

CALIFORNIA COASTAL COMMISSION  
San Diego Coast  
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TH 176

Staff: WNP-SD  
Staff Report: 11/27/95  
Hearing Date: 12/12-15/95

## RECORD PACKET COPY

### PERMIT AMENDMENT STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-91-305-A3

Applicant: Coscan Davidson Homes Inc./Aviara Land Associates

Agents: Deborah Frischer and Carol Ford

#### Original Project

Description: Subdivision of 15.5 acres into 35 single family residential lots and one open space lot; rough grading of site including 16,400 cubic yards of balanced grading in Planning Area 27 of the Aviara Master Plan.

Lot Area	15.5 acres
Zoning	PC - Planned Community
Plan Designation	Combination
Project Density	2.3 du/ac

#### Amendment

Description: Revise Special Conditions #1 and #2 to allow occupancy of residential units 1-7, 18-29 and 31-35 prior to the final resolution of trail improvements.

Site: North side of Batiquitos Drive, southeast of Kestrel Drive, (Planning Area #27), Carlsbad, San Diego County. APN 215-040-23, 216-111-08, 09

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#### STAFF NOTES:

##### Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the amendment with special conditions which allow occupancy of the residential units to proceed prior to final resolution of the location of the scenic trail or trails within Open Space Lot #36. The approved trail alignment(s) will be addressed through Commission review of the portion of LCP amendment #3-95 which proposes relocation of the approved Golf Course Trail, a portion of which crosses Open Space Lot #36 on PA 27. The conditions require that within 30 days of Commission action on the LCPA #3-95, the applicant (Aviara) must submit to the Executive Director a site development plan and trail improvement plan for the scenic trail or trails, consistent with the alignment and design approved by the Commission as part of the certified Master Plan. Within 30 days from Executive Director approval, the trail(s) shall be installed. Public access signage shall also be provided to facilitate public use of the trail(s) in a manner intended by the Aviara Master Plan/Local Coastal Program as certified by the Commission.

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segment; CDP #6-94-8A.

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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, 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. Special Conditions.

These Special Conditions #1 and 2 supercede and replace Special Conditions #1 and 2 of the amended permit (8/9/95 action) in their entirety.

1. Local Coastal Program Amendment. Prior to the installation of the approved trail improvements, the Commission shall review and approve an amendment to the East Batiquitos/Hunt Properties and the Aviara Master Plan segment of the certified City of Carlsbad Local Coastal Program addressing a revised alignment for the Golf Course Trail.

2. Final Community Trail Plans and Construction. Prior to the installation of the approved trail improvements, and within 30 days of Commission action on the portion of LCPA #3-95 addressing a revised Golf Course Trail, the applicant (Aviara Land Associates) 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 or trails approved by the Commission pursuant to the portion of LCPA #3-95. The final trail plans shall also be approved by the City of Carlsbad. The submitted trail plan shall include the following:

- a. The approved trail(s) shall be maintained and open to the public in perpetuity;
- b. The trail(s) shall be signed to facilitate and enhance public use. A public access signage plan shall be submitted which shall include a public access sign near the intersection of Golden Star Lane and Batiquitos Drive, and visible from the public access parking lot, to alert pedestrians of public trail opportunities within PA 27. Additional, signage shall be placed at the trailhead on Savannah Lane, within Open Space Lot #36 and visible from Savannah Lane. Said signage shall read, "Public Trail - Open to the Public" or similar language. Said plan shall be approved in writing by the Executive Director.

Within 30 days of Executive Director approval of the trail plans, the applicant shall install the trail improvements and arrange for a Commission staff site inspection to verify the improvements have been installed.

3. Prior Permits and Amendments. All special conditions and provisions of the previously-issued coastal development permit #6-91-305 and subsequent amendments are binding and remain in force, unless specifically modified herein.

### III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Amendment Description/History. The subject site is located in southern Carlsbad, east of Interstate 5 along the north side of Batiquitos Drive, southeast of Kestrel Drive within the Aviara development. In 1992, the Commission approved CDP #6-91-305 for the subdivision of 15.5 acres into 35 single family residential lots (minimum lot size 7,500 sq. ft., density 2.3 du/ac), one open space lot and 16,400 cubic yards of balanced finish grading in Planning Area 27 of the Aviara Master Plan. 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 #6-91-305 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.

A portion of PA 27 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 #6-91-305. However, the approved tentative map indicates an alignment for a community trail through the recorded open space/coastal resource area which was not specifically addressed by the Commission in its review of the subdivision proposal.

In July 1995, the construction of 11 single family homes was approved as a non-material amendment (#6-91-305A). The Executive Director found that due to the site location, north of Batiquitos Drive, the proposed structures would not adversely affect any scenic vista or views within or around the lagoon. It was further found that the units have been designed to ensure architectural compatibility with the surrounding area including compatible materials, color and size, and that the proposed structures were consistent with the height standards of the certified Aviara Master Plan, and are similar to other residences routinely approved by the Coastal Commission. The proposal also received an approved Site Development Plan from the City of Carlsbad.

The applicant had sought to have all 35 units approved non-materially. However, that number of units went beyond the scope of what is typically approved as a non-material amendment and there was a question about the alignment being shown for the Golf Course Trail.

In CDP #6-91-305A2, the applicants processed the second amendment request to complete build-out of the remaining homes in the subdivision. However, issues still remained regarding the alignment and timing of installation of the community trail within this planning area which are addressed in the following findings.

CDP #6-91-305-A2 was approved subject to a number of special conditions including that, prior to the occupancy of the proposed residential or installation of the proposed trail improvements, a LCPA for a revised alignment of the Golf Course Trail must occur. The permit amendment also required that, prior to the occupancy of the units, final trail plans for the Golf Course Trail must be submitted, and the improvements should be installed consistent with the trail alignment as approved by the Coastal Commission in the Aviara Master Plan and the East Batiquitos/Hunt Properties segment of the certified City of Carlsbad Local Coastal Program. Special Condition #3 required that the graded trail be revegetated if found necessary through a LCPA. And Special Condition #4 provided that should an LCPA resolving the conflict between the proposed and approved trail alignments not be certified by December 31, 1995, the applicant may apply for an amendment to the permit to allow occupancy of the units. The condition further stated that such an amendment request would be evaluated on proof that all good faith efforts are being made to complete the LCPA in a timely manner.

The City has submitted LCPA #3-95, a portion of which is scheduled on the Commission's December 1995 agenda. The portion of the LCPA #3-95 addressing the revised Golf Course Trail has been deferred until no later than the February 1996 Commission meeting to allow more time for staff and the applicant to review resource impacts and potential revised trail alignments. This permit amendment proposes to revise Special Conditions 1, 2, and 3 of the amended permit in order to allow occupancy of the proposed residential units prior to the installation of trail improvements. With the City's submittal of LCPA #3-95, the trail alignment issue has been submitted to the Coastal Commission properly for its review. According to the master plan, trail construction is the responsibility of the master builder, Aviara, and not the developer of the site, Coscan Davidson.

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, the 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, to provide lower cost public

recreational demands, and to serve the recreational needs of its future 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 27, 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. The Commission is approving the amendment to the permit, with conditions which allow occupancy to proceed, but require submittal of final trail improvement plans by the applicant, within 30 days of Commission action on the LCPA, to assure the approved trail is installed consistent with the requirements of the certified Master Plan.

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. 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.

Two segments of the public community-wide trail system traverse the subject site. First, a portion of the major east/west trail that is proposed along Batiqitos Drive is proposed to be constructed along the site's southern boundary as a sidewalk. When completed, this sidewalk trail would extend east/west on the north side of Batiqitos Drive across the breadth of the Aviara holdings. The sidewalk improvements on the subject site are but a segment of this larger trail. Batiqitos Drive also represents the "first coastal roadway".

Second, a portion of a north/south trail, known in the Master Plan as the Golf Course Trail, is proposed within designated open space Lot #36. This trail is the subject of LCPA #3-95. The alignment shown on the site development plan has been approved by the City but is different than the alignment of the Golf Course Trail that was approved by the Commission in the Aviara Master Plan and on the tentative map for the subdivision permit on PA27. According to the City, this alignment change was requested by the master builder of Aviara, Hillman Properties, who cited that public safety and private liability concerns resulted from the trail's original alignment near the master plan's private golf course. In July 1992, the City realigned the entire Golf Course Trail through an administrative amendment to the master plan. However, an amendment to the LCP was not processed for the revised alignment, and is required. Special Condition #1 has been revised to allow occupancy to proceed, but to still require processing of the submitted LCPA, prior to installation of the trail improvements .

Through review of the submitted LCPA, the Commission will consider the resource impacts associated with the alternative trails, as well as the quality of the public recreational experience and whether the original alignment can be slightly modified to continue to provide views to the golf course and associated open space, but also address trail users safety. This realignment could result in a trail that remains closer to the scenic golf course rather than the realigned trail which is well-removed from the golf course and adjacent to residential development for much of its length. However, it is also possible that, through the LCPA process, more than one scenic trail may be approveable within open space Lot #36. Therefore, Special Condition #2 has been revised to require that final trail plans for the approved trail or trails be submitted within 30 days of Commission action on the LCPA #3-95. The trail shall then be installed within 30 days of Executive Director approval of the trail plans.

The condition also requires that the trail(s) 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 approved trail(s). The public

access signage shall include a public access sign within open space Lot #36 at the trailhead and visible from Savannah Lane, and a public access sign near the planning area's street frontage with Batiquitos Drive. That sign will then be visible from the public parking lot constructed across Batiquitos Drive from the entrance to PA 27, and will notify the public of the public recreational opportunities available on the trails in PA 27. As conditioned, the Commission can find the proposed project consistent with the public access provisions of the certified Aviara Master Plan.

3. 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 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/Hunt Properties segments. The subject property is located within the Mello II 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. The corresponding new East Batiquitos Lagoon/Hunt Properties segment includes a portion of the subject Master Plan area (632 acres).

In 1987, the Commission certified an amendment to the Mello I segment LCP and certified the (then) 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 subject site is zoned Planned Community and the plan designation is RM. The subject proposal, with a density of 2.3 du/ac, is within the site's maximum permitted density of 4-8 du/ac.

The issue which must be addressed through this amendment is the timing of installation and location of the community trail which is within this planning area which provides an important upland trail link to the lagoon trail system and is a recreational asset on its own merit. That issue will be addressed through Commission review and approval of the portion of LCPA #3-95 addressing the revised Golf Course Trail.

4. 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.

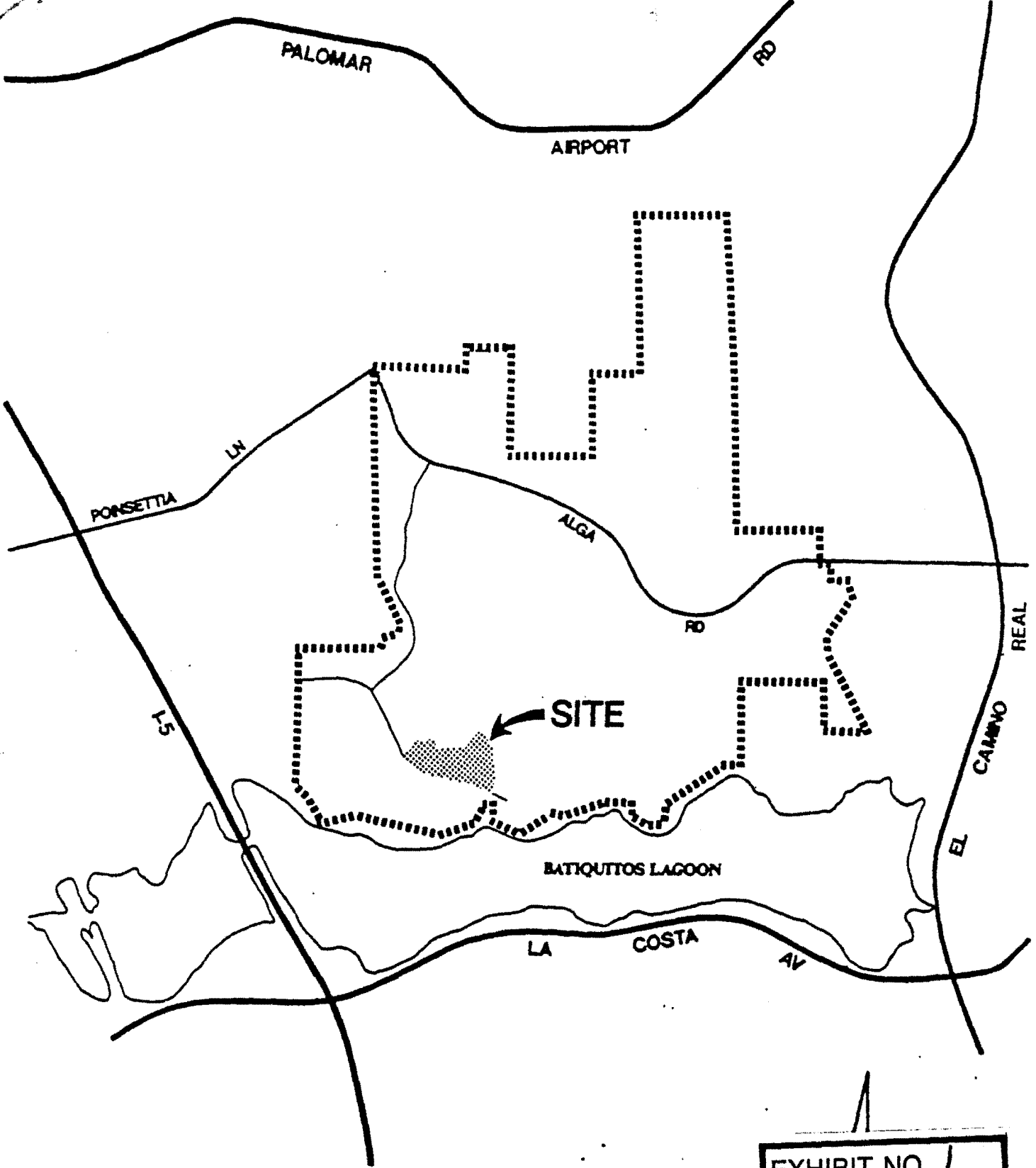
As discussed herein, the proposed project will not result in any significant adverse impacts to the environment. Specifically, as conditioned to ensure

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.

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AVIARA PLANNING AREA 27

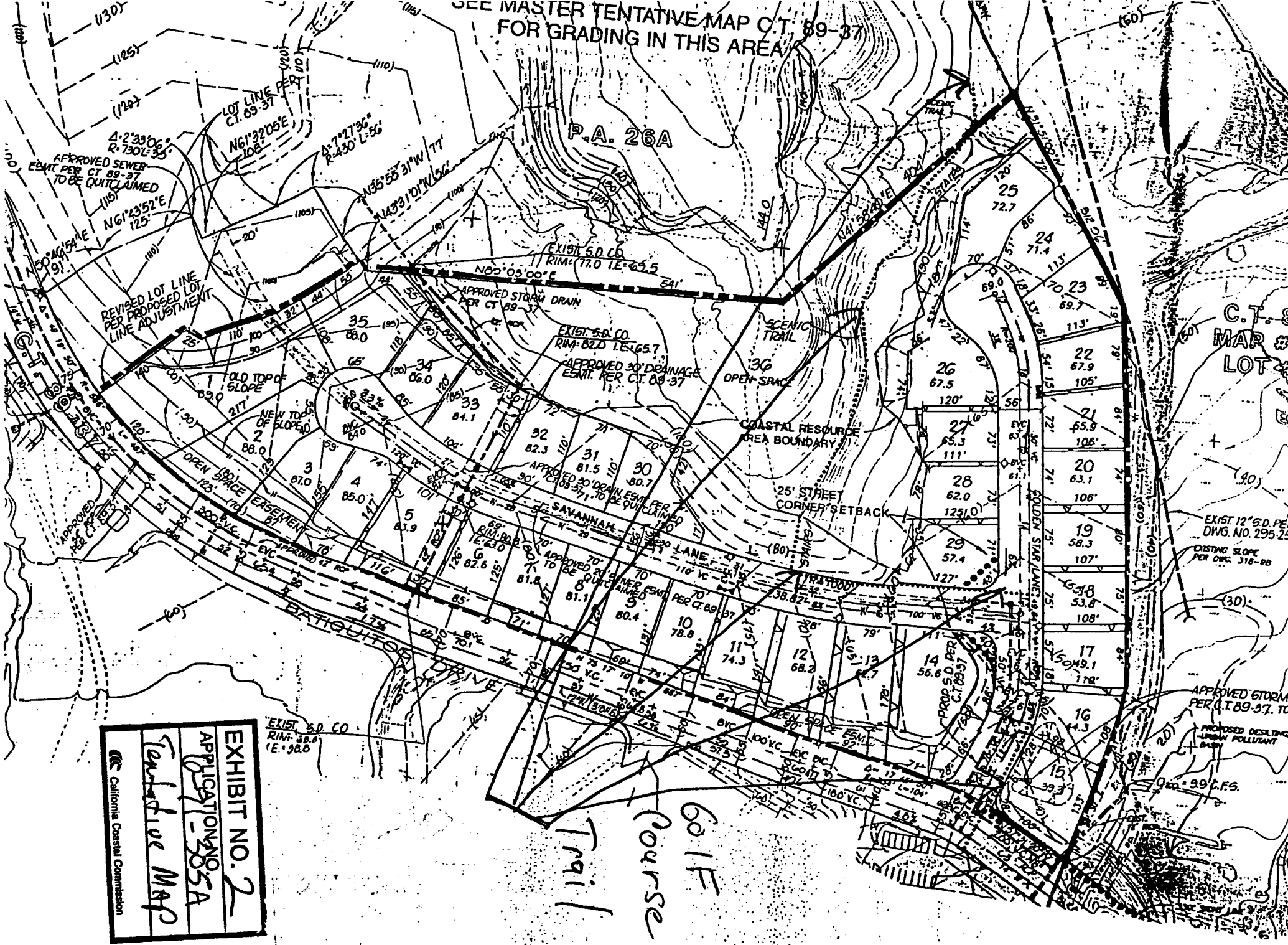
EXHIBIT NO. /
APPLICATION NO. 0-97-305A
Location
California Coastal Commission

SEE MASTER TENTATIVE MAP CT 89-37  
FOR GRADING IN THIS AREA

P.A. 26A

C.T. 8  
MAP #  
LOT #

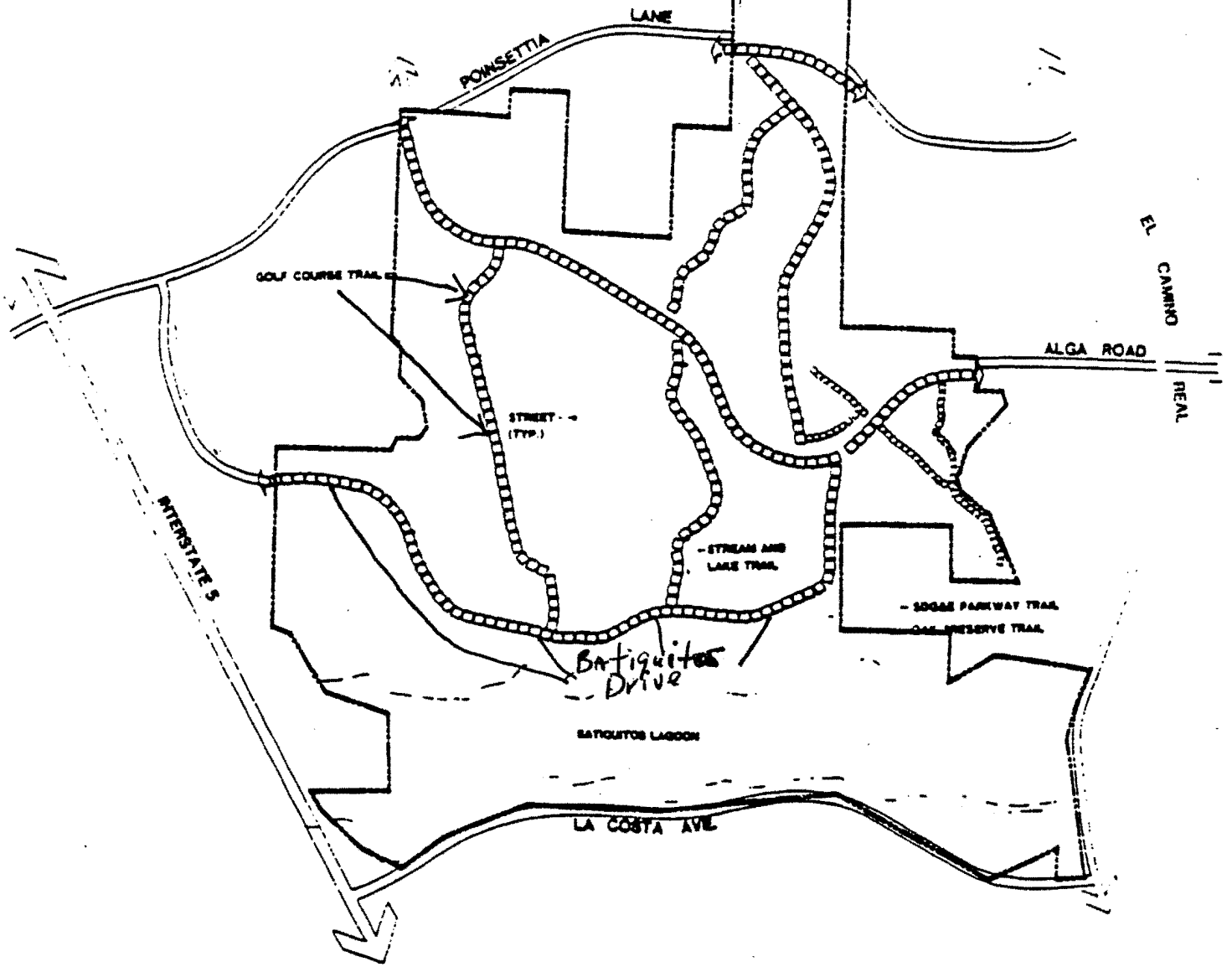
EXHIBIT NO. 2
APPLICATION NO. 285A
Tentative Map
California Coastal Commission





GOLF COURSE  
Trail

APPROVED STORM DRAIN PER C.T. 89-37. TO BE PROPOSED DESULFURIZING FROM POLLUTANT BASIN

EXIST. 12" S.D. PER DWG. NO. 295-25  
DISTING. SLOPE PER DWG. 318-88




**LEGEND**

-  MAJOR COMMUNITY TRAIL
-  SECONDARY TRAIL

**NOTE:**  
 NATURE TRAIL SHALL BE INCLUDED IN ACCORDANCE WITH THAT APPROVED AS PART OF THE BATIQUITOS LAGOON ENHANCEMENT PLAN

**TRAIL SYSTEM**

*Pacific Rim*

EXHIBIT NO. 3
APPLICATION NO. 6-91-305A
Approved Trails
 California Coastal Commission

\* NOTE ALIGNMENT OF THIS TRAIL HAS NOT BEEN FINALIZED

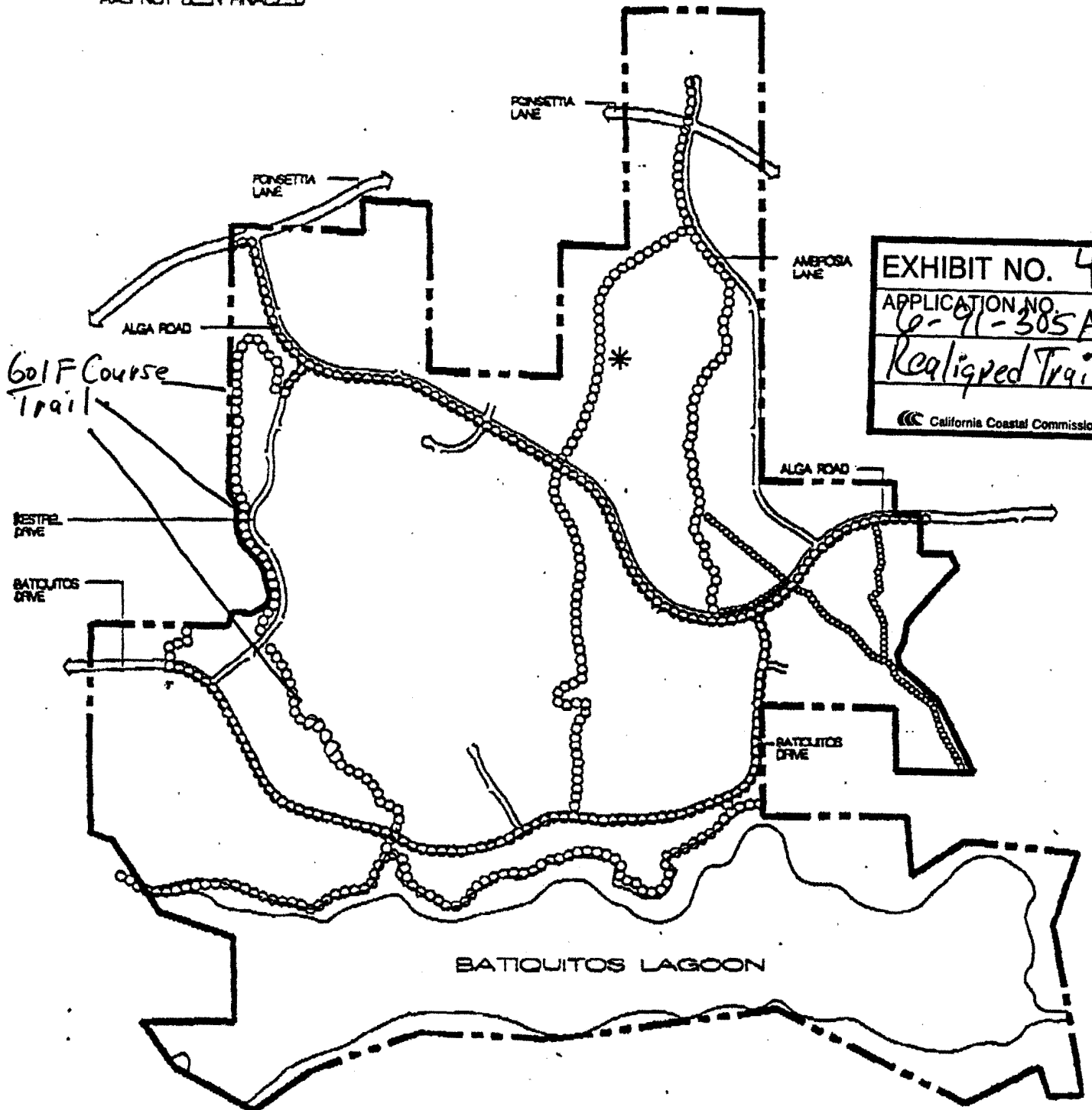


EXHIBIT NO. 4
APPLICATION NO. 6-91-305A
Realigned Trails
California Coastal Commission

LEGEND

-  MAJOR COMMUNITY TRAIL
-  SECONDARY TRAIL
-  NORTH

# TRAIL SYSTEM

EXHIBIT IV-23

