

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

Filed: 10/11/95
Staff: WNP-SD
Staff Report: 10/20/95
Hearing Date: 11/14-17/95



Fr 7a

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-92-189-A

Applicant: Aviara Land Associates Agent: Paul Klukas

Original

Description: Subdivision of a 54.9 acres into 101 residential lots (7500 sq.ft. minimum), 2 open space lots and interior streets at Planning Area 30.

Zoning	PC Planned Community
Plan Designation	RLM/RM/OS
Project Density	1.82 dua

Site: PA 30 at west side of Batiquitos Drive at Kestral Drive, Carlsbad, San Diego County. APN 214-170-51; 215-040-23; 216-111-08; 216-150-18

Proposed

Amendment: To allow a one-time extension of the winter grading season from October 1, 1995 to December 31, 1995 to allow for 30,000 cubic yards of balanced grading for building pads and roads.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment subject to special conditions limiting the winter grading extension to only the 1995 winter season; requiring the submittal of a detailed grading schedule and requiring the submittal of a monitoring program for the condition of the erosion control devices.

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segment;

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed amendment, subject to the conditions below, on the grounds that the development will be in conformity with the adopted Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit amendment is subject to the following conditions:

1. Grading and Erosion Control. This condition replaces Special Condition #1 of the original permit in its entirety.

1. Grading/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the City of Carlsbad which incorporate the following requirements:

A. All grading activity shall be prohibited between October 1st and April 1st of any year. However, from October 1, 1995 to December 31st, 1995, grading may occur in conformance with a detailed grading schedule to be submitted to the Executive Director for review and written approval prior to the commencement of construction. Any variation from the schedule shall be promptly reported to the Executive Director.

B. All permanent runoff and erosion control devices shall be developed and installed prior to October 1.

C. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized prior to October 1. Any proposed temporary erosion control measures, such as interceptor ditches, sandbagging, debris basins, temporary desilting basins and silt traps shall be used in conjunction with plantings to minimize soils loss from the construction site.

2. Monitoring and Reporting. Prior to the issuance of to coastal development permit amendment, the applicant shall submit to the Executive Director for review and written approval, a program for monitoring the condition of erosion control devices and the effectiveness of the erosion control program. The monitoring program shall include, at a minimum, monthly reports beginning one month from the start date shown on the approved grading schedule and continuing to March 31, 1995. Reports shall be completed by a licensed engineer and shall describe the status of grading operations and the condition of erosion control devices, including temporary and permanent desilting basins. Any potential modifications to the approved grading schedule shall be indicated. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any

devices altered or dislodged by storms.

3. Prior Conditions of Approval. All other terms and conditions of the original approval of CDP #6-92-189, not specifically modified herein, remain in full force and effect

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Amendment Description and History. The project site is Planning Area #30 of the Aviara Master Planned Community, of which the master plan was approved by the Commission in 1988 (ref. CDP #6-87-680). Located on the west side of Batiquitos Drive at Kestral Drive, the 55 acre hillside and mesa top site overlooks Planning Area #28 of the Master Plan which is located immediately adjacent to Batiquitos Lagoon. Planning Area #30 is highly visible from I-5 and is known for two sizable eucalyptus groves which are being preserved as open space. The site was rough graded pursuant to the master plan permit. On October 13, 1992, the Commission approved CDP #6-92-189 for the subdivision of the 54.9 acre site into 101 residential lots (7,500 sq. ft. minimum), 2 open space lots (Lot 63 is 7.0 acres, Lot 106 is 15.9 acres) and interior streets and site preparation including 46,700 cubic yards of balanced cut and fill grading for building pads and infrastructure construction. The subdivision was approved as a "gated" community with private streets. No residential construction was proposed or approved.

The proposed amendment is for a one-time exemption from the winter grading restriction to allow 30,000 cubic yards of finish balanced grading for building pads and roads in Unit 3 of the subdivision. The amendment would allow such grading to occur between October 1, 1995 and December 31, 1995. Located on the southeast portion of the site, Unit 3 grading consists of constructing Melodia Terrace, a subdivision street, and finish grading to Lots #63-#104. Grading has been completed in Units I and II and all perimeter and downstream erosion control devices have been installed at this time. Expected completion of the grading is by December 22, 1995. Full site erosion control will then be completed for long-term stabilization.

The proposed winter grading program identifies a temporary desiltation basin located on-site in Unit III and a permanent desiltation basin has been constructed downstream in Planning Area 28 (at a lower elevation to the southeast and immediately upstream of Batiquitos Lagoon) to mitigate impacts from soil erosion. The program indicates all graded areas will drain first to Melodia Terrace and then towards the low point of Unit III which is the temporary desiltation basin located in the northern section of Unit III. The temporary basin in Unit III is sized to handle anticipated runoff that may occur. The minimum surface area for the basin is 2,112 sq. ft.; the basin is sized at 4,400 sq. ft. Should a major storm event occur, as noted, the permanent desiltation basin located downstream in Planning Area #28 is operational and could accept runoff that would be directed there through storm drains if needed. Additionally, gravel bags, hay bale check dams, and jute netting are proposed at the perimeter of the graded areas to ensure surface runoff control.

2. Resource Protection/Sensitive Habitat. The Aviara master planned community, in which the subject site is located, was approved subject to

significant conditions which were designed to protect against erosion and subsequent sedimentation of the lagoon. These conditions included the recordation of open space deed restrictions over naturally vegetated steep slope areas, those areas most likely to generate sediment for transport to the lagoon; the application of wetland buffers; detailed runoff and erosion control plans, including requirements for the construction of catchment basins and detention facilities; requirements for the installation of other erosion control devices; requirements for revegetation of disturbed areas; and, the prohibition against grading during the rainy season (October 1, to March 31).

Adverse impacts of development adjacent to wetlands are most often associated with the potential for increased runoff or lengthened exposure of unprotected soils causing downstream sedimentation of the lagoon. The EIR and the original permit action for the master plan addressed the fact that the potential for sediment to reach the lagoon from the disturbed site and the associated potential for degradation of the lagoon resources would be greatest during the construction phase of the project. Because of the substantial amount of grading proposed in the original project and the proximity of the grading sites to extremely sensitive resources, the prohibition on grading or other landform alteration during the rainy season was particularly important.

The applicants are proposing a significant amount of finish grading to be performed on the site during the rainy season. Due to the scale of the project, even finish grading results in relatively large amounts of earth-movement at the site. The finish grading of the homesites and Melodia Street raises the potential for additional erosion and sediment transport to the lagoon. The applicants have proposed several measures which will mitigate the impacts of the grading to the maximum extent feasible. For example, the site will drain to an existing temporary desiltation basin which has been sized to catch anticipated runoff. Additionally, the streets will be treated with additional erosion control measures, including the installation of a system of sandbag check dams and chevrons which will intercept any potential sediment that may result from the grading. Finally, all permanent drainage improvements (drainage swales, catch basins, storm drains) are operational in the project area. As noted, the permanent desiltation basin in Planning Area #28 is operational and is designed to accept runoff associated with buildout of all Phase II planning areas (Planning Areas #25-#30). Planning Areas #28 and #30 have yet to be developed; thus, the desilting basin should easily accommodate anticipated stormwater flows. All of the above will ensure that the proposed grading will not result in downstream impacts to sensitive resources both on-and-off site.

Special Condition #1 identifies that grading is permitted until December 31 and requires that all areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season.

Special Condition #2 would impose a requirement for a detailed monitoring program to allow the Executive Director to assess the success of the proposed winter erosion control program. The condition would require the submittal of monthly reports describing the current status of the grading operations, the

conditions of the erosion control devices, and any needed repairs or maintenance of the devices and will help monitor compliance with the approved grading schedule. This condition is proposed to insure maximum protection of the sensitive biological resources of Batiquitos Lagoon.

Given these additional levels of protection and the limited amount of land actually exposed to erosive forces at any one time, the potential for significant impacts to the resources of the lagoon is very limited. Therefore, the Commission finds that the subject amendment, as conditioned, is consistent with the resource protection policies of the certified Mello II LCP.

3. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislation amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to specific statutory dates. The Master Plan covers property located within the jurisdiction of three of the City of Carlsbad's six local coastal program segments: the Mello I, Mello II and east Batiquitos Lagoon/HP segment.

The Mello I and II segments were certified by the Commission in 1980 and 1981 respectively. A new LCP segment, the East Batiquitos Lagoon/Hunt Properties segment, came as the result of the City's 1984 annexation of lands from the unincorporated County of San Diego. In 1987, the Commission certified an amendment to the Mello I segment LCP and certified the new East Batiquitos Lagoon/Hunt Properties segment. In each, the City proposed that the Master Plan serve as the Land Use Plan for the corresponding portion of the LCP plan area and that it also serve as the Implementing Ordinances for that portion of the LCP.

The proposed grading during the rainy season is beyond the scope of grading typically allowed during the rainy season; however in this particular case, the major permanent erosion control devices are installed and functioning downstream of the development. Even so, the scale of the grading raises the issue of additional levels of impact to lagoon resources. For this reason, the special conditions have been proposed to maximize the level of protection of resources through the application of more elaborate and extensive erosion control measures than were previously required to be applied at the site and to ensure that all erosion control devices are receiving adequate maintenance before and during the rainy season. The Commission has approved exemptions to the winter grading restriction for development of several other Aviara planning areas for finish grading with similar controls (ref CDP Nos. 6-90-294, 6-90-301, and 6-90-302). Therefore, as the proposed amendment is consistent with the resource protection policies of the LCP, the Commission finds that the proposed amendment, as conditioned, is consistent with the LCP segment as certified.

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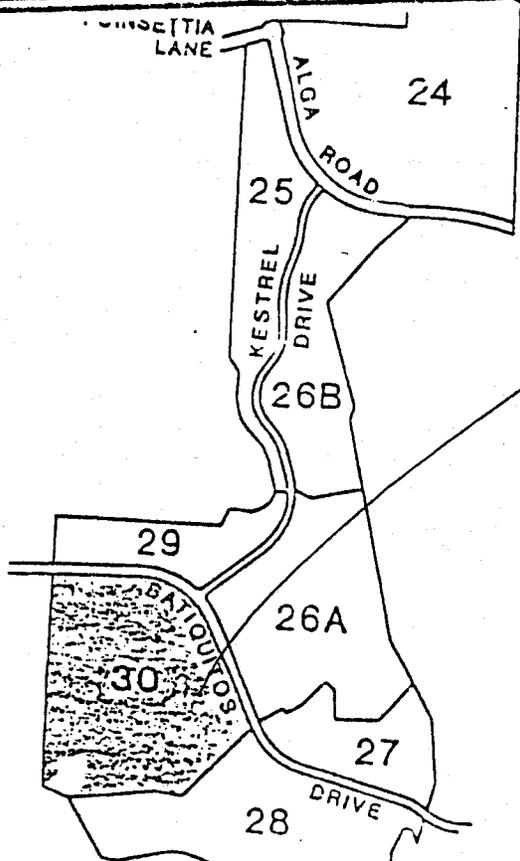
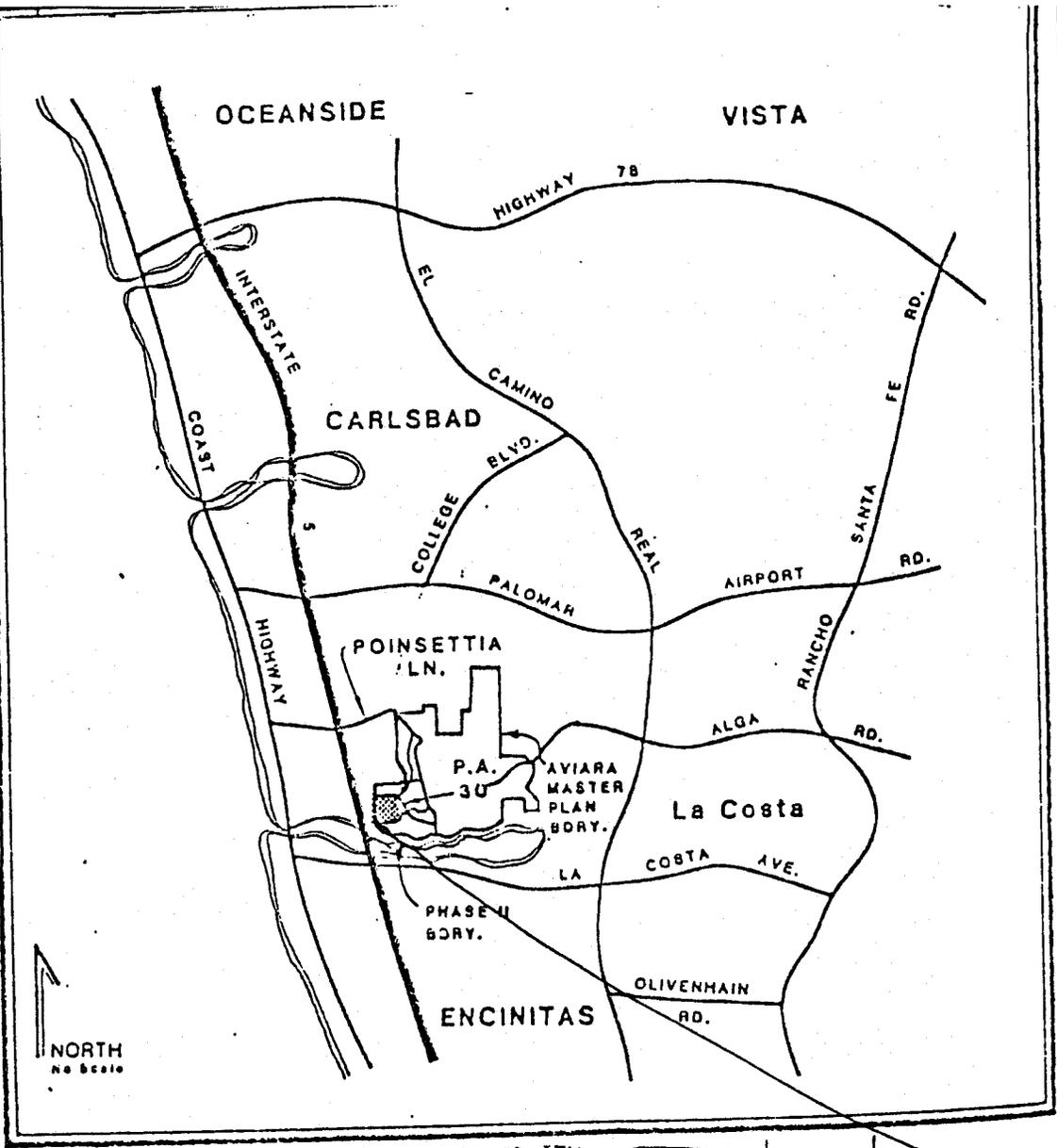
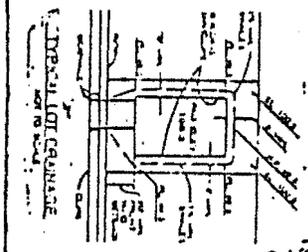
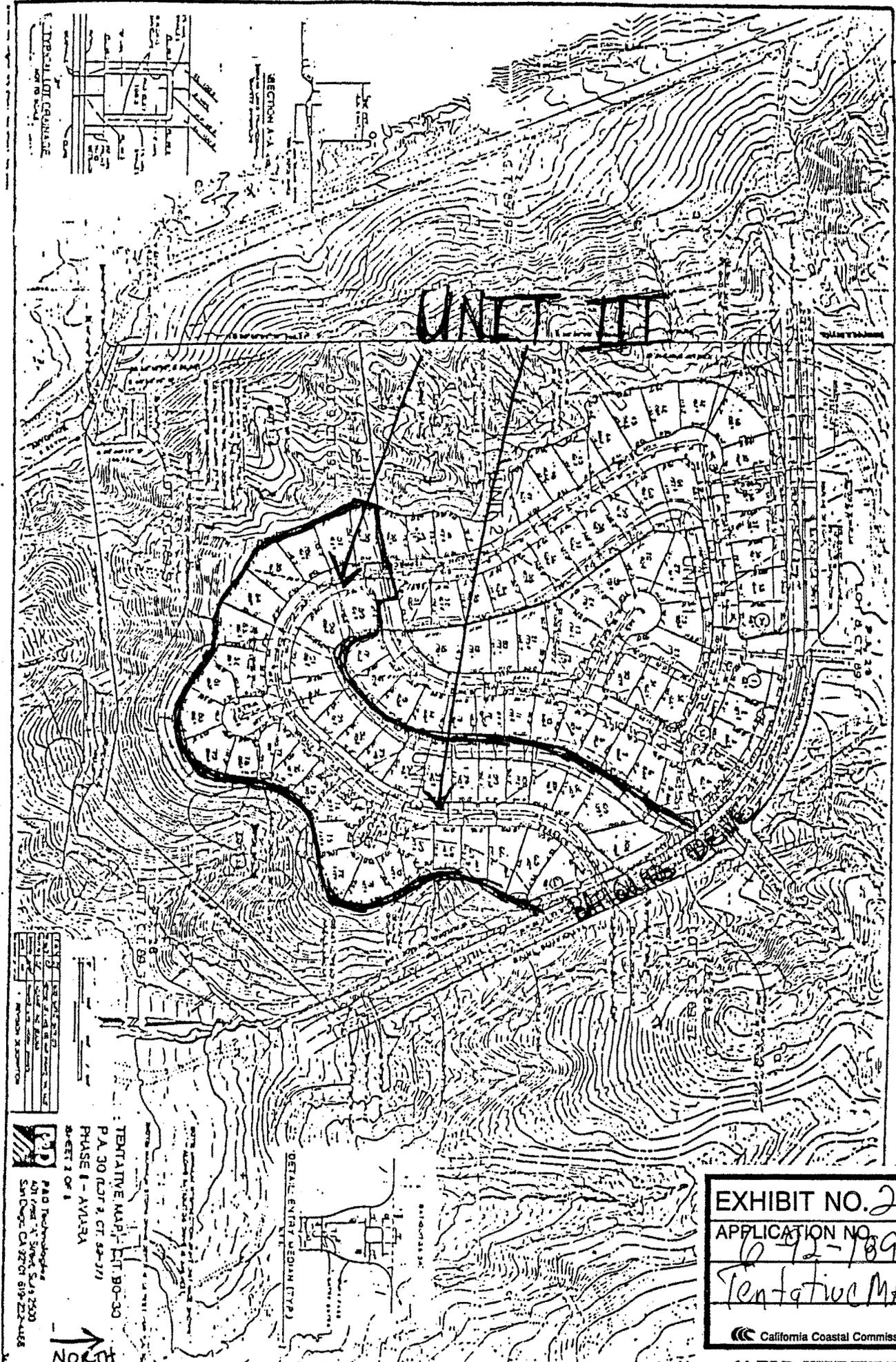


EXHIBIT NO. /
APPLICATION NO. /
0-92-189A
Location
California Coastal Commission

7 CALIF
FORN
460 CO.
CAMINO D
RGO, CA
21-8036



DATE	10/15/77
BY	PAO
SCALE	AS SHOWN
PROJECT	AVARA
SECTION	SECTION A-1
DATE	10/15/77
BY	PAO
SCALE	AS SHOWN
PROJECT	AVARA
SECTION	SECTION A-1

TENTATIVE MAP - LIT 80-30
P.A. 30 (LIT 2 OF 2)
PHASE I - AVARA
SHEET 1 OF 1

PAO Technology
441 West 4th Street, Suite 2500
San Diego, CA 92101 619-224-4444

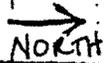
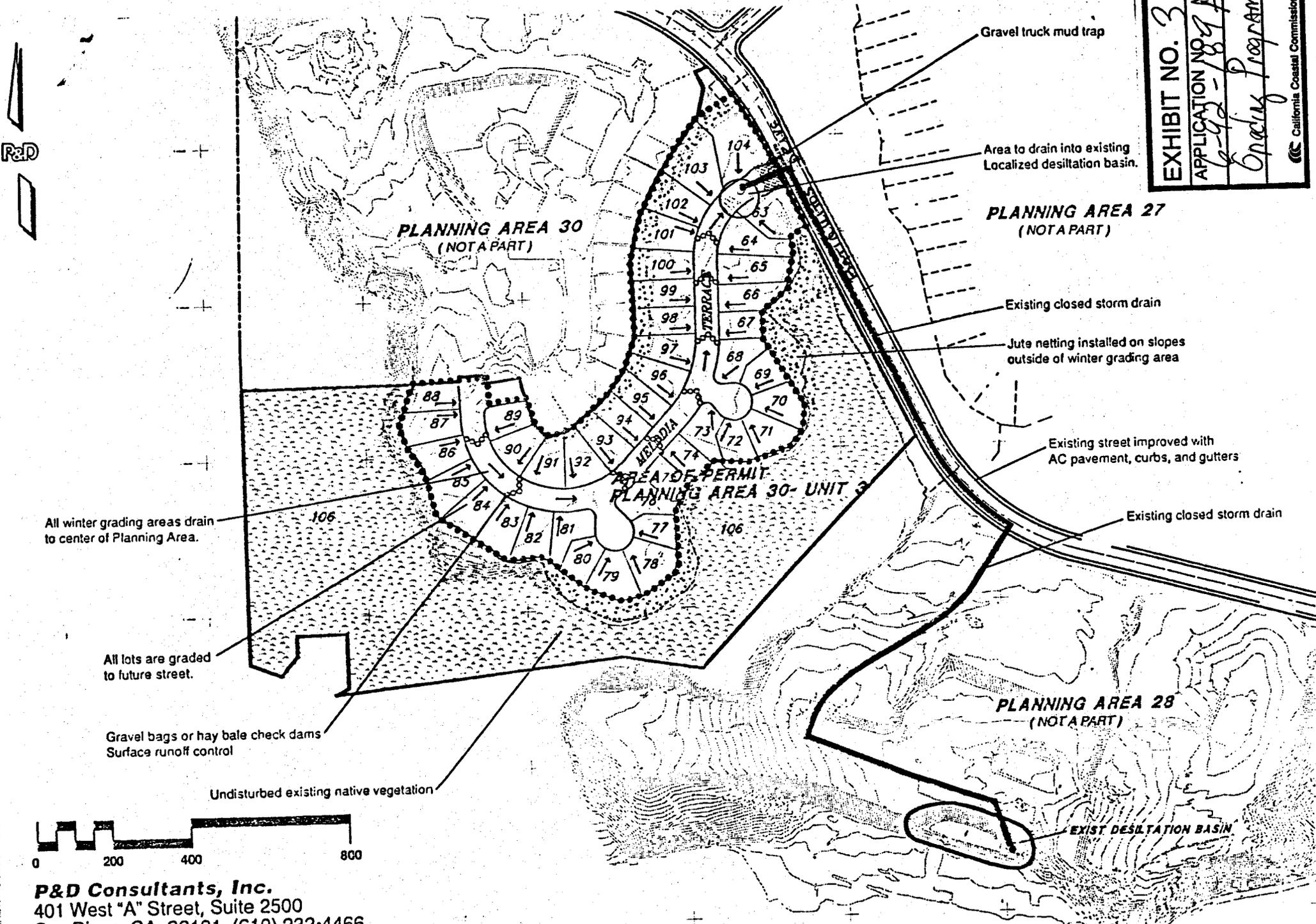


EXHIBIT NO. 2
APPLICATION NO. 672-189A
Tentative MAP
California Coastal Commission

EXHIBIT NO. 3
APPLICATION NO. 6-92-189A
Grading Program
California Coastal Commission

P&D



PLANNING AREA 30
(NOT A PART)

PLANNING AREA 27
(NOT A PART)

PLANNING AREA 28
(NOT A PART)

AREA OF PERMIT
PLANNING AREA 30- UNIT 3

Gravel truck mud trap

Area to drain into existing
Localized desiltation basin.

Existing closed storm drain

Jute netting installed on slopes
outside of winter grading area

Existing street improved with
AC pavement, curbs, and gutters

Existing closed storm drain

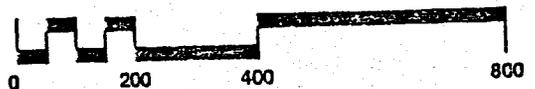
EXIST DESILTATION BASIN

All winter grading areas drain
to center of Planning Area.

All lots are graded
to future street.

Gravel bags or hay bale check dams
Surface runoff control

Undisturbed existing native vegetation



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