

RECORD PACKET COPY

STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

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



AMENDMENT REQUEST STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 7b

Application No.: 6-94-131-A-4

Applicant: Toyohara America Group Agent: Paul Klukas

Original

Description: Subdivision of a 68.5 acres into 134 residential lots and construction of 349 residential units with 625,000 cubic yards of grading for building and infrastructure improvements.

Zoning	RDM-Q
Plan Designation	RM/RLM (4-6 du/ac)
Project Density	5.6 dua

Site: North of Camino de las Ondas, south of Palomar Airport Road, and east of Paseo del Norte, Carlsbad, San Diego County, APN 214-140-07

Proposed

Amendment: To allow a one-time extension of the winter season grading from October 1, 1995 to January 31, 1996 to allow for 60,000 cubic yards of finish 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 1995/96 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 II 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 is subject to the following conditions:

1. Grading and Erosion Control. This condition replaces Special Condition #5 of the original permit in its entirety.

Prior to the issuance of the coastal development permit amendment, the applicant shall submit final grading plans which shall incorporate the following:

A. All grading activities shall be prohibited within the period from October 1st to April 1st of any year. However, from November 17th, 1995 to January 31st, 1996, necessary grading may occur in increments and in conformance with the detailed grading schedule which has been submitted to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director for review and written approval prior to the commencement of construction.

B. All proposed temporary erosion control measures, such as interceptor ditches, sandbagging, debris basins, temporary desiltation basins, hay-baling and hydroseeding shall be performed concurrent with grading, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

C. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the City Engineer of Carlsbad has determined that all necessary and adequate erosion control devices are in place to provide protection of downstream resources.

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. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the winter.

3. Prior Conditions of Approval. All other terms and conditions of the original approval of CDP #6-94-131 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. On March 8, 1995, the Commission approved CDP #6-94-131 for the subdivision of the 68.5 acre site into 134 residential lots and construction of 349 residential units with 625,000 cubic yards of grading for building and infrastructure improvements. Also approved was the construction of two off-site roads to provide access to the site. One road is the extension of Alga Road from its current termination at Poinsettia Lane up to the site and extending across the subject site. The second road is Hidden Valley Road, which would be constructed along the western boundary of the project site and extend off-site north about one mile to Palomar Airport Road. A riparian/coastal sage scrub mitigation plan was approved for on-and-off site impacts, notably impacts to naturally vegetated steep slopes and riparian vegetation associated with constructing Hidden Valley Road.

The proposed amendment is for a one-time exemption from the winter grading restriction (October 1 to April 1) approved in CDP #6-94-131. A non-material amendment was recently issued that approved grading until November 15 based on assurances that all temporary erosion control devices and measures were in place before October 1st to assure that off-site sediment transportation would not be greater than that which occurred previous to the site being graded. The amendment proposes 60,000 cubic yards of balanced grading for building pads and roadway beds from November 15, 1995 to January 31, 1996. According to the applicant, the extension of time is necessary due to a delay in the receipt of laboratory results of a soil pesticide residue study, and a delay in Alga Road condemnation proceedings on an adjacent parcel.

2. Resource Protection/Sensitive Habitat. The certified Mello II LUP, which the subject site is subject to, contains significant requirements to protect against erosion and subsequent sedimentation of Batiquitos Lagoon and other sensitive areas. Although Batiquitos Lagoon is located more than a mile south of the project site, portions of the site would drain in that direction to a large permanent desiltation basin upstream of the lagoon. This basin has been designed to accommodate runoff generated by buildout in the project area. Also the existing street drainage system between the site and the lagoon is capable of handling on-site runoff; the proposed on-site desiltation

basins will be capable of handling sediment generated by project grading. Other portions of the site would drain to the north to Canyon de las Encinas which also supports sensitive habitat. Both areas are located within the Mello II geographic area. With respect to mitigating grading and drainage impacts to sensitive areas, the Mello II LUP requires 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).

The applicants are proposing a significant amount of mass and finish grading to be performed both on-and-off site during the rainy season. Approximately 26,000 cubic yards of grading is proposed for on-site interior streets and building pads, 32,000 cubic yards is proposed for Alga Road, and 2,000 cubic yards is proposed for off-site construction of Hidden Valley Road. Measures that are currently in place to mitigate the impacts of the proposed grading include seven temporary desiltation basins which are located at various locations on the 65 acre parcel. These drainage structures are sited at low points on the site where all graded areas will drain. A hydrological analysis of the site indicates the desilting basins are adequately sized to handle anticipated runoff. Gravel bags and hay bale check dams are also in place on the proposed street system and the site perimeter to ensure surface runoff control. Two permanent desiltation basins located in the northeast and northwest corners of the site will be operable by November 15. Off-site erosion control (Hidden Valley Road) in place and operating includes gravel bags and hay bale check dams at strategic locations to ensure surface runoff control. Silt fences have been installed near Encinas Creek to capture runoff and erosion. A permanent desiltation basin is also proposed to be operable by November 15 on the west side of Hidden Valley Road near Encinas Creek.

In the Commission's original approval, an extensive mitigation program was proposed adjacent to Hidden Valley Road. Hidden Valley Road mitigation is proposed to begin by November 30. Installation of the mitigation can not begin until Hidden Valley Road grading is completed. This installation does not involve wholesale disruption of the soil, and erosion should not result. In any event, the downstream erosion control will have been completed before the mitigation program begins so no adverse impacts to Encinas Creek are anticipated.

There will also be sage scrub revegetation on the project site itself. This occurs in the northeast and southeast areas of the site. Again, this revegetation will not occur until the grading is complete in January.

The proposed winter grading program identifies that mass grading will be completed by November 1. Installation of the two on-site permanent desiltation basins will be done by November 15; installation of the off-site permanent desiltation basin will be done by November 15. All finish grading will be done by January 10; street finish grading will be done by January 20;

and complete installation of all erosion control measures will be done by January 31, 1995. Erosion control hydroseeding and plantings will occur as grading is completed over each increment of the area. Full site erosion control is proposed to be installed by January 31, 1996 to secure the area for the remainder of the winter. Finally, the applicant proposes to conduct monitoring of the performance of the proposed winter erosion control program for monthly submittal to the Commission. The monitoring reports will describe the current status of the erosion control operations, report the condition and effectiveness of the erosion control devices, and include discussion of any needed repairs or maintenance of the devices. The proposal is to submit the monitoring reports on the 15th of each month through March, 1996. 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 January 31 and identifies that necessary grading may occur in increments and in conformance with the detailed grading schedule which has been submitted to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director for review and written approval prior to the commencement of construction. It also requires that the City Engineer of Carlsbad determine that all necessary and adequate erosion control devices are in place to provide protection of downstream resources.

Special Condition #2 imposes 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 requires 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 and Canyon de las Encinas.

Given these additional levels of protection, the potential for significant impacts to sensitive resources is 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 Mello I and II segments were certified by the Commission in 1980 and 1981 respectively. The proposed grading during the rainy season is beyond the scope of grading typically allowed during the rainy season. For this reason, the attached special conditions have been proposed to maximize the level of protection to resources through the application of more elaborate and extensive erosion control measures than were previously required to be applied to 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 planning areas' for

finish grading with similar controls (ref CDP Nos. 6-90-294, 6-90-301, 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.

(0690A)

CARLSBAD

PALOMAR AIRPORT RD

DIEGO

SAMB
DOJO
CLUB

CANTINO DE LAS ONDAS

POINSETTA LN

Site

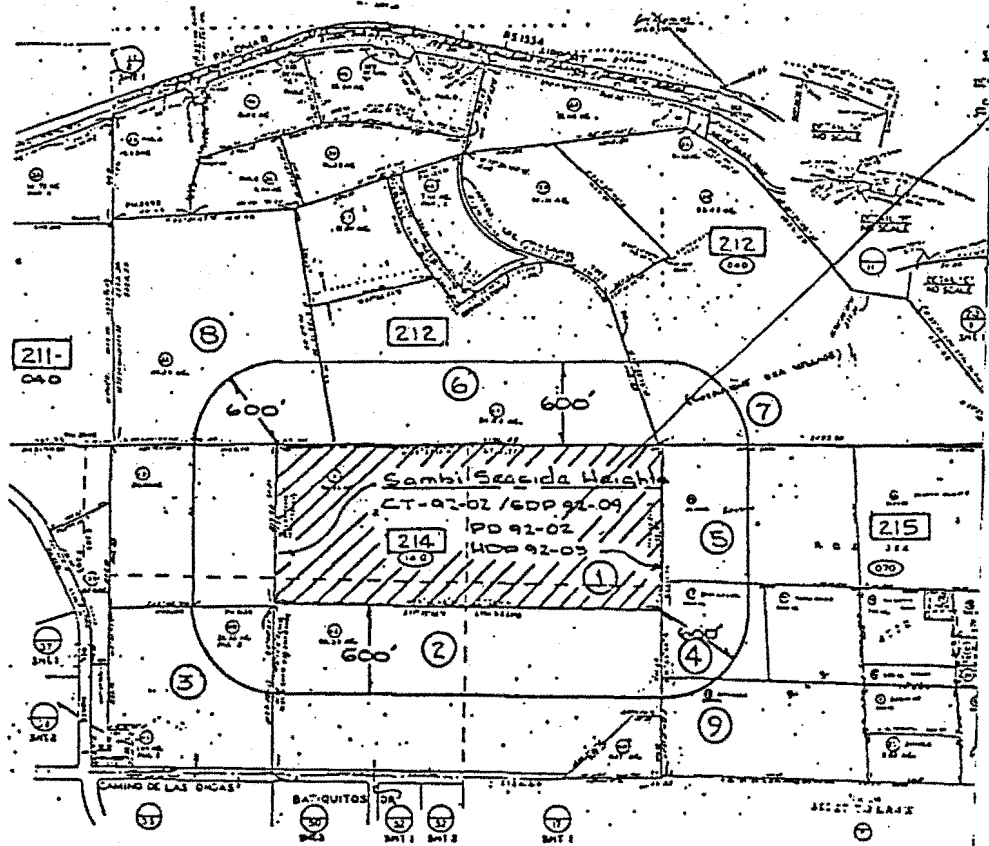
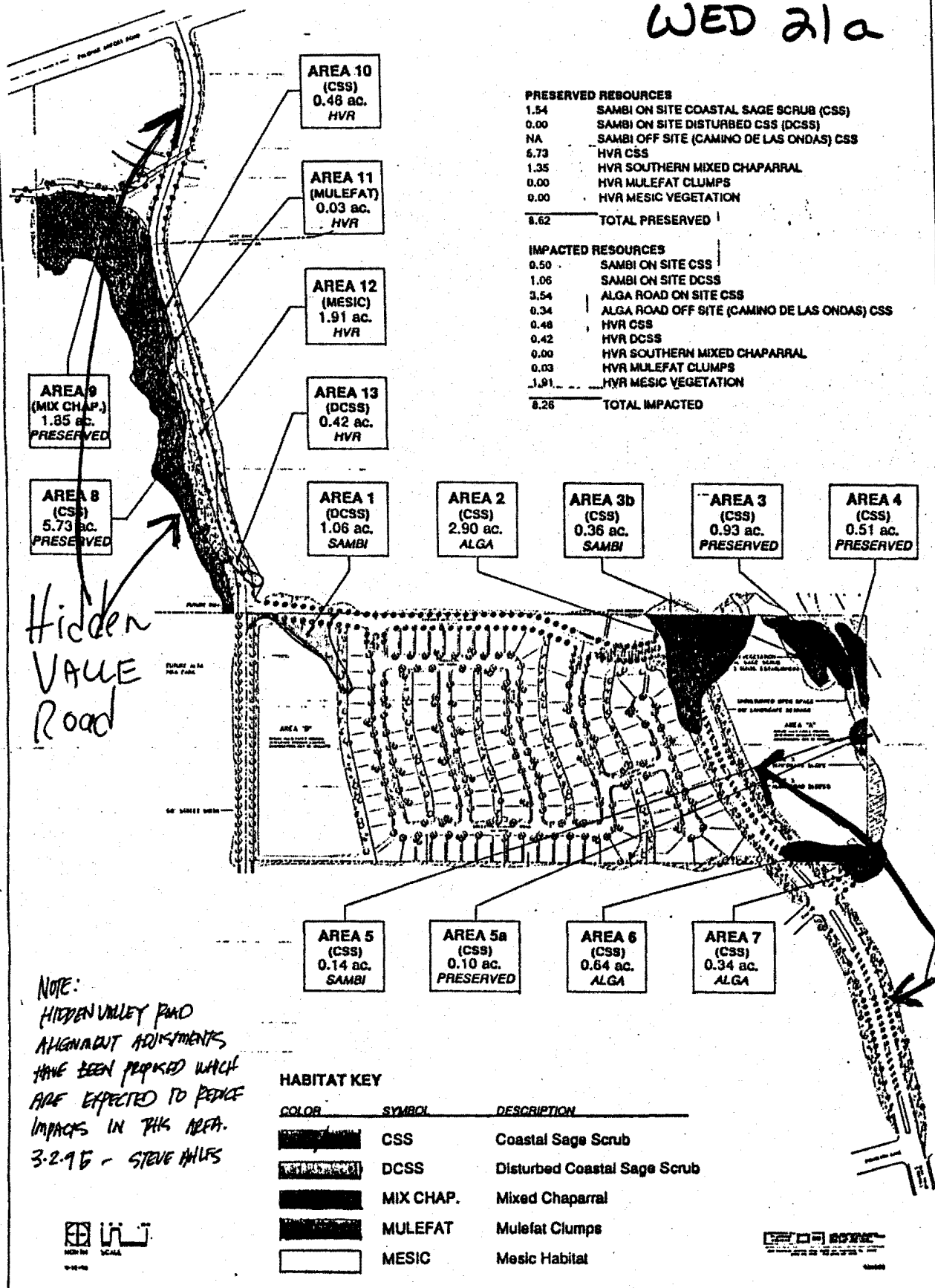


EXHIBIT NO. 1
APPLICATION NO.
6-94-131-A-4
location
California Coastal Commission

WED 21a



NATIVE PLANT IMPACTS / PRESERVATION
SAMBI SEASIDE HEIGHTS
CARLSBAD, CALIFORNIA

6-94-131

EXHIBIT NO. 2

APPLICATION NO.

6-94-131-A-4

Overview of Site

California Coastal Commission