

CALIFORNIA COASTAL COMMISSION
San Diego Coast
3111 Camino Del Rio North Ste 200
San Diego, CA 92108-1725
(619) 521-8036

TH 16 b

Filed: 10/23/95
49th Day: 12/11/95
180th Day: 4/21/96
Staff: WNP-SD
Staff Report: 11/16/95
Hearing Date: 12/12-15/95

RECORD PACKET COPY

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-95-145

Applicant: Warmington Aviara Associates/Aviara Land Associates

Agent: Kurt Bausback

Description: Construction of 32 single family homes with three floor plans ranging in size from 2,325 sq. ft. to 2,888 sq. ft. and up to 30 feet high and two stories on a previously approved 16.5 acre site referred to as Planning Area 29 of the master planned area. Also, construction of a public trail on open space Lot #33; the trail has already been partially installed without benefit of a coastal development permit.

Lot Area	16.5 acres
Zoning	PC - Planned Community
Plan Designation	RLM (0-4 du/ac)
Project Density	1.9 du
Building Height	30 feet

Site: North of Batiquitos Drive at Kestrel Drive, Carlsbad, San Diego County. APN 215-644-08

Substantive File Documents: Certified City of Carlsbad Mello I and East Batiquitos Lagoon/Hunt Properties Local Coastal Program segments; CDP #6-91-46; CDP #6-91-318

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the project with a special condition requiring that final trail plans be submitted, approved by the City of Carlsbad, showing the alignment of the proposed auxiliary trail. Although the alignment of this trail was not certified by the Commission in the Master Plan, it has already been graded, is now open to the public and provides a recreational experience. While staff is recommending approval of this trail "as built", it is not recognized as a replacement for any other trails shown in the certified Master Plan.

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 development, subject to the conditions below, on the grounds that the development, as conditioned, 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. Final Community Trail Plans and Construction. Prior to the issuance of the coastal development permit, the applicant shall submit for review and approval of the Executive Director, final trail improvement plans and a site development plan indicating the alignment of the open space trail as approved by the City of Carlsbad. This alignment is herein approved as an auxiliary trail that has already been graded, is now open to the public, and provides a recreational experience. The trail shall:

- a. Be maintained and open to the public in perpetuity;
- b. Be signed to facilitate and enhance public use. A public access signage plan shall be submitted which shall include, at a minimum, a public access sign within open space Lot #33 visible from Kestrel Drive (where the trail exits PA 29 onto Kestrel Drive). Said signage shall read, "Public Trail - Open to the Public" or similar language. Said plan shall be approved in writing by the Executive Director.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. In CDP #6-91-318, the Commission approved the subdivision of the subject 16.5 acre site into 32 single family residential lots and two open space lots totalling 4.96 acres with 10,000 cubic yards of finish grading for site development within Planning Area 29 of the Aviara Master Plan. This planning area was created as part of the approval of Phase II of the Master Plan (CDP #6-91-46 which also approved the mass grading of the site in 1992). No residential construction was approved in that action. Consistent with the approval, the site was graded to construct internal streets and infrastructure improvements. Because of the

hillside topography of the site and its proximity to Batiquitos Lagoon, CDP #6-91-318 required grading/erosion control plans, a landscape/fire suppression plan, a California Gnatcatcher nesting plan, and an advisory condition requiring Commission review of future building plans. The nesting plan required a survey of the site during the bird's nesting season (March 1 to June 1 of any year) prior to commencement of grading. No nests were identified prior to proposed grading, so grading was completed within the developable portion of the property. No other grading is proposed at this time.

The subject site is located in southern Carlsbad, east of I-5 along the northwest corner of Batiquitos Drive and Kestrel Drive. The current permit is for construction of 32 single family homes in three floor plans ranging in size from 2,325 sq. ft. to 2,888 sq. ft. with two to five bedrooms, and up to two stories (30 feet high maximum) in a previously approved and graded subdivision. The architectural style is Early California Mediterranean.

A portion of PA 29 was previously placed into deed-restricted open space during the Commission's initial review of the Master Plan (CDP #6-87-680). No encroachment into the open space area was proposed for subdivision and grading under CDP #6-91-318 and none is proposed for construction of the homes which are the subject of this permit. However, as noted, the applicant (Aviara) is proposing an alignment for a public trail through the recorded open space/coastal resource area (Lot #33) which was not specifically addressed by the Commission in its review of the subdivision proposal.

2. Public Access. The Aviara Master Plan approved by the Commission covers approximately 1,400 acres located between Interstate 5 and El Camino Real, north of the Batiquitos Lagoon in the City of Carlsbad. In addition to approving development plans for up to 2600+ dwelling units within 32 Planning Areas, CDP #6-87-680 approved a public access trail along the north shore of Batiquitos Lagoon, a public community trail system (an upland trail system connecting upland areas with the lagoon trail), and approximately 250 acres of open space within the Aviara holdings. The Commission found the public access and community trail system was necessary to offset the cumulative impact of build-out of this large undeveloped property, provide lower-cost, public recreational opportunities as well as serve the recreational needs of its residents, consistent with the public access and recreational policies of the Coastal Act, including, but not limited to, Sections 30210, 30212.5, 30213, 30214 and 30223.

Through a submitted portion of LCPA #3-95, the City will be seeking Commission endorsement of an alternate trail alignment which includes the trail portion proposed within this PA 29, as a replacement for the Golf Course Trail that was originally approved by the Commission in the Aviara Master Plan. That portion of LCPA #3-95 will be reviewed at a later date, and approval of the trail as proposed in this permit does not constitute endorsement of the trail as a replacement to the Golf Course Trail.

Special Condition #1 requires that, prior to the issuance of the coastal development permit, the applicant shall submit for review and approval of the Executive Director final trail improvement plans and a site development plan

showing the alignment of the trail, which has been approved by the City of Carlsbad for the auxiliary trail. This condition is necessary because the auxiliary trail's alignment is not shown on the previously approved tentative map or the site development plan submitted for approval of the proposed 32 single family dwellings. The revised plan will update the Commission's records and will indicate the Commission has accepted the auxiliary trail as presently aligned.

The condition also requires that the trail be maintained and open to the public in perpetuity and that a public access signage plan shall be submitted to facilitate and enhance public use of the auxiliary trail. The public access signage shall include a public access sign within open space Lot #33 visible from Kestrel Drive (where the trail exits PA 29 onto Kestrel Drive) to facilitate public use of the trail in a manner similar to the other community trail segments approved in the Master Plan. Regarding the pedestrian trail system contained in the Master Plan, on page 65, the certified Master Plan states:

8. Pedestrian Circulation

The Pacific Rim Country Club and Resort is a well-balanced community which will offer a variety of experiences to the resident and visitor. Therefore, an extensive pedestrian circulation system has been designed which is intended to heighten this experience. The pedestrian circulation system as shown on Exhibit IV-23 will consist of:

a. Trail System. This system will generally be separate from surface streets. However, in cases where major community trails are located along streets, the trail will be in the form of a meandering sidewalk on one side of the street. Examples of design techniques for meandering sidewalk are depicted on Exhibit IV-24. The trail system will include:

- The Lagoon Nature Trail consistent with the Lagoon Enhancement Program.
- The Golf Course Trail extends from Pacific Rim Drive northward to Alga Road. An example of this trail is shown on Exhibit IV-25.
- The Oak Preserve Trail is located between the SDG&E utility easement and Alga Road through Planning Area 4.
- The Stream and Lake Trail is located on the east side of the resort site between Pacific Rim Drive and Alga.

There are two SDG&E Parkway Trails located in the northeast portion of the Pacific Rim Country Club and Resort. A typical cross section is shown on Exhibit IV-26. Exhibit IV-27 is an example of the trail along the northeast side of Planning Area 3. A portion of the trail located between Planning Areas 4 and 5 is illustrated on Exhibit IV-28.

b. Walk System - All other walks associated with streets shall be part of the pedestrian system. This system will allow pedestrian access to the various landmarks and neighborhoods of the Pacific Rim Country Club and

Resort.

Certain streets located within single family planning areas may include sidewalks subject to the approval of the Engineer.

Again, while not required by the LCP, the proposed trail alignment is being approved because it has recreational value and provides alternate community access similar to the approved trails in the Master Plan. Therefore, as conditioned the Commission can find the proposed project consistent with the public access provisions of the certified Aviara Master Plan.

3. Visual Impacts. With respect to scenic resources, the subject site contains hillside portions that are highly visible from Batiquitos Lagoon and the Aviara Golf Course. The Aviara Master Plan lists as one of the special design criteria for PA 29 the preservation of the public view from Spinnaker Hills (a subdivision immediately north of the subject site) to the lagoon. In accordance with this guideline, the PA 29 site was lowered through Phase II grading. The PA 29 tentative map created pad elevations in accordance with the rough grade elevations for all lots except for one. Lot 9 lies on the westernmost portion of the developed area, adjacent to a natural canyon. To mimic the pre-existing view corridor through the canyon, the pad elevation, maximum building height, and the maximum building envelope were established through the tentative map. The proposed single family home on Lot 9 meets all the additional restrictions imposed by the tentative map.

With regard to the remaining 31 homes, the proposed structures would not adversely affect any public scenic vista or views within or around the lagoon. The units have been designed to be consistent with the design standards of the certified Aviara Master Plan, and are similar to other residences routinely approved by the Coastal Commission. Additionally, the Master Plan requires that the eucalyptus tree grove within the open space lot be preserved as open space and individual planning areas provide specimen-sized street and accent trees, as well as building design standards (varying roof planes and offset second stories) to mitigate the adverse visual impacts to scenic areas. With these existing provisions in place to mitigate the adverse visual impacts of new development, the Commission finds the proposed development consistent with the scenic resource provisions of the Mello I and East Batiquitos Lagoon/Hunt Properties LCP.

4. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative 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 the 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 proposed project is located within two of the segments, the Mello I and East Batiquitos Lagoon/Hunt Properties segments.

The City of Carlsbad amended the Mello I and II segments of its LCP in 1987. In those actions, the City proposed that the "Pacific Rim Master Plan" (now the Aviara Master Plan) serve as both the LUP and implementing ordinances for those portions of the LCP that contained the Pacific Rim project site. These

segments have been the subject of additional amendments over the years.

The subject site is zoned Planned Community and the plan designation is RLM. The subject proposal, with a density of 1.9 du/ac, is within the site's maximum permitted density of 0-4 du/ac.

Regarding the trail issue, the alignment herein approved as an auxiliary trail that has already been graded, is now open to the public and provides a recreational experience. It is not a replacement for the Golf Course Trail. As conditioned to assure the trail is made a permanent public trail and is adequately signed, the Commission can find the proposed project consistent with the certified Mello I and E. Batiquitos Lagoon LUPs. Thus, approval of the proposed project should not prejudice the ability of the City of Carlsbad to implement its certified local coastal program.

5. Consistency with the California Environmental Quality Act (CEQA).

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

As discussed herein, the proposed project will not result in any significant adverse impacts to the environment. Specifically, as conditioned to ensure public access will be maintained within the subject planning area, the project has been found consistent with the provisions of the Aviara Master Plan and the East Batiquitos Lagoon and Mello I segments of the Carlsbad LCP. There are no other alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment because necessary mitigation measures have already been incorporated to reduce any impacts below a level of significance. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgement.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Compliance.** All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must

be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(5145R)

th 16 b

6-95-145

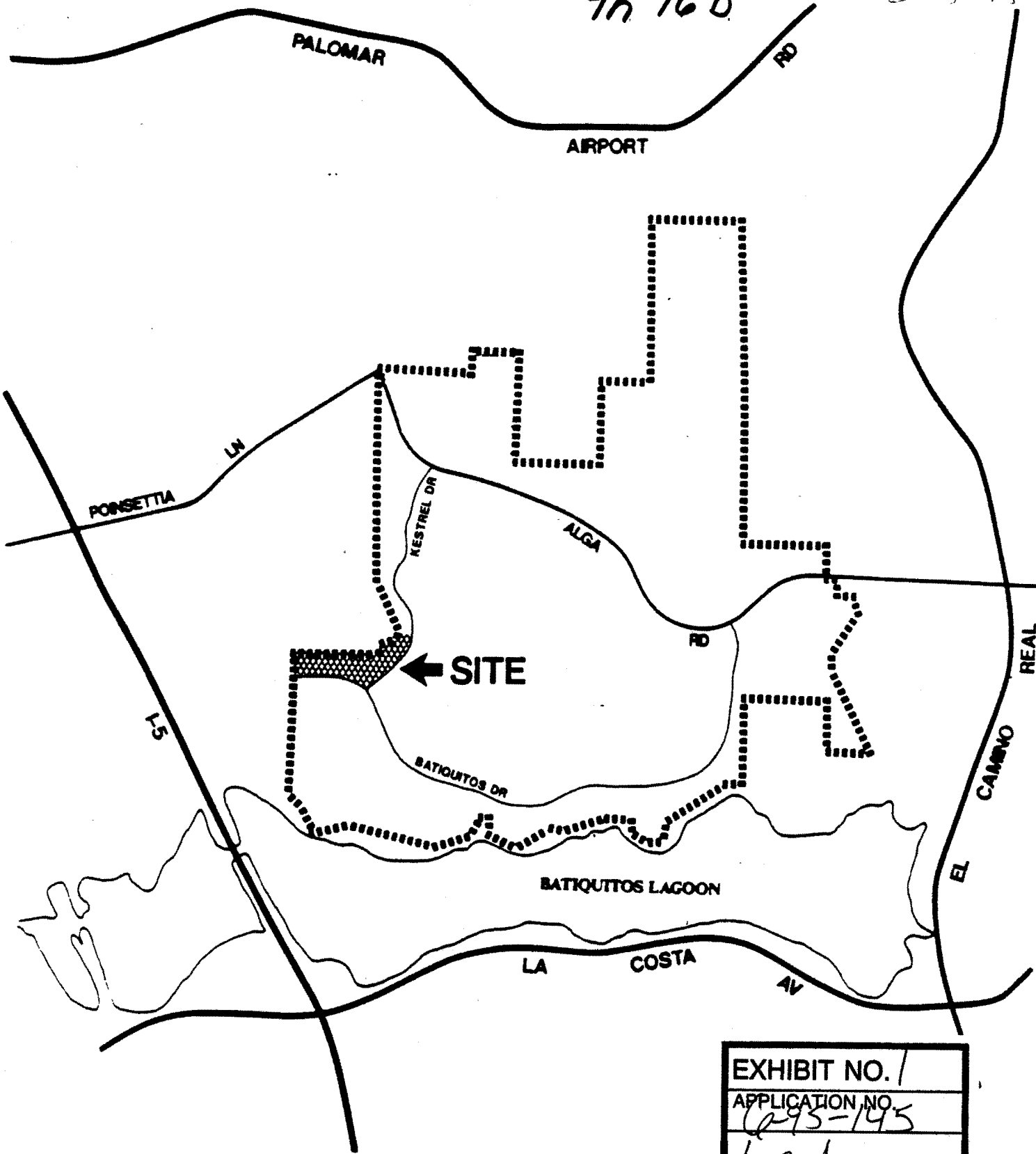


EXHIBIT NO. 1
APPLICATION NO. 6-95-145
Location
California Coastal Commission

**SANDPIPER
AVIARA PLANNING AREA 29**

SDP 95-03

Exhibit 2 - Site Plan

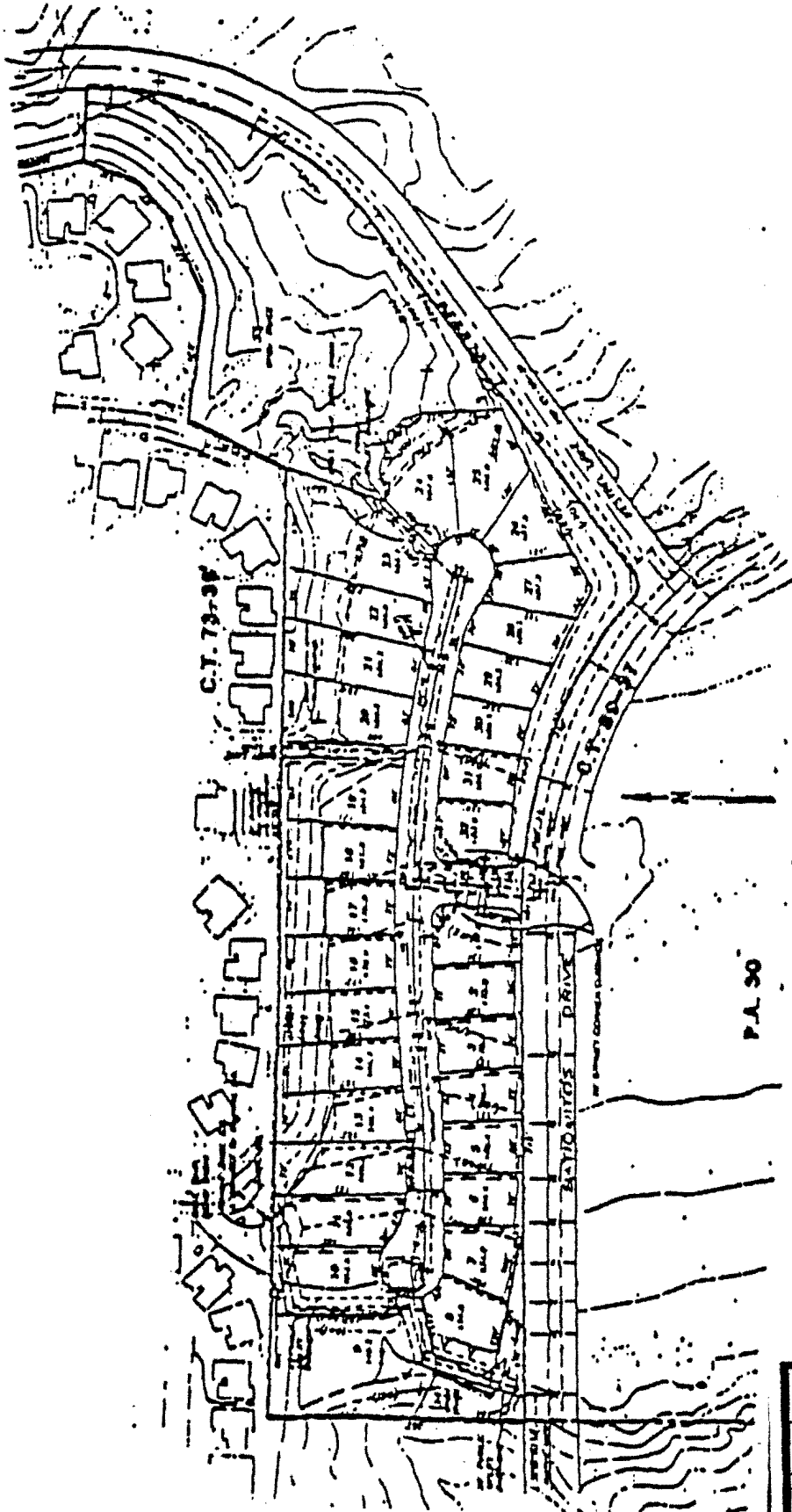


EXHIBIT NO 2
APPLICATION NO. C-95-145
Tentative Map
California Coastal Commission