

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
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Staff: WNP-SD  
Staff Report: 9/20/96  
Hearing Date: 10/8-11/96



## RECORD PACKET COPY

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-94-131-A-5

Applicant: Toyohara America Group Agent: Paul Klukas

## Original

Description: Subdivision of a 68.5 acres into 134 single and multi family lots for a total 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: proposed  
Revise tentative subdivision map to reduce the number of proposed multi-family units from 220 units to 140 units (80 less units) and increase the number of single family lots from 129 to 137 (8 additional lots) for a total of 142 lots and 277 residential units; eliminate the single family private streets and gates and replace with public streets; and consolidate the community facility site into one area near the northwest corner of the site. The amendment also includes design modifications to the multi-family neighborhoods, and includes a modified 42-unit affordable housing project.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment subject to special conditions requiring an open space deed restriction, revised mitigation plan, final landscape plans, grading/drainage/erosion/runoff control plans, construction timing/staging area/access corridor plans, a brush management program, and a building setback/brush management deed restriction to conform to the revised project.

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Substantive File Documents: Certified Carlsbad Local Coastal Program Mello II segment

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PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants an amendment to the proposed project, subject to the conditions below, on the grounds that the amendment 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 following conditions replace the conditions of the same title in the original approval and require revised final plans and replacement deed restrictions to conform to the City-approved project which is the subject of this amendment request.

The permit is subject to the following conditions:

1. Replacement Open Space Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a restriction against the subject property, free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall prohibit any alteration of landforms, removal of vegetation or the erection of structures of any type, except as herein approved, in the area shown on the attached Exhibit "3", and generally described as follows: the dual criteria slopes and coastal sage scrub/riparian scrub area as shown on the Revised Tentative Map dated 8/1/96, including .50 acres in the southeastern corner of the site, 2.99 acres in the northeastern corner of the site, and the approximately .96 acres in the northwestern portion of the property exclusive of the Hidden Valley Road alignment. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restriction shall be subject to the review and written approval of the Executive Director.

2. Final Landscape Plans. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan that indicates the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant, fire resistant native plants compatible with the surrounding open space shall be utilized to the maximum extent feasible. The final landscaping plan shall be developed in consultation with the Department of Fish and Game to avoid use

of species inherently noxious to the adjacent environmentally sensitive habitat area. Said plan shall be reviewed and approved in writing by the Executive Director.

3. Grading and Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, in consultation with the Department of Fish and Game, final grading plans for the on-site finished grading approved by the City of Carlsbad. Said plans shall incorporate the following:

a. All grading activity shall be prohibited between October 1st and April 1st of any year. Prior to commencement of any grading activity, the permittee shall submit a grading schedule which indicates that grading will be completed within the permitted time frame designated in this condition and that 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 or concurrent with any on-site grading activities.

c. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized in advance of the rainy season. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

4. Drainage/Runoff Control. Prior to the issuance of a coastal development permit, the applicant shall submit final drainage and runoff control plans corresponding to the revised project approved by the City of Carlsbad. Said plans shall be designed by a licensed engineer qualified in hydrology and hydraulics, and assure no increase in peak runoff rate from the developed site as a result of a ten-year frequency storm over a six-hour duration (10 year, 6 hour rainstorm). Runoff control shall be accomplished by such means as on-site detention/desilting basin(s). Energy dissipating measures at the terminus of outflow drains shall be constructed. The runoff control plan including supporting calculations shall be submitted to and determined adequate in writing by the Executive Director.

5. Construction Timing/Staging Areas/Access Corridors. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final construction schedule, which shall be incorporated into construction bid documents. Final plans for the location of access corridors to the construction sites and staging areas shall be submitted. Access corridors and staging areas shall be located in a manner that has the least impact on coastal resources. No staging areas or access corridors shall be located within the environmentally

sensitive habitat areas located along the Hidden Valley Road alignment. If more than one staging site is utilized, the plans shall indicate which sites are connected with which portions of the overall development, and each individual site shall be removed and/or restored immediately following completion of its portion of the overall development.

6. Brush Management Program. Prior to the issuance of the coastal development permit, the applicant shall submit for review and approval of the Executive Director, a revised brush management program corresponding to the subject project. The plan shall include a site plan showing a 100 foot distance beyond all planned structures on lots adjacent to open space areas, designating those areas subject to clear-cut removal and selective thinning. The plan shall indicate that clear-cut vegetation removal for brush management purposes shall not be permitted within required open space areas pursuant to Special Condition #1. Therefore, this program shall establish a minimum 30 foot setback for residential structures from such open space areas. Any approved clearing shall be conducted entirely by manual means and shall be the absolute minimum for reduction of fire hazards. A greater than 30 foot setback may be required if the Fire Department indicates substantial clearing is necessary within the 30 foot to 100 foot setback area.

If documentation from the City of Carlsbad Fire Department is provided which indicates the fuel modification requirements identified in the City of Carlsbad's Landscape Technical Manual (60 foot fuel management zone incorporating three 20 foot zones) are acceptable to mitigate fire hazard to structures proposed adjacent to open space areas, those requirements can be accepted in lieu of the above statewide standard. However, in no case shall any clearcutting of vegetation be allowed in required open space areas. The specific restrictions shall also be recorded, with exhibits of required setbacks, pursuant to Condition #7 of this permit.

7. Building Setbacks/Brush Mgmt. Prior to the issuance of the coastal development permit, the applicant shall record a replacement deed restriction, in a form and content acceptable to the Executive Director, prior to all liens and encumbrances and binding on the applicant and any successors in interest. The restriction shall be recorded against each individual residential parcel adjacent to open space areas approved pursuant to this permit. The recorded document shall provide the following:

a. Building setback and brush management practices on this lot are limited, pursuant to Coastal Development Permit No. 6-94-131 on file in the Coastal Commission office. The specific restrictions shall also be recorded, with exhibits of required setbacks, pursuant to Condition #6 of this permit.

8. Recission of Previous Deed Restrictions. Upon recordation of the replacement open space and brush management deed restrictions, the applicant shall record the recission of the previously recorded deed restrictions in a form and content acceptable to the Executive Director.

9. On-site Mitigation Plan. (This condition has been revised to address only the on-site mitigation requirements contained in Special Condition #3 of

the original approval. The other provisions of the condition addressing off-site impacts remain in full force and effect.)

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval in consultation with the California Department of Fish and Game, a revised final mitigation plan for on-site impacts. The revised plan shall indicate dual criteria slopes in the northwest, northeast and southeast corners of the site as shown on the Revised Tentative Map dated 8/1/96 shall be enhanced with coastal sage scrub plants.

10. 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 is to 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.

However, the Commission also found that the proposed development did not fully comply with the Mello II LCP requirements regulating development of steep slopes containing native habitat (dual criteria areas) and as a result, included a special condition requiring revision of the proposed tentative map which would preserve larger masses of these areas in their natural state. Specifically, preservation of the natural "finger canyon" in the northwest corner of the site, and expansion of the natural areas in the northeast and southwest segments of the property were required. The condition referenced compliance with a Slope Encroachment Analysis, dated 2/14/96.

The applicant subsequently modified the project to a design necessary to comply with the special condition. Even though the design modifications were relatively minor to the overall scale of the project, they did result in a realignment of Cherry Blossom Road which affected street policies addressing direct access to this roadway. As a result, this redesign resulted in a plan which could not be found by the City to be in "substantial conformance" with the previous City approval. Projects not found in substantial conformance with the approved plans are required to re-enter and process through a public

hearing process. The applicant achieved a short-term resolution of this circumstance by revising the project in accordance with the Coastal Commission requirements; receiving a City substantial conformance finding upon the condition that a revised tentative map would be processed; receiving a non-material amendment to CDP #6-94-131-A-2 which acknowledged that any revised tentative map approved by the City would receive an amended coastal development permit. This action, in conjunction with compliance with the special conditions, allowed the coastal development permit to be issued. The applicant then received a City grading permit, completed mass grading, major infrastructure installation, and environmental mitigation. Also, in compliance with the above, the applicant has received approval from the City for the revised vesting tentative map, and is proposing this revised plan as the subject of this amendment request.

Subsequent to the commencement of grading, the applicant elected to modify the multi-family plans to bring them more in compliance with updated marketing information. As a result, the proposed amendment includes modification of the internal subdivision design as outlined below.

Specifically, the proposed modifications to the project are as follows:

- A. Revisions to the townhome lots in Areas "A" and "D", and an overall reduction in the total number of multi-family residential units of 80 units. The proposed affordable housing project will involve for-sale units, rather than the approved rental housing.
- B. Elimination of gate guarded single family residential streets and replacement with fully public streets. Eight more single family lots are proposed than approved under the original action. Overall, the plan results in 72 fewer residential units than previously approved.
- C. Consolidation of the two small community facility sites into a single 1.8 acre community facility site across the street from Poinsettia Community Park, along Hidden Valley Road.
- D. Change in the approved on-site open space system from .39 acres in the southeastern corner of the site to .50 acres; from 2.8 acres in the northeastern corner to 2.99 acres; and from .76 acres in the northwest portion of the site to .96 acres.

The overall finish grading for the project will involve approximately 21,000 cubic yards of balanced earthwork, all within the confines of the site or arterial roadways approved in conjunction with the project.

2. Resource Protection/Sensitive Habitat. Approved CDP #6-94-131 identified the locations of habitat areas within the 68 acre site which are worthy of protection through Policy 3-1, "Slopes and Preservation of Vegetation", and the "Grading and Erosion Control" provisions of the certified Mello II LCP. These steep slope "dual criteria" areas are afforded special protection status, and are allowed for development only under the most specific of circumstances. CDP 6-94-131 identified three specific areas of

the site worthy of protection under Policy 3-1. An open space deed restriction was placed over these areas consistent with the special condition. The amendment proposes to slightly increase the area of the open space system originally approved; therefore, the Commission finds the open space deed restriction will have to be revised to reflect this additional area as identified in Special Condition #1 and #8.

As noted, the project redesign is significant when compared to the Commission's original approval. Similar to the approach identified in Special Condition #1, the Commission finds updated compliance documents for a number of the remaining approved Special Conditions must be submitted to find the revised project consistent with the resource protection provisions of the certified Mello II LCP. These conditions relate to a revised mitigation plan for on-site impacts, final landscape plans developed in consultation with the California Department of Fish and Game, grading and erosion control plans, drainage and runoff control plans, a final construction schedule identifying staging areas and access corridors, a revised brush management program, and revised deed restrictions relating to brush management practices and building setbacks on lots adjacent to approved open space areas. Only as conditioned can the Commission find the subject amendment consistent with the resource protection policies of the certified Mello II LCP. The remaining special conditions of the original approval addressing agricultural conversion, offsite improvements, proof of legal ability to develop, trail construction, and a portion of the Special Condition addressing off-site mitigation remain in full force and effect as identified in attached Special Condition #10. These conditions do not have to be revised because no changes are proposed which would affect their provisions.

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