LCP

1.2 That portion of the "Kelly" property containing wetland areas shall be designated as open space (Exhibit D) consistent with maintenance of the natural resources of the wetlands and floodplain area. Permitted uses shall include maintenance and extension of utility transmission and distribution systems, agriculture, outdoor plant nurseries, fish hatcheries, driving ranges, archery ranges, hiking and equestrian trails, apiaries, or other non-intensive recreational, scientific or educational uses compatible with resource values. No permanent structures or impermeable surfacing or filling shall be permitted within the l00-year floodplain. Any development of the property shall be subject to regulation by conditional use permit and shall be subject to the approval of the State Department of Fish and Game.

1.3 Development of the "L and R" property shall be regulated as follows:

a) That portion of the site agreed upon by the State Lands Commission as developable shall be permitted a maximum of 60 units of residential use (reference: State Lands Commission agenda item W503.988, 11/23/81). The developable portion of the site shall be designated RMH (l0-20 units/acre), and the remainder of the site shall be designated open space (OS).

Development of the site should reflect the lower limit of the RMH range, and should be designed to "step down" development intensity away from Bristol Cove.

b) Beyond the south and eastern perimeter of the developable portion of the site an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. As a condition of development, the perimeter of the developable area shall be maintained/ improved in a manner to prohibit uncontrolled access into the buffer area. Any landscaping, access control or other minor improvements in the buffer area shall be subject to the approval of the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.

c) The area beyond the developable portion of the property and buffer area shall be dedicated in fee or easement to the State Department of Fish and Game, Coastal Conservancy, State Lands Commission, or other appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.

1.4 Development of the "Ferrero" property shall be regulated as follows:

a) The area determined by the State Lands Commission to be developable shall be designated RMH (10-20 units per acre). The remainder of the site shall be designated Open Space (OS).

b) Beyond the southern perimeter of the developable portion of the site, an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. The perimeter of the developable area shall be maintained/improved in a manner to prohibit

uncontrolled access into the buffer area. Private recreation and landscape improvements in the buffer area shall be made in consultation with the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.

c) The area beyond the developable portion of the property and the buffer area shall be dedicated in fee or easement to an appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.

1.5 The Hedionda Point area between the Hoover Street extension and Whitey's Landing shall be designated RLM (0-4 units per acre).

1.6 To enhance public recreation activities, the area between Snug Harbor and Hoover Street shall be designated RC, for recreational commercial use.

1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas.

1.8 The "Ecke" property shall be regulated as follows:

a) The primary use of the site shall be aquaculture. Other coastal dependant and visitor-serving commercial uses shall be allowed, provided they occupy no more than 50% of the site.

b) As secondary uses, in the interim period while aquaculture alternatives are being studied, other uses may be permitted which would necessitate minimal site disturbance or capital investment, including active recreation (fishing, tent camping, etc.), beach access parking, short-term recreational vehicle parking, and temporary accessory commercial facilities (bait-and-tackle shop, food concession, etc.);

c) All uses shall be regulated by conditional use permit. All proposed uses shall be conditioned to provide all access improvements required by this plan, and shall provide peripheral landscaping which at maturity will screen all objectionable improvements (i.e., aquaculture facility, outside storage, parking areas, etc.) as viewed from Carlsbad Boulevard.

1.9 Building height shall be limited to a maximum of 35 feet. Building setbacks and lot coverage shall be regulated by the applicable zoning designation, except as specifically modified in this plan.

1.10 The 45 acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.

2. AGRICULTURE

- Coastal Act Policies

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land through all of the following:

a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

d) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

- Discussion

Agriculture in the Agua Hedionda area is dependent upon a wide range of factors. The soil resource is not as ideal as that in other parts of the State but is well-suited to the existing agricultural operations. Climate is the major factor which has determined the success of the area's agriculture since it allows production during months when agriculture is precluded in competing areas. Water is a critical factor, and both direct and indirect energy costs contribute significantly to agricultural costs. Labor also represents a substantial proportion of costs; its future depends to a large extent on government policies toward undocumented aliens. Access to certain Carlsbad agricultural areas is difficult during certain times of the year. Improvement of access would involve a trade-off between production gains from better access and the potential for increased vandalism.

Agricultural activities in the plan area are limited to south shore properties. This area is contiguous with other large agricultural lands to the south and east.

- Policies

2.1 Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.

2.2 The south shore agricultural lands shall be designated “Open Space". This area shall be zoned "Exclusive Agriculture" in the implementation phase of the plan.

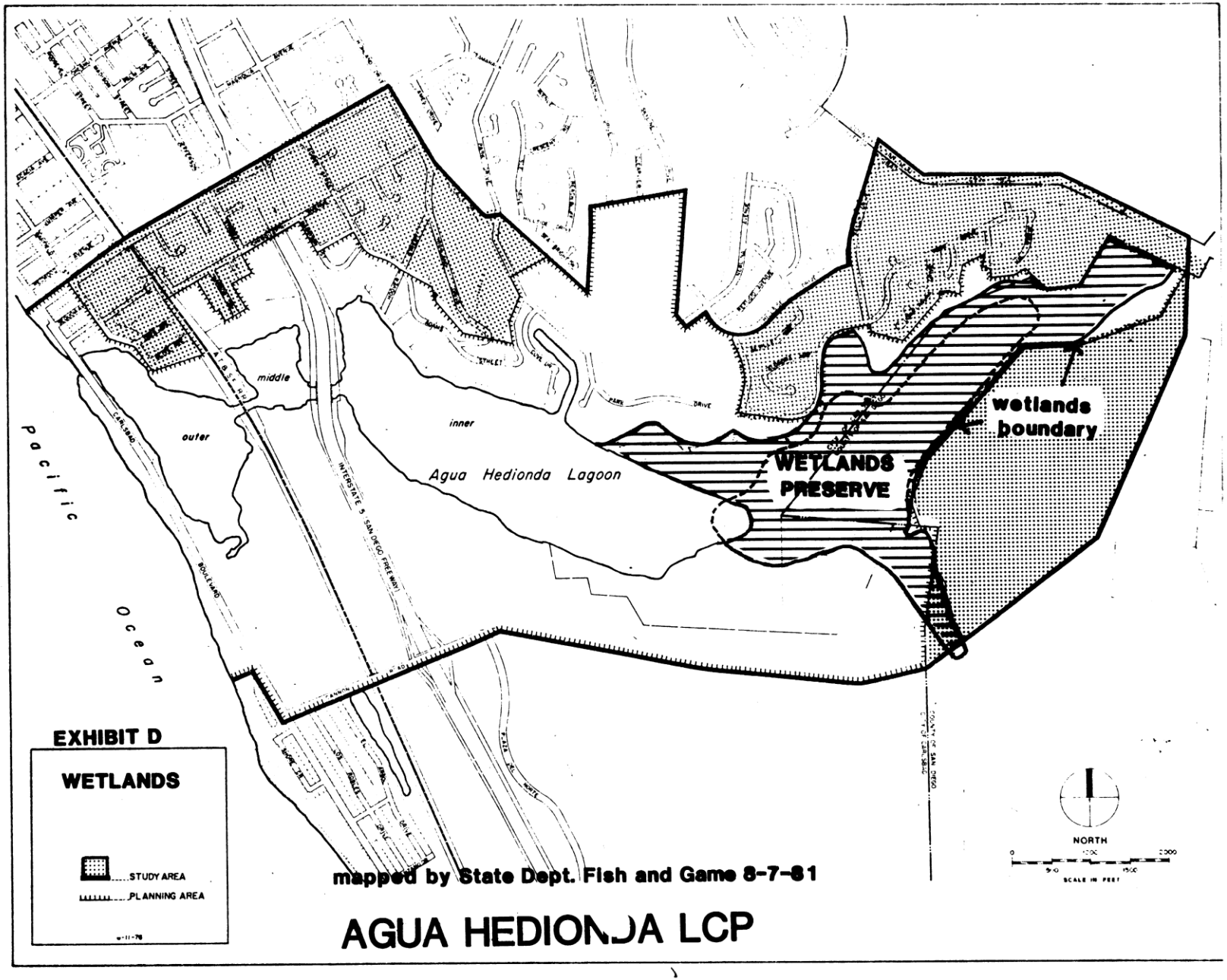
2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:

a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations.

b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property.

c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area.

d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program.



AGUA HEDIONDA LCP

3. ENVIRONMENTALLY SENSITIVE HABITATS, WATER AND MARINE RESOURCES

- Coastal Act Policies

30230**.** Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

30231. The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

30240.

a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

30233. Diking, filling or dredging of waterways; erosion control

a) The diking, filling, or dredging of open coastal waters wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource-dependent activities.

b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems.

c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alternation of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, “Acquisition Priorities for the Coastal Wetlands of California,” shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

For the purposes of this section, "commercial fishing facilities in Bodega Bay" means that not less than 80 percent of all boating facilities proposed to be developed or improved, where such improvement would create additional berths in Bodega Bay, shall be designed and used for commercial fishing activities.

d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients which would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provision of this division, where feasible mitigation measure have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area. [Amended, Chapter 454, Statutes of 1983]

- Discussion

The Agua Hedionda Lagoon comprises about 230 acres of water surface and additional wetland and upland habitat areas. The lagoon was originally an increasingly restricted salt marsh habitat, until it was dredged and opened to tidal action in 1952 to 1954. The resulting deepening and tidal flushing created a new environment which now supports a wide range of marine and terrestrial habitats, as well as recreational uses.

Agua Hedionda Lagoon is unique in that it is relatively free from the serious problems that plague other coastal wetlands. "Adequate tidal flushing, a pattern of land ownership that favors maintenance of large open space areas and a concerned city and public, are the main reasons for the unique status," according to a report by the State Department of Fish and Game.[44]

At the east end of the lagoon are the remnants of a once extensive salt marsh, with approximately 100 acres each of marsh and mudflats, interspersed with salt flats and alluvial fan. The State Department of Fish and Game describes this area as follows:

> "The salt marsh and upland environs are generally in a disturbed and degraded condition, and support a typical, but depauperate, flora and fauna."[5]

The lagoon supports approximately 55 species of water-related birds, and extensive colonies of eel grass. The eel grass beds, located in depths up to 10 feet in all three sections of the lagoon, are of special concern in that they help maintain the stability of the lagoon floor and shoreline, provide large amounts of organic matter for grazing marine species, and shelter for many species of fish and invertebrates.

[4] Bradshaw, loc. cit., p. 102.
[5] Ibid., p. 6.

Agua Hedionda Lagoon has been identified as one of nineteen California coastal wetlands for acquisition by the State Department of Fish and Game. In addition to the water body of the lagoon, extensive wetland areas at the east end of the lagoon have been mapped by Fish and Game. According to the California Coastal Act, wetlands are defined as "land which may be covered periodically or permanently with shal1ow water, and include saltwater marshes, freshwater marshes, open or closed brackish water."[6] Wetlands are generally identified by the presence of certain indicator plant species and hydric soil conditions.

- Policies

3.1 Kelly Property. No development shall occur within the boundaries of the Wetland Preserve except to the extent necessary for resource maintenance and resource management, or as approved by the State Department of Fish and Game. All allowable development within the Wetland Preserve shall be consistent with Section 30233 of the Coastal Act. No development shall occur within wetlands that are outside of the Wetland Preserve except to the extent such development is consistent with Section 30233 of the Coastal Act. Any wetlands outside of the preserve boundaries shall be delineated as part of the coastal development permit process prior to development approval.

a) A buffer strip of at least 100 feet in width shall be maintained in a natural condition around the perimeter of all delineated wetlands to protect the functions and values of wetlands. The width of the buffer may be increased as determined on a case by case basis, in consultation with the State Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features such as topography, and the functions and values of the wetland, including the need for upland transitional habitat. In no case shall a buffer of less than 100 feet in width be permitted.

b) Fencing shall be required near or adjacent to improved pedestrian and vehicular travelways to prevent uncontrolled access of persons or domestic animals into the wetland or environmentally sensitive areas; and

c) No vehicle, pedestrian, or equestrian access shall be permitted within either the wetlands, environmentally sensitive habitat areas, and buffer areas, except for resource management, passive recreational uses and educational purposes. Access improvements shall be permitted only within the upper half of the required buffer.

3.1.2 Landscaping Requirements

Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscape plan that provides for the installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.

[6] California State Coastal Commission, Interpretive Guidelines, p. 4.

3.2 The wetland areas mapped by the State Department of Fish and Game shall be acquired by an appropriate management agency subject to the availability of funding. Methods of acquisition of those wetlands east of I-5 shall be thoroughly explored by the city, Coastal Conservancy, State Department of Fish and Game, and property owners. Methods to be considered shall include:

a) Acquisition through purchase by the Coastal Conservancy, Department of Fish and Game, or other appropriate State or Federal agency.

b) Acquisition through dedication in fee or through easement.

c) Acquisition through transfer of development rights, or development agreement.

3.3 Maintenance dredging and channel alteration must be performed in a manner consistent with the applicable sections of the Coastal Act. All dredging activities will require a permit from the Army Corps of Engineers with review by appropriate agencies, including the Department of Fish and Game, U.S. Fish and Wildlife, etc. In addition, a Department of Fish and Game 1601-03 permit may be required.

3.4 A program for monitoring the eel grass beds in the Inner Lagoon, for the purpose of determining the need for protective measures, shall be carried out by the Department of Fish and Game in consultation with the City of Carlsbad, prior to dredging of the middle or inner lagoons.

3.5 Wetlands mapping by the Department of Fish and Game shall be further analyzed to delineate degraded wetlands capable of restoration.

3.6 The implementation phase of the LCP shall include specific provisions for assuring protection of wetlands in the design of adjacent new development, including provision of adequate buffer areas, protective fencing, revegetation, etc.

3.7 Utility transmission and distribution facilities shall be allowed in wetland areas, provided that maintenance and construction of such improvements does not adversely impact environmentally sensitive areas and is consistent with Coastal Act Policies.

3.8 L and R Property

a) Beyond the south and eastern perimeter of the developable portion of the site an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. As a condition of development, the perimeter of the developable area shall be maintained/improved in a manner to prohibit uncontrolled access into the buffer area. Any landscaping, access control or other minor improvements in the buffer area shall be subject to the approval of the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.

b) The area beyond the developable portion of the property and buffer area shall be dedicated in fee or easement to the State Department of Fish and Game, Coastal Conservancy, State Lands Commission, or other appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.

3.9 A buoy system shall be constructed and maintained by the City of Carlsbad, restricting boat usage from the eastern end of the lagoon.

3.10 All development or uses within the 100-year floodplain shall adhere to the provisions of the Carlsbad Floodplain Zone Ordinance, except as specifically modified by this plan.

3.11 Upon adoption of the Agua Hedionda Plan, the City shall request the County Assessor to reassess properties designated as wetland or wildlife preserve areas. Reassessment should be based upon the exceptional development restrictions placed on such properties.

3.12 Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.

3-13 Protection of Sensitive Native Vegetation Areas

The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the Coastal zone.

The HMP has been prepared as part of the San Diego County Multiple Habitat Conservation Program (MHCP). The MHCP will establish a coordinated habitat preserve system to protect listed species and rare native vegetation while accommodating regional development needs. The HMP provides a comprehensive plan for creation and management of proposed preserve areas in the coastal zone, along with appropriate criteria for development requirements and delineation of development/preservation boundaries. The creation of an effective habitat preserve requires a careful balancing of acquisition, preservation and mitigation requirements, as well as enforceable monitoring, remediation and an adequately funded maintenance program for the preserve area.

Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, "(e)nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values…" Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as "any area in which plant of animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards contained in the HMP and identified in the policies below will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.

3-13-1.1 Habitat Management Plan

The document titled "Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda" (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December, 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.

3-13-1.2 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

3-13-1.3 Coastal Sage Scrub

Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.

3-13-1.4 Oak Woodland

An oak woodland is a closed to relatively open stand of trees within which a dominant tree species is a species of oak. In coastal southern California, that species is generally Coast Live Oak (Quercus agrifolia), which is commonly found on slopes and riparian situations. Shrubs vary from occasional to common, and the herb layer is often continuous and dominated by a variety of annual grasses.

3-13-1.5 Streams

A stream is a topographical feature with a clear bed and bank that periodically conveys water.

3-13-1.6 Ephemeral Drainages and Ephemeral Streams

Ephemeral drainages and ephemeral streams are topographic features that convey water, but only during and shortly after rainfall events in a typical year.

3-13-1.7 Wetlands

Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), 'wetland' means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. Wetland shall include land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.

Wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.

Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as provided in that Section.

3-13-1.8 Wetland Mitigation Requirements

If impacts to wetlands are allowed consistent with Policy 3-13-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.

3-13-1.9 No Net Loss of Habitat

There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of the habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-13-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.

3-13-1.10 Upland Habitat Mitigation Requirements

Where impacts to the habitats stated in 3-13-1.9 are allowed, mitigation shall be provided as follows:

a. The no net loss standard shall be satisfied as stated in 3-13-1.9. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ration of at least 1:1 as provided in the HMP.

b. Onsite preservation is not eligible for mitigation credit in the coastal zone except as provided in subsection g. below.

c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1 with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

e. Impacts to Southern Mixed Chaparral, Native Grassland and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1 and 3:1, with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

f. Mitigation for impacts within the coastal zone should be provided within the coastal zone, if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.

g. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include

weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.

h. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.

i. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies and the Coastal Commission. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. The preserve management plan shall be incorporated into the Implementation Plan of the LCP through and LCP Amendment within one year of Commission certification of the HMP as part of the certified LCP.

j. If any conflict should arise between Policies of the LCP and the provisions of the HMP, the LCP shall take precedence.

3-13-1.11 Highly Constrained Properties

There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:

a. If more than 80% of the property by area is conserved with ESHA at lease 75% of the property shall be conserved, OR

b. If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approved a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of onsite preservation as identified in the Hardline boundary shall apply.

3-13-1.12 Buffers and Fuel Modification Zones

Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:

a. 100 feet for wetlands

b. 50 feet for riparian areas

c. 20 feet for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland).

Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 feet between the riparian or wetland area and the toe of the slope. If the toe of the slope is less that 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.

Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.

No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for:

a. Fuel modification Zone 3 to a maximum of 20 feet for upland and non-riparian habitat. No fuel modification shall take place within 50 feet of riparian area, wetlands or oak woodland.

b. Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat, and that appropriate measures are taken for physical separation from sensitive areas.

Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.

3-13-1.13 Hardline Preserve Boundaries

The purpose of the standards listed above is to ensure that future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish viable habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the onsite preservation included in the Hardline preserve boundary shall apply.

3-13-1.14 Invasive Plants

The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.

3-14 Grading and Landscaping Requirements

In addition to the requirements of the City of Carlsbad Drainage Master Plan, permitted new development shall also comply with the following requirements:

a. Grading activity shall be prohibited during the rainy season: from October 1st to April 1st of each year.

b. All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.

c. The October 1st grading season deadline may be extended with the approval of the City Engineer subject to implementation by October 1st of special erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation. Extensions beyond November 15th may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit.

d. If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate best management practices (BMPs) are incorporated to limit potential adverse impacts from winter grading activities.

4. GEOLOGIC HAZARDS

- Coastal Act Policies

30253. New development shall:

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

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

- Discussion

This portion of the Land Use Plan addresses the need to regulate development activities in areas of geologic instability, or other potential geologic hazards. Geologic issues relative to the Agua Hedionda area include flood hazards, soil erosion, sedimentation, alteration of natural landforms, the regulation of grading, and development of steep slope areas.

The eastern end of the lagoon contains extensive flood plain areas. These are currently regulated through the City's Flood plain overlay zone, and are largely undeveloped except for agricultural uses.

Erodibility of soils, and the resulting sedimentation, are of concern to maintaining the lagoon ecosystem. The lagoon owes its present depth and configuration to the dredging and removal of 310,000 cubic yards of sedimentation in 1952 to 1954. The principal source of sedimentation in the lagoon is from beach sand entering the lagoon mouth. This impact is somewhat minimized by continued maintenance dredging of the outer lagoon. Soils having moderate to high erodibility characteristics are largely limited to floodplain areas to the east, and agricultural lands to the southeast.

Development activities, especially during the construction phase, are particularly vulnerable to erosion problems. Regulation of grading activities can mitigate many of the adverse impacts associated with construction. Developments which make provisions for minimal disturbance of natural landforms, drainage swales and steep slopes, will generally not require extensive engineered structures to control drainage and erosion. While engineered structures such as catchment basins, desilting basins, subsurface drains, etc., are often times effective in controlling excess runoff, careful provision must be made for the maintenance and management of such structures in order to assure long-term effective operation.

- Policies

4.1 a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage

Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

    1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
    2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
    3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
    4. Provide development-free buffer zones for natural water bodies.
    5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
    6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
    7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system.
    8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system.
    9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.

10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP

g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.

h. Priority projects will include projects increasing impervious area by more than 2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definition of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.

j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.

k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.

l. Projects within 200 feet of the Pacific Ocean shall be dealt with as "Projects Discharging to Receiving Water within Environmentally Sensitive Areas" as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%.

m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet, or discharging directly to an ESA, including the Pacific Ocean or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable.

n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas.

o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:

1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical).
2. Addition of new development categories as Priority Projects.
3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4. Reductions in the area of impervious surfaces used to designate a specific category of Priority Project.

p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

4.2 Additionally, grading permits in the plan area shall include the following mitigation measures:

- Avoidance of clearing operations in advance of grading;

- Limit grading to the minimum area necessary to accomplish the proposed development;

- Construction of drainage facilities prior to or concurrently with grading activities;

- Grading of surfaces so as to direct runoff toward planned drainages and, if possible, away from cut and fill slopes;

- Early planting and maintenance of ground cover suitable for slope erosion control and maximum retention of natural vegetation;

- Development projects shall preserve, as feasible, natural drainage swales and landforms.

4.3 Development projects shall provide for improvements indicated in the City of Carlsbad Drainage Master Plan, and shall limit the rate of runoff through the provision

of onsite catchment basins, desilting basins, subsurface drains, and similar improvements as necessary. Runoff shall be controlled in such a way that the velocity and rate of runoff leaving the site shall not exceed that of the site in its natural state.

4.4 Recognizing the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, development shall be regulated as follows:

a. Development on existing subdivided lots having all of their area in slopes of 25% or greater shall be permitted, but grading shall be limited to minimal site preparation for pole-type footings. Driveway/parking areas shall be limited in size and shall be restricted to an area adjacent to the local streets. Onsite vegetation shall not be disturbed beyond the minimal area needed to be cleared for the construction process, which shall be clearly delineated on approved site plans.

b . Development, grading and landform alteration of natural steep slope areas (25%) shall be avoided, when feasible. Any unavoidable disturbance shall be minimized to the extent possible. Exceptions may include encroachments by roadway and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable City regulations.

c . Use of the Planned Development (PD) mechanism and cluster development shall be required in areas containing environmentally sensitive resources, extensive steep slope areas and significant natural landform features.

5. PUBLIC WORKS

- Coastal Act Policies

30254. New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where development is inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, State, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

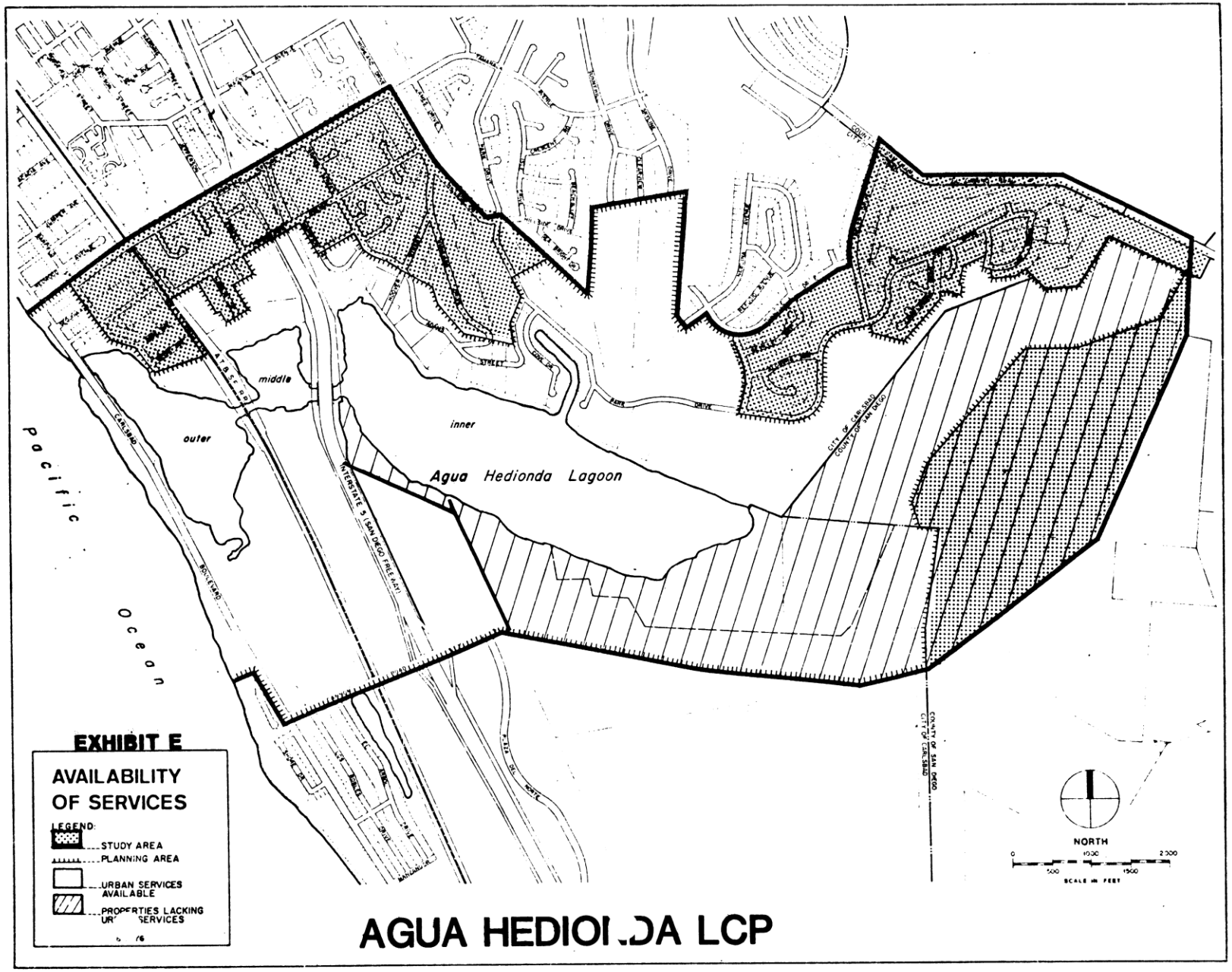
- Discussion

This portion of the land use plan analyzes the availability, and anticipated demand on public work systems. These include sewer, water, energy and circulation.

All currently vacant areas proposed by this plan for future development have water, sewer, and utilities available on, or immediately adjacent to, the site. Areas currently lacking major public works infrastructure include the south shore agricultural areas, and portions of the floodplain/wetlands located at the eastern edge of the lagoon. These areas are delineated on Exhibit E.

A major energy generating facility, the SDG&E power plant, is located in the southwest portion of the plan area. The current facilities were developed pursuant to a specific plan on file with the City of Carlsbad.

Circulation is a major public works concern in the Agua Hedionda area. Currently there is only one major arterial providing access from inland areas to Carlsbad beaches, Palomar Airport Road. Other east-west arterials include La Costa Avenue and the Vista Freeway, both located outside the Carlsbad city limits, and Cannon Road, a future street which has been identified by SANDAG as a regionally significant arterial, necessary to serve regional transportation needs. Traffic studies recently completed for a major development in east Carlsbad, outside the coastal zone, shows that traffic generated by three residential/ commercial developments will result in traffic volumes in excess of the ultimate roadway capacity on Palomar Airport Road. Development in the cities of Vista and San Marcos will generate even greater volumes of traffic, further aggravating the situation.



AGUA HEDIOI.DA LCP

Alternative alignments for the proposed Cannon Road extension, a planned major east-west arterial, were analyzed by the planning firm PRC Toups. This analysis was contained in the Carlsbad Local Coastal Plan prepared by Toups under contract with the State Coastal Commission. Exhibit F illustrates the four alignment alternatives considered in the Carlsbad LCP.

Toups addressed the Cannon Road impacts relative to visual quality, grading, service capacity, cost and property conflicts. The following table presents a numerical matrix of these issues:

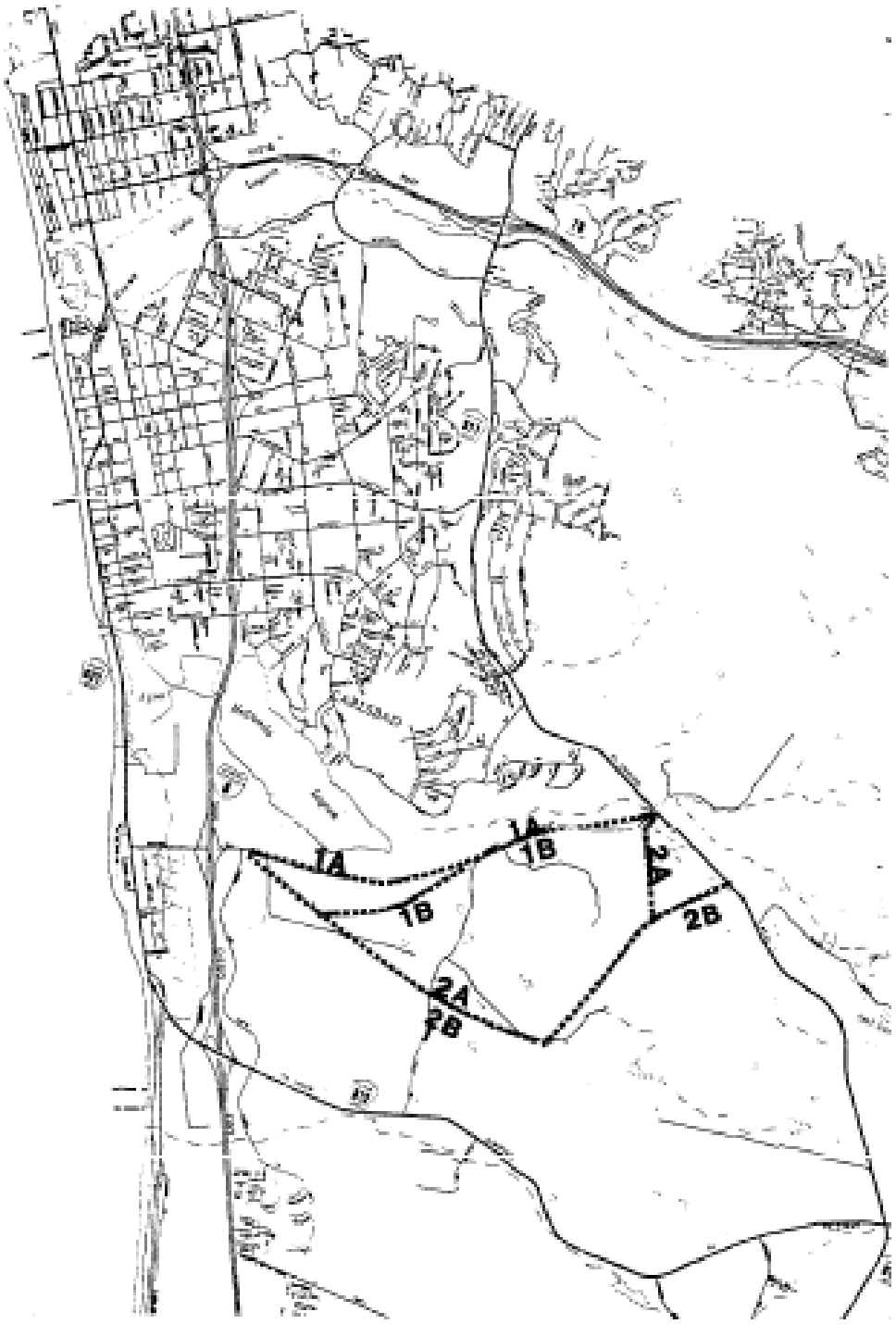
Cannon Road Extension Alternative Matrix

Comparison Alternative	1A	1B	2A	2B
Item				
Grading	4	5	2	3
Visual Impact	2	5	2	3
Service	5	5	3	3
Property Conflicts	5	4	2	3
Cost	4	5	2	3
Other Environmental Impacts	5	5	3	3
TOTAL	25	29	14	18

Toups recommends Cannon Road alignment 1-B as the most reasonable, and least environmentally disruptive alternative. The 1-B alignment is less costly, will result in less grading and provide a greater level of service than the other alignment alternatives.

Policy 5.8 of this plan sets environmental design constraints on the construction of Cannon Road. The language in this policy was drafted by Coastal Commission staff, and approved by the City and Commission negotiating team representatives. Policy 5.8 was articulated in a letter from Coastal Commission Deputy Director of Land Use, Bob Brown to the State Department of Fish and Game (see attachment 3, P. 54). In this letter, the Coastal Commission further clarified its position regarding the construction of Cannon Road as follows:

> "The Commission staff's interpretation of the above stated language is that Cannon Road can, with adequate mitigation, be permitted, but only if it does not encroach on wetland areas as defined in Section 30121**.** However, former wetland areas which are currently and have been historically farmed, or small wetland areas physically removed from the main lagoon complex by existing roads and which are less than an acre in size, could be encroached upon for construction of Cannon Road. Any such encroachment would ultimately be based on a finding by the Commission that there is no feasible less environmentally damaging alternative to the proposed Cannon Road alignment and that the Department of Fish and Game concurs with the alignment and proposed mitigation. Clearly, it would be the Commission staff's position that final road alignment would have to meet the criteria set forth in subheadings "b" and "c" noted above. We would expect, if an environmentally feasible alignment is possible, that such mitigation measures as special construction techniques (e.g., piling supports where encroachment on existing or former wetland areas occurs), marsh restoration, open space dedications, desilting basins, etc. would be made a part of the proposed road construction."



AGUA HEDIONDA LCP

EXHIBIT F
CANNON ROAD
ALLIGNMENT ALTERNATIVES*

*(1b is the recommended allignment)

Internal circulation in the plan area is provided by local collector and residential streets. Most local streets in the plan area are limited in capacity, being generally narrow, and in many cases have numerous curves, providing limited on-street parking.

- Policies

5.1 All new utility systems shall be placed underground as feasible and commonly practiced.

5.2 Parking standards set forth in the Carlsbad Zoning Ordinance, shall be applied to future developments.

5.3 Parking shall be discouraged on arterial and collector streets.

5.4 The street system for the plan area shall be constructed as indicated in Exhibit G.

5.5 Proposed residential development subject to street or Highway noise in excess of 60 dB shall be subject to an investigation by a qualified acoustician. This investigation shall recommend specific mitigation measures.

5.6 The extension of Kelly Drive, proposed in the original Specific Plan, has been deleted. If it is determined that an additional access is needed for circulation in residential areas and/or to facilitate emergency access, a local street connecting the Laguna Riviera subdivisions to El Camino Real may be permitted. Construction of the access will involve no filling of wetlands or adverse impacts on adjacent environmentally sensitive areas.

5.7 The Neblina Drive extension shall be allowed if it can be demonstrated that construction of the project could proceed without significant short or long term adverse impacts on the resources of the area. The following conditions shall be fulfilled prior to approval of the road extension, subject to the approval of the City Engineer and the District Director of the San Diego Office of the State Coastal Commission:

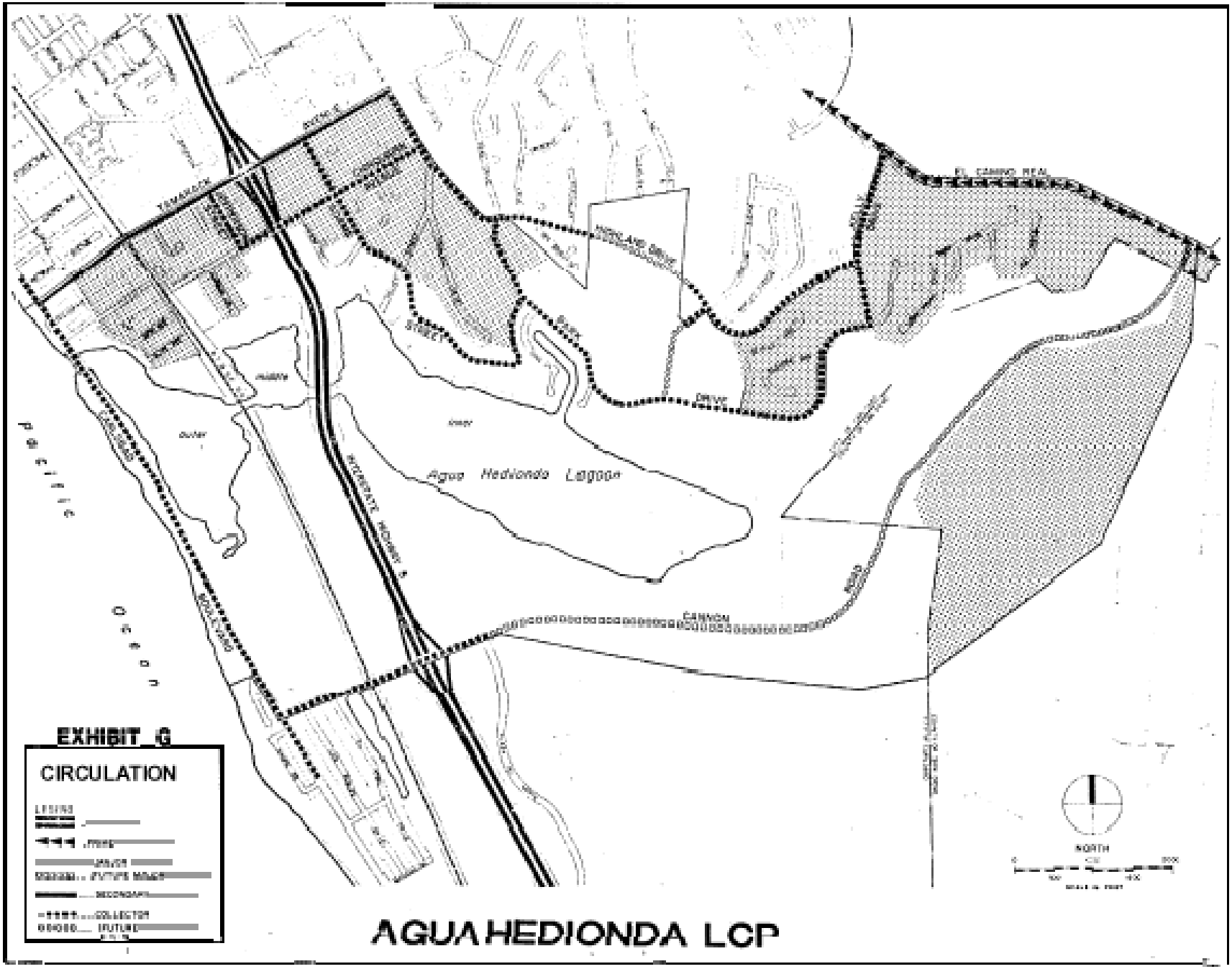


EXHIBIT G
CIRCULATION
Agua Hedionda Lagoon
Pacific
Ocean
NORTH
AGUA HEDIONDA LCP

a) A runoff control plan prepared by a licensed engineer qualified in hydrology and hydrolics demonstrating/ that there would be no significant increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of 6 hour, lo-year frequency storm. Runoff control may be accomplished by a variety of methods including such devices as catchment basins, detention basins, siltation traps, or other appropriate measures.

b) Development approvals shall include detailed maintenance provisions for repair and maintenance of approved drainage and erosion control facilities. Permanent runoff control and erosion control devices shall be installed prior to or concurrent with onsite grading activities.

c) Development shall meet all other requirements of this plan, including the provisions of the City of Carlsbad Grading Ordinance and Drainage Master Plan.

5.8 The conceptual alignment recommended by PRC Toups (alignment 1-B) for Cannon Road shall be incorporated into this plan (see Exhibit G). In developing the precise alignment of the proposed roadway, the following design criteria and environmental protection measures shall apply:

a) No portion of the road construction shall involve filling or dredging of fresh or saltwater marsh wetlands, except as noted in the letter from the Coastal Commission to the State Department of Fish and Game (2/17/82; Attachment 3, P. 56).

b) To the extent that any portion of the road construction would occur in or adjacent to an environmentally sensitive habitat area other than a wetland, the road shall be sited and designed to prevent impacts which would significantly degrade such areas, shall avoid significant disruption of habitat values, and shall be sited and designed to be compatible with the continuance of habitat values.

c) To the extent that there are no feasible less environmentally damaging alternatives and the road as designed would nonetheless result in adverse impacts to environmentally sensitive habitat areas, such impacts shall be fully mitigated in accordance with the recommendations of the State Department of Fish and Game.

d) To protect agricultural lands from the growth-inducing potential of the project, no agricultural lands shall be assessed for construction of the road, and the road shall be designed so as to avoid uncontrolled access into adjacent agricultural areas.

5.9 Public works improvements shall be provided as follows:

a) Development shall occur in an orderly fashion, with infill properties in the urbanized area (Exhibit H) receiving priority over urban fringe or outlying properties.

b) Properties having the greatest availability and proximity to urban services shall be given priority for development.

c) Dedication of easements and provisions for funding all public improvements required by this plan and other City plans and ordinances, shall be a requirement for new development. Improvements shall include utility extensions, roadways, bicycle and pedestrian access designated viewpoints, and any other public improvements necessary to accommodate the proposed development. Public access trails to and along the lagoon shall be provided consistent with the Pedestrian Access Plan (Exhibit J) where feasible, in consultation with the Department of Fish and Game. Public access, and parking on interior streets shall be required as a condition of coastal development approval at the subdivision stage either through a public street system, public access easements or deed restriction. No private gated communities which preclude the general public from parking and accessing public trails along the lagoon shall be permitted.

5.10 Water Quality

All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board (Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.

In addition the following shall apply:

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:

Residential Development

Development plans for, which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance

with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

a. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;

b. Use porous materials for or near walkways and driveways where feasible;

c. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways.

d. Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in non-erosive manner.

e. Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal).

f. The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.

Parking Lots

Development plans for, or which include parking lots greater than 5,000 sq. ft. in size and/or with 25 or more parking spaces, susceptible to stormwater, shall:

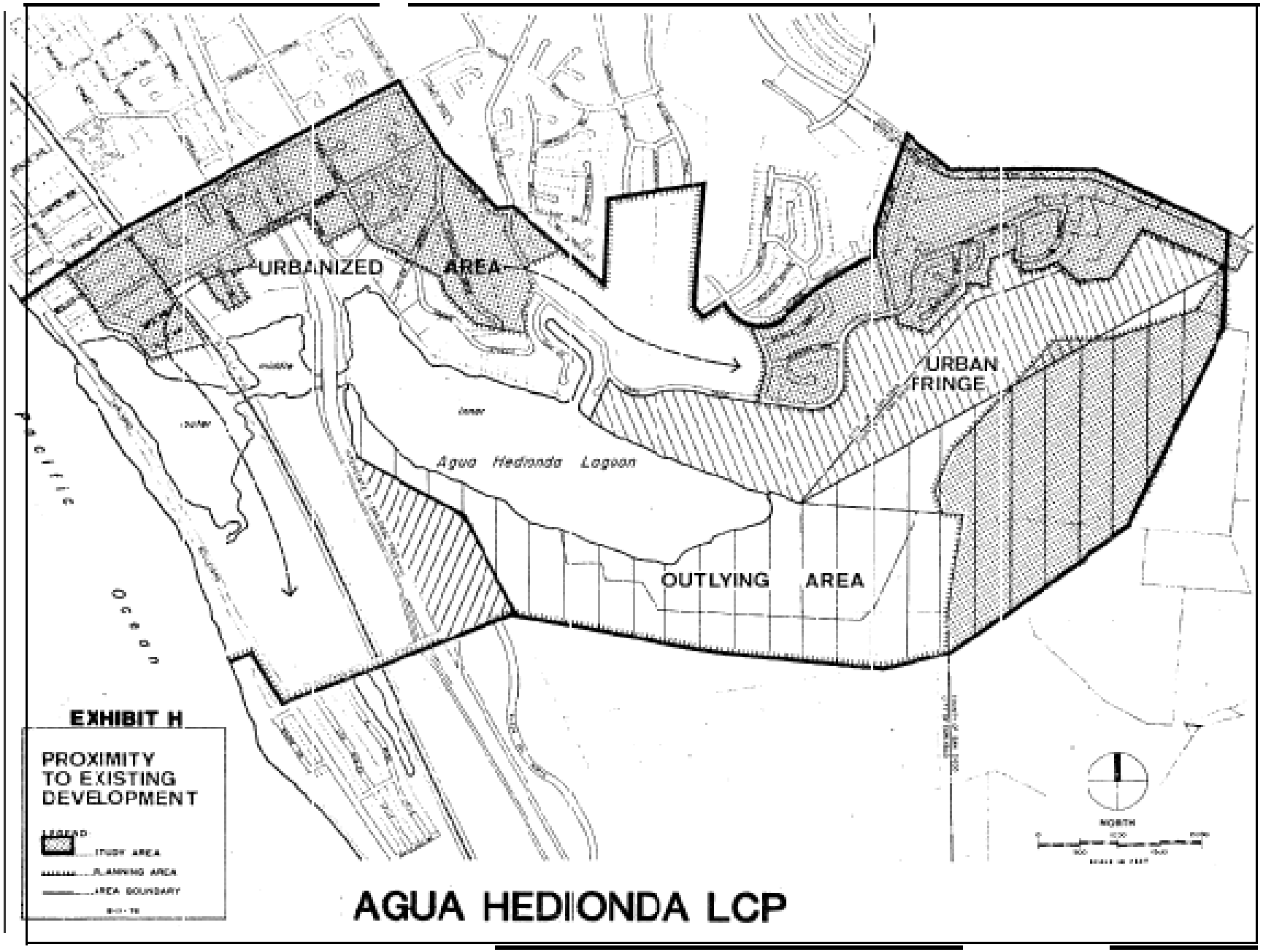
a. Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination thereof. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Practices Handbooks (Commercial and Industrial).

All Development

a. A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs;

b. A landscape management plan that includes herbicide/pesticide management.

Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of coastal development permit approval at the subdivision and/or development stage, as appropriate.


URBANIZED AREA
URBAN FRINGE
Agua Hedionda Lagoon
OUTLYING AREA
Pacific Ocean
EXHIBIT H
PROXIMITY TO EXISTING DEVELOPMENT
LEGEND
STUDY AREA
PLANNING AREA
AREA BOUNDARY
NORTH
AGUA HEDIONDA LCP

6. RECREATION AND VISITOR-SERVICING FACILITIES

- Coastal Act Policies

30212.5 Wherever appropriate and feasible, public facilities including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

30213. (in part) Lower cost visitor and recreation facilities … shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

30220. Coastal areas suited for water-oriented recreational facilities that cannot readily be provided at inland water areas shall be protected for such uses.

30221. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

30222. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

30223. Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

30224. Increased recreational boating use of coastal waters shall be encouraged in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas and in areas designed by dry land.

- Discussion

The Agua Hedionda Lagoon area provides a wide range of active and passive recreational activities. The beaches located at the mouth of the lagoon are among the most heavily used in the City. The outer lagoon is used for fishing, the middle lagoon provides swimming and sailing activities and is the site of the YMCA aquatic park. The inner lagoon provides private and semi-private boat and docking/launching facilities, and major activities include boating and waterskiing.

Major boating facilities include Snug Harbor and Whitey's Landing, both located on the north shore of the inner lagoon. All three lagoon areas provide passive activities such as walking, hiking, wildlife observation and informal viewpoints.

- Policies

6.1 Whitey's Landing and Snug Harbor shall be designated for continued recreational-commercial use. Expansion of existing facilities at these locations shall be encouraged (Exhibit "B").

6.2 Construction of private docks, boat storage and launching facilities shall be subject to approval by the U.S. Army Corp of Engineers, the State Department of Fish and Game, the City of Carlsbad and the California Coastal Commission, consistent with Coastal Act Policies.

6.3 The SDG&E agricultural conversion property adjacent to the I-5 freeway, shall be designated Travel Services. This will allow for 45 acres of additional visitor-serving commercial uses.

6.4 If demand for boating/launching facilities cannot be accommodated by existing development, and it can be demonstrated that the lagoon will not be adversely affected by additional boating access and is consistent with Coastal Act Policies, the City should develop public or joint public/private boat facilities in the area of Hoover Street.

6.5 The Encina fishing area on the outer lagoon should be maintained as a public activity area.

6.6 If boating activities on the inner lagoon reach such a high level of use that public safety is endangered or the lagoon ecosystem is being adversely impacted, the City may act to restrict maximum carrying capacity, reduce maximum speeds and limit the horse-power of boats.

6.7 The present recreational uses of the lagoon shall be maintained and where feasible, expanded.

7. SHORELINE ACCESS

- Coastal Act Policies

30210. In carrying out the requirement of Section 2 of Article XV of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

30211. Development shall not interfere with the public's right of access to the sea where acquired through use, or legislative authorization, including, but not limited to, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation.

30212. Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated access ways shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the access way. Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Section 66478.1 to 66478.14, inclusive, of the Government Code and by Section 2 of Article XV of the California Constitution.

30212.5 Wherever appropriate and feasible, public facilities including parking areas or facilities shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

- Discussion

Public access to, and along the coast, is a basic requirement of the Coastal Act. Access is generally referred to as lateral (along the shoreline or blufftops) and vertical (access from a public road or easement to the shoreline). Access ways may consist of bike trails, hiking trails, viewpoints, stairs, parking areas, public transit and relevant support facilities.

The public's rights of access to the water areas can partially be provided for by existing utility easements and leasehold interests (i.e., sewer, water) held by the City. The Land Use Plan calls for additional vertical and lateral access ways to be acquired either through agreements with the property owners or as conditions of approval for development.

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the

adjacent mudflats should also be protected from uncontrolled access, except as needed for management/maintenance activities.

The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

Primary bicycle routes currently developed include designated routes along El Camino Real and Carlsbad Boulevard. The coastal route along Carlsbad Boulevard is part of a regional bikeway providing continuous bicycle access from Oceanside, south to Del Mar.

- Policies

7.1 Bicycle routes, and accessory facilities such as bike racks, benches, trash containers and drinking fountains shall be installed at the locations indicated on Exhibit I.

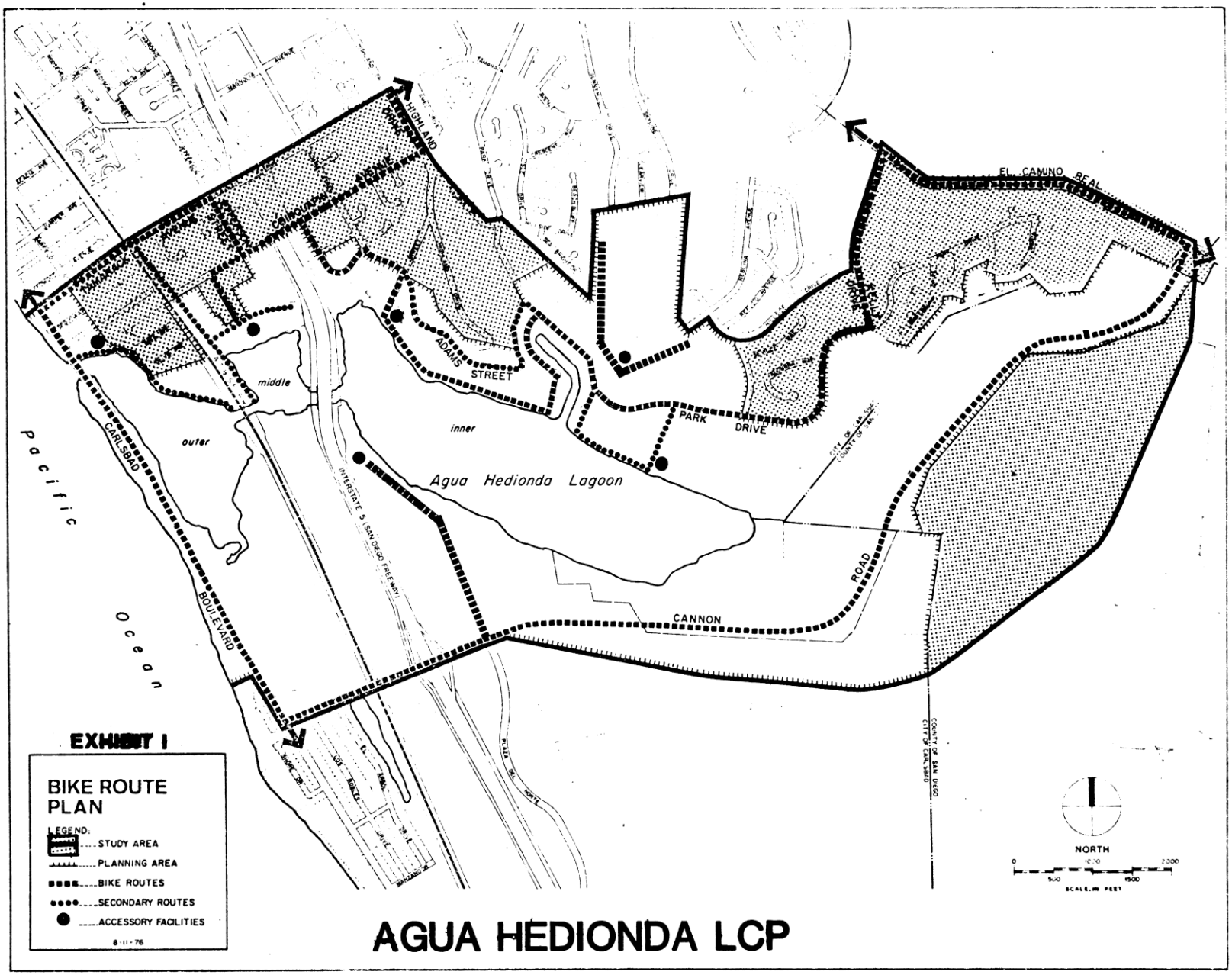
7.2 Pedestrian access ways shall be located as shown on Exhibit J.

7.3 All pedestrian trails shall be constructed to a minimum width of 5 feet. Combination bicycle/pedestrian trail shall be a minimum 10 feet wide.

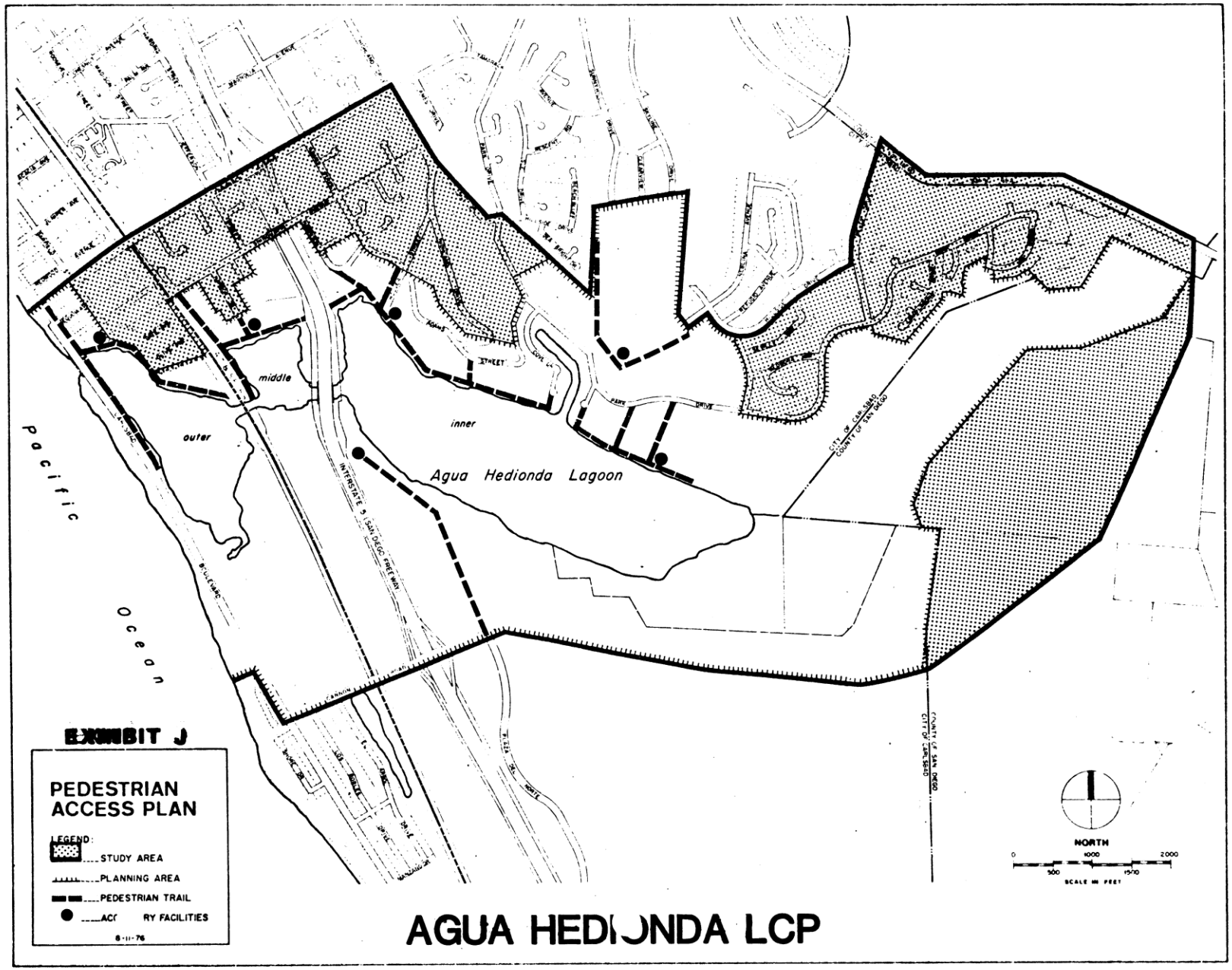
7.4 Vertical pedestrian access easements shall be a minimum 10 feet in width. Combination bicycle/pedestrian easements and lateral easements shall be a minimum 25 feet in width.

7.5 Bike route and pedestrian improvements shall be financed according to the following criteria:

(1) Routes through established neighborhoods such as Carlsbad Boulevard and Tamarack Avenue shall be financed with City, State or Federal funds.



AGUA HEDIONDA LCP



AGUA HEDIONDA LCP

(2) Routes adjacent to undeveloped properties shall be constructed at the expense of the developer at the time of development, or may be constructed by the City, subject to the availability of funding.

7.6 Access to and along the north shore of the lagoon shall be made continuous, to the maximum extent feasible, and shall be provided as a condition of development approval for all shorefront properties. All access ways shall be designed in such a manner as to allow for reasonable use by any member of the general public, and shall be designed to accommodate bicycle as well as pedestrian use. Access ways under the railroad and I-5 bridges may be designed for pedestrian use only, if bicycles could not feasibly be accommodated. If the City of Carlsbad cannot provide access under the two bridges through its best efforts, such access shall be required only if funding assistance is forthcoming from the Coastal Conservancy or other public or private source and the relevant agencies (Caltrans and the railroad company) have given the necessary approvals.

7.8 Design of Access Easements, Buffer Areas, and Adjacent Development

All access ways should be designed to enhance recreational use**,** and should include adequate open spaces for light and air, adequate signing, inviting design, and provision of adequate buffer areas and buffer landscaping to minimize conflicts with adjacent private property. All lateral public access easements shall be at least 25 feet in width landward of the mean high tide line, unless infeasible due to extreme topographic limitation. The portion of the easement which is actually developed for access purposes may be less than the complete 25-foot width, provided that the developed area is sufficient to reasonably accommodate anticipated access demand. To meet these objectives, the following design criteria shall apply to all structures proposed to be located within 100 feet of any access easement or other public recreational use area:

a) All portions of such structures shall be set back from the point nearest any public use area a distance equivalent to twice the height of the structure above finished grade; and

b) New development shall provide landscaping adequate to minimize visual intrusion upon public use areas.

7.9 Access Signing

All public use areas shall be clearly identified through a uniform signing program, to be carried out by the City of Carlsbad or as a condition of individual private developments. Signs or other devices on public or private property which might deter use of public access areas shall be prohibited within the Agua Hedionda Plan area.

7.10 Bristol Cove

To minimize potential traffic conflicts development in Bristol Cove should discourage parking design which necessitates backing out into the street. A single driveway with adequate onsite turning area would contribute to traffic safety, and would also permit enhancement of the visual aesthetics of the area by providing room for buffer landscaping.

7.11 "Pannonia" Property

To achieve consistency with Sections 30221 and 30252(b) of the Coastal Act, design of a residential subdivision on the Pannonia property shall preserve the bluff face and provide for a landscaped recreational access way around the south and west perimeter of the blufftop. Such a trail shall be of adequate width and designed to facilitate public use for bicycling, strolling and other passive recreational purposes.

7.12 Public transit availability shall be provided as follows:

a) As land within the Specific Plan area develops, the North County Transit Company bus system should be expanded to provide optimum levels of service.

b) Future street systems within the Specific Plan area shall be constructed in a manner which can accommodate the public bus system.

c) Accessory facilities, such as bus turnouts, shelter and benches shall be provided at key locations along the existing and future bus routes.

7.13 Informal vertical beach access through the SDG&E beach front property should be improved and dedicated to the appropriate management agency (i.e., City of Carlsbad, Coastal Conservancy or State Department of Parks and Recreation).

8. VISUAL RESOURCES AND HISTORIC PRESERVATION

- Coastal Act Policies

30244. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

30251. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

30253.(5**)** New development shall: Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

- Discussion

The Agua Hedionda Plan area affords a multitude of excellent views and vistas. The lagoon itself can be viewed from most locations within the plan area, and several north shore properties provide vistas of the lagoon and ocean. Carlsbad Boulevard provides for unobstructed views of the ocean and outer lagoon, and Adams Avenue on the north shore provides sweeping vistas of the inner lagoon and south shore agricultural areas.

There are no historic structures in the area, but there are several significant archaeological sites. Indian history around Agua Hedionda Lagoon dates back more than 9,000 years and represents the best known example of the transition from a game hunting culture to a shell fish and plant gathering economy. Indian middens and campsites around the lagoon have attracted considerable archaeological interest, although a number of the sites have not been thoroughly examined and documented. The Agua Hedionda Environmental Impact Report contains an analysis of archaeological sites, and site-specific mitigation measures. These have been incorporated into this plan, and are contained in Attachment 2.

Park Drive, Adams Avenue, Carlsbad Boulevard and El Camino Real have been designated as potential scenic roadways in the Carlsbad General Plan. These roads will be subject to special landscape provisions and design criteria.

- Policies

8.1 Park Avenue, Adams Avenue and Carlsbad Boulevard are designated as scenic roadways. Development adjacent to these roads shall maintain a minimum 20-foot landscaped buffer between the street and parking areas. Required landscaped setbacks may include sidewalks and bikeways, but shall not include parking areas. Parking

areas shall be screened from the street utilizing vegetation, tree forms, and berms, as appropriate.

8.2 Special vista points and viewing areas shall be preserved, and made available to the public, as indicated on Exhibit K.

8.3 Development located adjacent to scenic roadways, or located between the road and shoreline, shall be regulated as follows:

a) Where a significant elevation difference (e.g., 35 feet) exists between the shoreline and the first parallel public road, as in the case of Hedionda Point and Snug Harbor, no portion of a structure in the intervening area shall be permitted to exceed the elevation of the roadway.

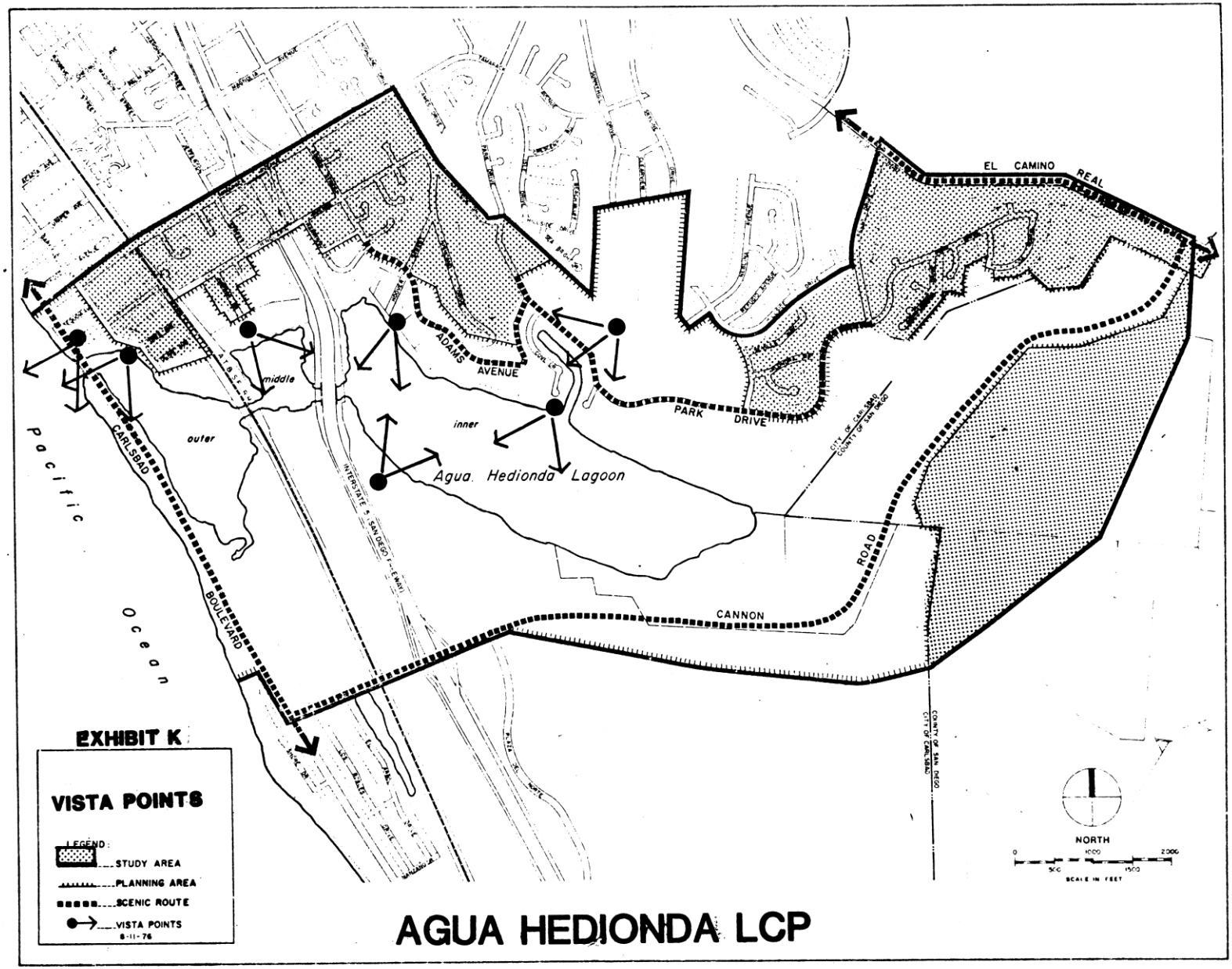
b) Where no significant elevation difference exists between the shoreline and the first parallel public road, permitted development in the intervening area shall provide a view corridor, of a width equivalent to at least one-third of the road frontage of the parcel, which shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable view line from vehicles passing on the public road.

c) On all property adjoining the shoreline, permitted development shall be designed to "step down" in height, to avoid casting shadows on shoreline areas and to produce a perceived transition from open space areas to developed areas; and

d) Any development proposed to be located on or near a significant landform (e.g., Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variation of roof lines to complement the topography.

e) Any residential subdivision on Planning Area A shall be designed to preserve natural landforms and shall provide a public view corridor at the western property line of sufficient width to preserve the existing view towards the lagoon in that location. At least one additional view corridor shall be provided across the central portion of the site, such that the total width of at least two view corridors is not less than 200 feet. The public view corridor(s) shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor shall be secured through deed restriction or easement as a condition of subdivision approval.

8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.



AGUA HEDIONDA LCP

8.5 Archaeological sites in the plan area shall be preserved or excavated as provided in Attachment 2.

8.6 The regulation of signs shall be in accordance with the Carlsbad Zoning Ordinance. Additionally, no freestanding, roof or pole signs shall be permitted. Commercial uses shall provide wall or monument signs.

8.7 To achieve consistency with Sections 30221 and 30252(b) of the Coastal Act, design of a residential subdivision on the Pannonia property shall preserve the bluff face and provide for a landscaped recreational access way around the south and west perimeter of the blufftop. Such a trail shall be of adequate width and designed to facilitate public use for bicycling strolling and other passive recreational purposes.

ATTACHMENTS

ATTACHMENT 1

1. CHRONOLOGY OF EVENTS RELATING TO AGUA HEDIONDA SPECIFIC PLAN

December 2, 1975. City Council hearing. Carlsbad City Council endorses preparation of Agua Hedionda Specific Plan (AHSP).

January 1, 1976. Coastal Commission allocates $16,000 grant to City for preparation of Agua Hedionda Specific Plan.

February 3, 1976. City Council hearing. City Council approves agreement between City and Coastal Commission for preparation of Agua Hedionda Specific Plan.

June 6, 1976. Draft Environmental Impact Report (EIR) completed.

June 8, 1976**.** Draft EIR circulated for public review and comment.

August 4, 1976. Draft EIR completed.

August 11, 1976. Agua Hedionda Specific Plan completed. Planning Commission public hearing. No action taken.

August 18, 1976. Special Planning Commission hearing on Specific Plan and EIR. No action taken.

August 25, 1976. Planning Commission hearing; public comment received on Agua Hedionda Specific Plan and EIR. No action taken; item continued.

September 8, 1976. Planning Commission public hearing. No action; item continued.

September 20, 1976. Planning Commission public hearing. No action; item continued.

October 13, 1976. Planning Commission public hearing. Recommended certification of EIR and approval in concept of Specific Plan.

October 26, 1976. City Council hearing. Discussion and public input regarding Agua Hedionda Specific Plan and EIR. No action taken; item continued.

November 6, 1976. City Council hearing. Discussion of Agua Hedionda Specific Plan. No action taken; item continued.

November 13, 1976. City Council hearing. Discussion of Agua Hedionda Specific Plan. No action taken; item continued.

November 23, 1976. City Council hearing. Staff directed to prepare final draft of Agua Hedionda Specific Plan. No action taken.

December 7, 1976. City Council hearing. Staff directed to provide additional information. No action taken.

December 21, 1976. City Council hearing. City Council certified Agua Hedionda EIR, approved Agua Hedionda Specific Plan in concept, and directed staff to forward Council recommendation to Coastal Commission.

May 20, 1977. Agua Hedionda Specific Plan submitted to Coastal Commission.

October 6, 1977. Regional Coastal Commission accepts Agua Hedionda Specific Plan for processing.

October 28, 1977. Regional Commission hearing. Commission staff identifies major issues. Commission staff directed to contact State Lands Commission regarding public trust issue. No action taken.

November 11, 1977. Regional Commission hearing. Final Commission staff recommendations presented. No action taken.

December 16, 1977. Regional Commission hearing. Commission staff recommends adoption of Agua Hedionda Specific Plan with 23 conditions of approval. No action taken.

December 23, 1977. Regional Commission hearing. Commission approves Agua Hedionda Specific Plan with 23 conditions of approval (including modifications to Commission staff recommendation).

January 6, 1978. Regional Commission approval of Agua Hedionda Specific Plan with conditions forwarded to State Commission.

February 8, 1978. City Council hearing. Staff directed to transmit letter to State Commission appealing several of the conditions imposed by the Regional Commission.

February 14, 1978. State Commission hearing. Substantial issues (issues which may conflict with the Coastal Act) identified. No action taken.

March 14, 1978. State Commission hearing. No action taken.

April 18, 1978. State Commission hearing. Commission staff recommends approval of Agua Hedionda Specific Plan, with conditions. No action taken.

May 15, 1978. State Commission hearing. Commission certifies Agua Hedionda Specific Plan with 31 conditions of approval.

June 12, 1978. State Commission action on Agua Hedionda Specific Plan transmitted to City.

February 27, 1979. City Council hearing. Council reviews Agua Hedionda Specific Plan conditions of approval.

March 3, 1979. City Council hearing. Council establishes position on Agua Hedionda Specific Plan conditions of approval.

March 8, 1979. City Council's position on Agua Hedionda Specific Plan conditions, and proposal to establish a negotiating committee forwarded to State Commission.

June 5, 1979. City Council hearing. Council selects two members, Mayor Packard and Councilwoman Casler, to represent City on Agua Hedionda Negotiating Committee.

July 6, 1979. Negotiating Committee, including City and Coastal Commission staff are representatives, meets in Carlsbad.

August 15, 1979. Members of City and State Commission staff meet in Carlsbad. Commission staff to redraft conditions of approval pursuant to City/Commission discussion.

November, 1979. Revised conditions of approval sent to State Commission for review. State Commission staff informs Regional Commission staff that redraft is unacceptable.

March 26, 1980. Members of City and Regional Commission staffs meet in Carlsbad. Tentative agreement made on majority of Agua Hedionda Specific Plan conditions of approval.

April 9, 1980. Revised conditions of approval transmitted to City from Regional Commission staff.

June 30, 1980. Members of City, State and Regional Commission staff meet in Carlsbad. Commission sends new staff representatives, and articulates new position on conditions of approval. Conditions of April 9, 1980**,** reviewed, and issues requiring further negotiation were identified.

July 22, 1980. Members of City, State and Regional Commission staff meet in San Diego. Agua Hedionda Specific Plan conditions, redrafted by State Commission staff, were reviewed.

November 20, 1980. Members of City, State and Regional Commission staffs, and Negotiating Committee representatives meet in San Diego. State Commission staff to redraft conditions per negotiating committee discussion, and transmit to City.

December 18, 1980. City receives State Commission staff redraft of Agua Hedionda Specific Plan conditions of approval.

September, 1981. City staff begins redraft of Agua Hedionda Specific Plan, incorporating City Negotiating Committee position on conditions of approval.

ATTACHMENT 2

2. ARCHAEOLOGY**:** MITIGATION MEASURES

The aboriginal resources located within the Agua Hedionda Lagoon Area are all that remain of a once extensive hunting and gathering population which once occupied coastal Southern California. Studies by Dr. Malcolm Rogers (1920-1965), Dr. James Moriarty (1966), Claude Warren (1967), and R. Kaldenberg and Dr. Paul H. Ezell (1974) indicate, that a static population existed along coastal San Diego County at least as early as 9030+200 B.P. (Moriarity 1967). This population seems to have originated in Eastern California (Willey 1966) or the great basin (Davis 1973) and migrated into a pristine, unoccupied coastal area. Different theories as to the exact route these people traversed when they came to dominate San Diego County are available (Rogers 1939, Rogers 1945; Von Werlhof 1975). Since archaeology is yet in its formative period locally, we are able only to hypothesize the relationship between landforms, land use, and paleoethnic travel and trade routes. What is known is that groups of people lived at major sites along the San Diego coast, exploited the estuarine resources, and eventually the resources were depleted. At that time (7000 B.P.) an adjustment process occurred where the local groups had to readapt to a changing economic/resource situation.

All of the sites along Agua Hedionda contain scientific data of extreme value to scientists in understanding this adaptive process. New techniques and other scientific methods currently employed in San Diego County will enable scientists to reinterpret and perhaps explain techno-environmental change in San Diego County. Prehistorians such as Ezell (1975), Moriarty (1975), Leonard (1975) and Warren (1975**)** all believe that sites found along Agua Hedionda and Batiquitos Lagoons are of such an enormous scientific value that careful controlled excavation and mitigation is necessary.

Impacts. Since the plans for the Agua Hedionda Study are in formative stages, the exact impact of development to each archaeological resource cannot be assessed. However, it can be stated that any land alteration in the form of grading, intensive brushing or leveling in the vicinity of any of the archaeological sites will adversely impact these resources. All of the sites located in this project area are subsurface site, which contain an abundance of cultural materials. These may include human burials which are protected under The California Health and Safety Code, Section 8100 and the California Penal Code, Section 602, Chapter 1299. Section 7052 of the California Health and Safety Code make the destruction of even an unmarked cemetery a felony. Therefore caution is necessary when considering any impact to the subsurface sites. According to the more recent Mendocino County decision, six burials constitute a registered legal cemetery and any attempt to remove even prehistoric remains without an appropriate permit would be construed as "grave robbing." Extreme legal and scientific care must be taken in the event any human remains are found, Site AH-5 is the only site on the subject property where it seems unlikely any human remains may be unearthed. This is largely due to past land alteration activities and not to prehistoric site functions or locations.[7]

[7] Source: Agua Hedionda Environmental Impact Report, City of Carlsbad, June, 1976, p. 72-75.

Mitigations

A. Sites SDM-W-132, SDM-W-132A, and UCLJ-M-15 are sites of MAJOR scientific import and therefore the following courses of action are suggested:

1. Perform a systematic posthole series on the site to determine the exact vertical and horizontal extent of the site.

2. Conduct a five percent text excavation manually at the site employing a research design which will allow new and valid scientific information to be generated as a result of the work. The units should be selected at random.

3. Conduct Cl4 tests on the site during excavation (one sample from W-132A and AH-4 have been submitted to UC Riverside).

4. Conduct palynological studies.

5. Prepare an analysis for the scientific community.

If the information from the site is found to be so extensive or so important and quantitative that a five percent test will not mitigate the impact, then a complete fifteen percent salvage excavation--or greater--will be recommended. If, on the other hand, the site is found to be yielding repetitive information, then no additional excavation would be recommended.

B. Site Agua Hedionda Number 4 is considered to be of moderate scientific import and therefore suggests that the following course of action be taken:

1. Prepare a radial posthole series to determine the site's subsurface boundaries and map and collect all surface artifactual material. All archaeological work should be photo-documented.

2. A minor investigation of one-half of one percent of the subject archaeological site should be scientifically excavated prior to development to determine the scientific value of the site.

3. If the one-half percent test excavation shows the subject archaeological resources are limited to shallow and/or disrupted midden, then no further excavation would be recommended. If the site is proven to contain concentrated archaeological deposits, then a five to fifteen percent subsurface excavation may be recommended.

C. Sites AH-5 and SDi 209 have been severely impacted by the construction of Park Drive (Avenue) and are therefore considered to be of Minor scientific importance. The recordation of these sites as a result of this report mitigates any impacts.

D. Sites RAH I, RAH II, and RAH III have been mitigated by an archaeological survey conducted for Rancho Agua Hedionda.

E. Sites SDM-W-130 and SDM-W-131 have not been studied for site significance, therefore mitigation (B) should be followed.

F. Sites SDM-W-121, SDM-W-126, SDM-W-127 and SDM-W-127a should be studied for site significance. Once a determination is made, appropriate mitigations as outlined in this section should be followed.

G. The value of these sites lies in the recovery of the scientific information contained within them.

1. Reports. For all archaeological investigations, a report for the public record containing the results of the investigation should be prepared and submitted to the appropriate agency.

2. Disposition of Artifacts and Field Notes. All artifacts and appropriate field notes resulting from any mitigating measures should be deposited with a public institution or displayed in an appropriate area on the subject property.

3. Qualified Archaeologist. All archaeological work should be conducted by an archaeologist qualified by the City of Carlsbad, the County of San Diego, and/or the governing board of the Society for California Archaeology.

H. An alternative to the excavation of the sites would be the development of a plan which would allow for the physical preservation of the sites. Methods of preservation could include:

1. Placing five feet of fill over the sites and using them as open space.

2. Placing a chain link fence around the sites to protect them from the curious.

3. Designing the project so the sites will remain green area and access would be limited.

4. Placing the sites in open space easements.

Preservation would allow for the site to be available for scientific research to future scholars with a demonstrated "need to know." This would be a positive scientific action.

State of California, Edmund G. Brown Jr., Governor

California Coastal Commission
631 Howard Street, 4th floor
San Francisco, California 94105
(415) 543-8555

ATTACHMENT 3

February 17, 1982

Earle Lauppe
California State Department of Fish and Game
350 Golden Shore
Long Beach, California 90802

Subject: Evaluation of Cannon Road Realignment - City of Carlsbad

Dear Mr. Lauppe:

It is my understanding that you desire additional information as to the position of Commission staff with regards to the alignment of Cannon Road proposed by the City of Carlsbad. As you are aware, the Commission has taken the posture in their action on the Agua Hedionda Specific Plan, several years ago, that Cannon Road could not be approved as consistent with Coastal Act policies due to its encroachment onto the wetland area adjacent to Agua Hedionda Lagoon.

Since the time of the Commission's original action on the Agua Hedionda Specific Plan, a negotiating committee comprised of several City Council members and several Coastal Commission members has met and determined that the following language regarding Cannon Road is appropriate, subject to full Council and Commission approval:

Proposed "Cannon Road" Extension - The conceptual alignment of Cannon Road as shown on the draft land use map for the Carlsbad LCP, prepared by PRC Toups Corporation, is acceptable. In the development of a final specific design for the roadway, the following design criteria and environmental protection measures shall apply:

a) No portion of the road construction shall involve filling or dredging of a wetland area, as defined in Section 30121 of the Coastal Act;

b) To the extent that any portion of the road construction would occur in or adjacent to an environmentally sensitive habitat area other than a wetland, the road shall be sited and designed to prevent impacts which would significantly degrade such areas, shall avoid significant disruption of habitat values, and shall be sited and designed to be compatible with the continuance of habitat values;

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Planning Department

c) To the extent that there are no feasible less environmentally damaging alternatives and the road as designed would nonetheless result in adverse impacts to environmentally sensitive habitat areas, such impacts shall be fully mitigated in accordance with the recommendations of the State Department of Fish and Game; and,

d) To protect agricultural lands from the growth-inducing potential of the project, no agricultural lands shall be assessed for construction of the road, and the road shall be designed so as to avoid uncontrolled access into adjacent agricultural areas.

The Commission staff's interpretation of the above stated language is that Cannon Road can, with adequate mitigation, be permitted, but only if it does not encroach on wetland areas as defined in Section 30121. However, former wetland areas which are currently and have been historically farmed, or small wetland areas physically removed from the main lagoon complex by existing roads and which are less than an acre in size, could be encroached upon for construction of Cannon Road. Any such encroachment would ultimately be based on a finding by the Commission that there is no feasible less environmentally damaging alternative to the proposed Cannon Road alignment and that the Department of Fish and Game concurs with the alignment and proposed mitigation. Clearly, it would be the Commission staff's position that final road alignment would have to meet the criteria set forth in subheadings "b" and "c" noted above. We would expect, if an environmentally feasible alignmer is possible, that such mitigation measures as special construction techniques (e.g., piling supports where encroachment on existing or former wetland areas occurs), marsh restoration, open space dedications, desilting basins, etc. would be made a part of the proposed road construction.

Hopefully, this letter clarifies the Commission staff's position with regards to the criteria under which Cannon Road could be built. If you have further questions regarding the Cannon Road issue, please contact Tom Crandall at the San Diego District office of the Coastal Commission. (Phone: (714) 280-6992)

Sincerely,

BOB BROWN
Deputy Director of Land Use

BB:lro

cc: Jim Hagaman
Tom Crandall

ATTACHMENT 4 COMMON BIRDS OF THE LAGOON

Water Pipit (Anthus spinoletta)

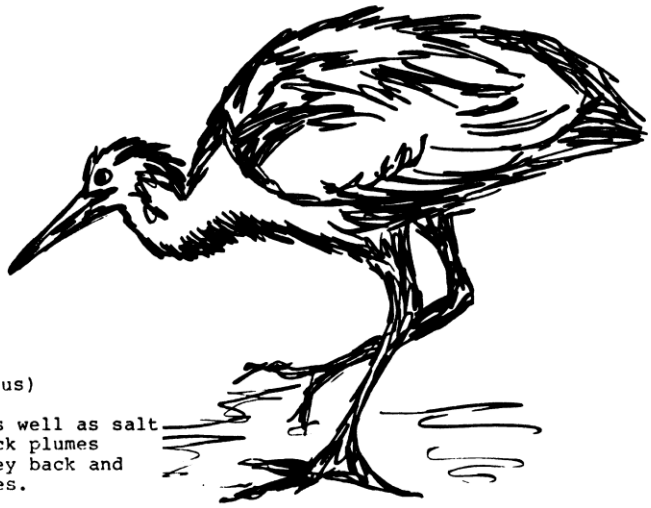
Migrates from north and is found near southern muddy shores in winter. Sparrow-sized with slender bills. Dark tail with white outer feathers. Height: 5 1/2 to 6 1/2 inches.

Heermann's Gull (L. heermanni)

Common along west coast beaches and lagoons except in spring when it is confined to its breeding islands. Darkest of gulls, uniformly dark below. Adult has white head and red bill. Height: 15 to 17 inches.

Western Sandpiper (Calidris mauri)

Most common shorebird found in both fresh and salt water. Long pointed bill that droops at tip. In summer back and crown are rusty; in fall plumage is grey. Height: 5 1/2 to 6 1/2 inches.



Great Blue Heron (Ardea herodius)

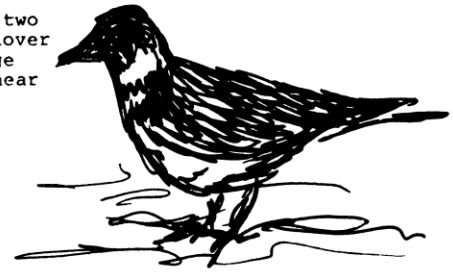
Largest of herons. Common on fresh as well as salt water. Head white; male has long black plumes during mating season. Shaggy blue-grey back and white mantle. Height: 38 to 48 inches.

Least Tern (S. albifrons)

Common among sandy beaches and lagoons. Slender white birds w/long narrow black tipped wings, forked black tail and pointed yellow bill. Black crown and grey mantel. Dives for small fish and insects. Becoming endangered because they lay eggs in the open. Height: 6 1/2 to 7 1/2 inches.

Killdeer (C. vociferus)

Very common in fields and pastures. Adult has two neck bands; juveniles, only one. Related to Plover family, but has a longer tail. Noted for orange upper tail and lower feathers. Feigns injury near nest to distract intruders.
Height: 9 to 11 inches.



Black Bellied Plover (P. squatarola)

Medium to small shore bird. Bill is rather short and has noticable swelling near tip. Neck and tail are short. Has striking black axillars under wing. In summer face and mantel are black; in winter face and mantle are white.
Height: 9 1/2 to 11 1/2 inches.

American Coot (Fulica americana)

Commonly found in fresh water during nesting season, in winter found in both fresh and salt water. Dark plumage contrasts with white bill and white markings under short tail. Feeds on shore and in water.
Height: 12 inches.

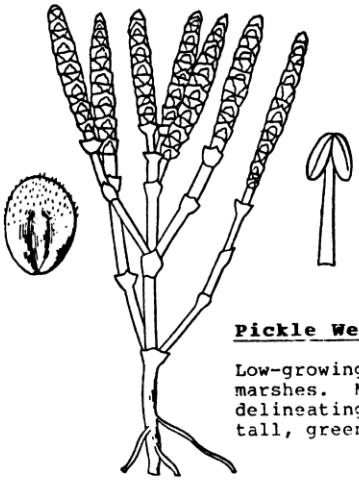
ATTACHMENT 5 COMMON PLANTS OF THE LAGOON

Sand Spurry (Tissa marina)

Annual or biennial, erect, free branching bush found in salt marshes along the pacific coast. Pink flowers bloom in spring. Grows to six feet high.

Salt Grass (Distichlis spicata)

Abundant throughout marsh areas. Tall erect from a root stock. Sheaths overlapping and often crowded. Grows to 3 feet.



Pickle Weed (Salicornia)

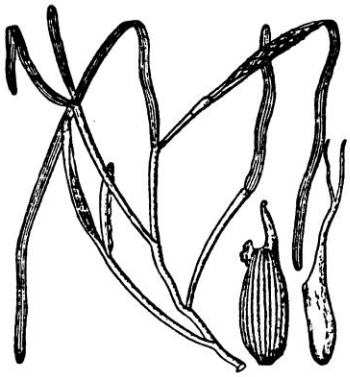
Low-growing perennial ground cover found in salt marshes. Most common indicator species for delineating wetlands. Generally four to six inches tall, green in color.

California Sagebrush (Artemisia californica)

Common shrub along pacific coast. Perennial. Woody at base. Stems branch from 10 to 20 inches. Odor resembles sage. Grows from two to four feet long.

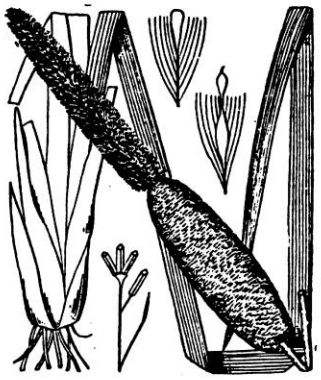
Buckwheat (Eroignum fasciculatum)

Perennial shrub. Short stems, thick and woody. Rust colored in fall. Small white flower blooms in August and September. Grows to 2 ft.



Eel Grass (Zostera marina)

Aquatic plant common along pacific coast. Leaves ribbon-like. Flowers during summer months. Grows one to two feet long.



Common Cat Tail (Typha latifolia)

Located in marsh areas throughout North America, except in extreme north. Stems stout with dark brown or black five inch spikes. Stems grow to four feet.

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