

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

Staff: LRO-SD
Staff Report: November 12, 1996
Hearing Date: December 10-13, 1996



AMENDMENT REQUEST STAFF REPORT AND PRELIMINARY RECOMMENDATION

Wed 18c

Application No.: 6-95-52-A

Applicant: Poinsettia Homebuilding Partners Agent: Bill Hofman

Original

Description: Subdivide 10.5 acre site into 52 lots (2 open space lots and 1 private street lot) and construct 49 single family homes on 5,000 sq.ft. minimum lots with 22,000 cu. yds. of cut, 18,800 cu. yds. of fill and 3,200 cu. yds. of export to construct building pads, roads, and drainage and infrastructure improvements within the Poinsettia Shores Master Plan.

Lot Area	10.5 acres
Building Coverage	2.6 acres (25%)
Pavement Coverage	2.3 acres (21%)
Landscape Coverage	4.2 acres (54%)
Parking Spaces	177
Zoning	P-C (Planned Community)
Plan Designation	Residential Medium (4-8 du/ac)
Project Density	4.7 du/a
Ht abv fin grade	27 feet

Site: Planning Area "A-2", at southwest corner of Avenida Encinas and Windrose Circle, Carlsbad, San Diego County 216-140-43, -33

Proposed Amendment: To allow grading during the rainy season from January 1, 1997 to March 1, 1997, an additional 22,000 cu. yds. (maximum) of finish grading for Planning Area "A-2" including 800 cu. yds. of export (for Planning Areas "A-1" and "A-2") to Planning Area "A-3" for finish grading associated with the tentative map, and a buildingpad elevation change up to two feet maximum. Amendment includes temporary erosion control measures such as gravel bags and temporary desilting basins in conjunction with plantings to minimize soil loss from the construction site.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment subject to a special condition requiring submittal of a program to monitor the condition of the erosion control devices and to limit the winter grading to March 1, 1997.

Substantive File Documents: Certified City of Carlsbad West Batiquitos Lagoon/Sammis Properties Segment LCP; City of Carlsbad Master Tentative Map 94-05; CDPs 6-94-79, 6-95-51 & 6-95-52/Kaiza Poinsettia Corp.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit amendment for the proposed development, subject to the conditions below, on the grounds that the development as amended 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. Monitoring and Reporting. Prior to the issuance of the 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 during the winter grading season. The monitoring program shall include, at a minimum, monthly reports beginning one month from the proposed start date of January 1, 1997 and continuing to completion of grading, no later than March 1, 1997. 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. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Amendment Description and History. The project site is Planning Area "A-2" of the Poinsettia Shores Master planned community, of which the master plan was approved by the Commission in 1994 (ref. CDP #6-94-79). The master planned community comprises a total of 89 acres in approx. ten separate "planning areas". The original permit (#6-95-52) was for planning area "A-2" on 10.4 acres for 52 lots including construction of 49 single family homes. The applicant requests an amendment to the previously

approved coastal development permit for an additional 22,000 cu. yds. grading associated with the tentative map for "finish grading" including a total of 800 cu. yds. of export (for both Planning Areas "A-1" and "A-2" total) to Planning Area "A-3". The 800 cu. yds. of export is part of the approved import of 9,200 cu. yds. for Planning Area "A-3". Also proposed is a grade elevation change (an increase or decrease of up to two feet) on the interior lots of the master plan. The proposed changes in elevation based on the previous permit are generally an increase or a decrease of less than one foot. However, there are some areas where the change will be up to a maximum of two feet. The change in pad elevation will not result in any changes to the visibility of the project from Highway 101, Batiquitos Lagoon or Interstate-5. The proposed changes to the pad elevation are a result of minor modifications to the floor plans of the previously approved project.

Also proposed as part of the amendment is to allow grading within the rainy season from January 1, 1997 to March 1, 1997. Typically, grading is restricted between October 1st to April 1st of any year. The applicant anticipates that grading will be completed within one month, however, is seeking the extension for a period of up to two months should any unexpected delays occur. All rough grading has already been completed and the grading proposed is minor in nature and necessary, in part, due to proposed changes in the pad elevation described above. The applicant also proposes temporary erosion control devices for the proposed graded areas to include: temporary desiltation basins, hay bales, gravel bags, and installation of hydroseeding, etc. Planning area "A-2", as well as "A-1", drains into the existing/permanent storm drain system which flows in a southerly direction into the existing Rosalena desiltation basin south of Windrose Circle. The desiltation basin will remain as a permanent drainage facility. There is also a temporary desiltation basin located at the present southern terminus of Windrose Circle. Planning Area "A-2" is located on the south side of Avenida Encinas at its intersection with Windrose Circle, north of Batiquitos Lagoon and east of Highway 101, in the City of Carlsbad.

2. Resource Protection/Sensitive Habitat. The Poinsettia Shores 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 submittal of detailed grading and erosion control plans as well as drainage/runoff control plans. The grading and erosion control plans specified that temporary devices be installed prior to the onset of the rainy season as well as installation of hydroseeding, etc. The drainage and runoff control plans required that there would be 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).

Adverse impacts of development adjacent to wetlands are most often associated with the potential for increased runoff from lengthened exposure of unprotected soils causing downstream sedimentation of the lagoon. Through the subject amendment request, the applicant is proposing 20,600 cu. yds. of additional "finish grading" associated with the tentative map for Planning areas "A-1" and "A-2" 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. Also, because of the substantial amount of grading proposed in the original project (328,000 cu. yds. for the entire master plan area) 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. Although grading is proposed during the rainy season, both temporary and permanent erosion control measures have been incorporated into the project to assure adequate protection against sediment reaching the lagoon.

The project includes one temporary desiltation basin for the subject planning area which will remain in place and operation throughout the rainy season and the majority of the grading operation. The basin will be removed after the additional on-site storm drain system is in place, the majority of the grading is complete and the erosion control measures required by the City are in place. The existing temporary desiltation basin drains directly into an existing storm drain pipe which flows directly into the existing permanent Rosalena desiltation basin to the south of the project area. This desiltation basin is the permanent protection against sediment reaching the lagoon. In addition, other erosion control measures will be installed which will contain erosion on-site until construction has been completed and the landscaping established. Those erosion control measures include: temporary desiltation basins, sand bags, hydroseeding of all slopes three feet high and silt fences at the bottom of slopes. Implementation of the above-described erosion control measures will adequately mitigate the impacts of the grading to the maximum extent feasible.

The applicant has indicated that the Homeowner's Association will ultimately be responsible for maintaining the desiltation basin and other erosion control devices. Special Condition #1 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 attached condition would require the submittal of monthly reports throughout the entire rainy season through March 1, 1997. The report must include 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 proposed grading schedule. This condition is proposed to insure maximum protection of the sensitive biological resources of Batiquitos Lagoon. The condition is consistent with conditions applied to similar amendments in other master planned areas in the City of Carlsbad adjacent to lagoons.

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

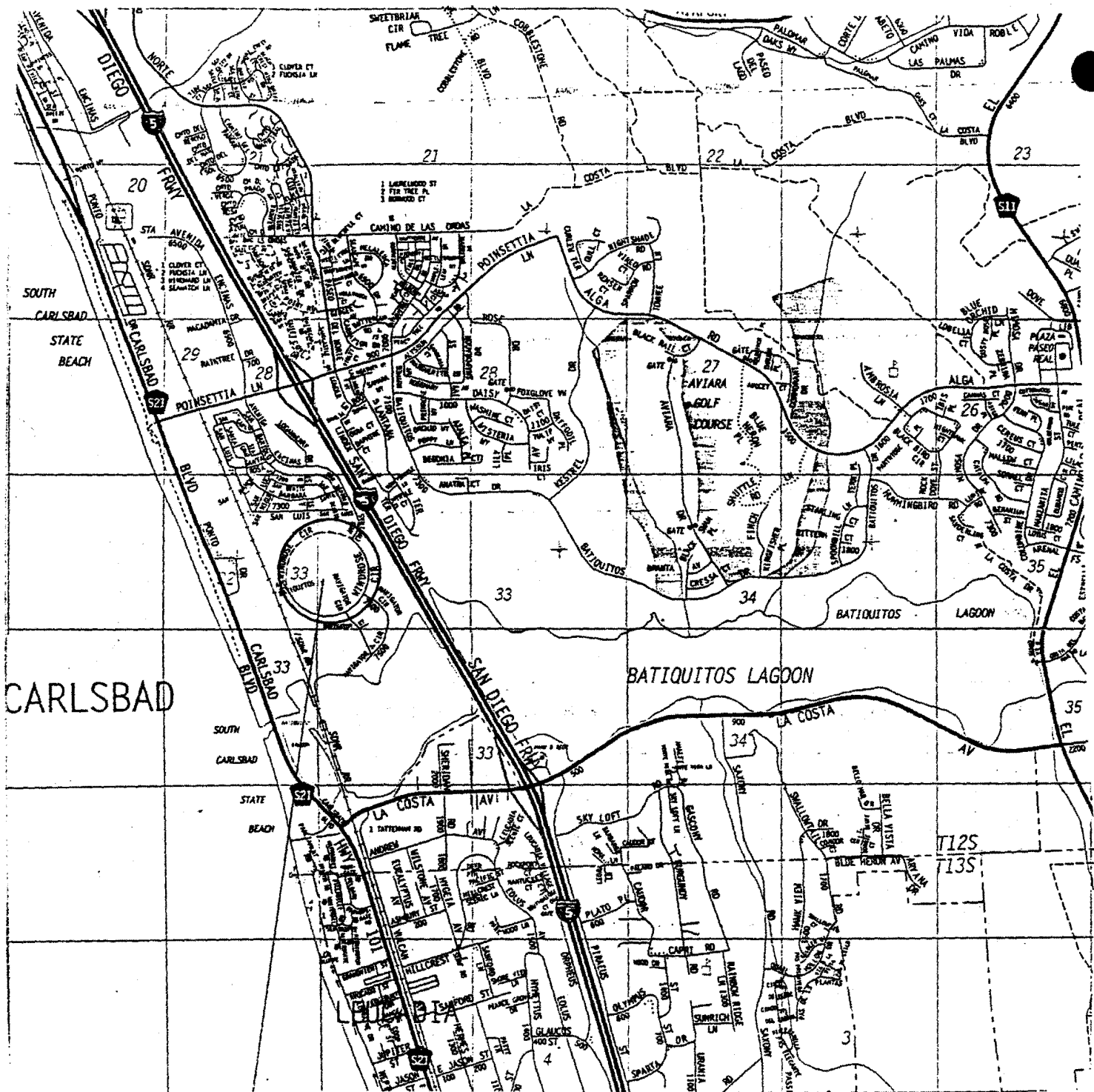
3. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislation amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and

County islands prior to specific statutory dates. In reviewing development proposals, the Commission must essentially act like local government and assess whether a project is consistent with the implementing zone and other policies of the certified LCP.

In this case, such a finding can be made. As conditioned herein, the proposed amendment can be found consistent with the West Batiquitos Lagoon LCP, including the Poinsettia Shores Master Plan, an implementing document of the LCP. The Master Plan covers property located within the jurisdiction of the West Batiquitos Lagoon LCP segment which was approved by the Commission in 1985.

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, any proposed 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 extensive erosion control measures 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 in the City of Carlsbad for finish grading with similar controls (ref CDP Nos. 6-90-294, 6-90-301, 6-90-302 and 6-92-189-A, 6-87-680-A-12. 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.


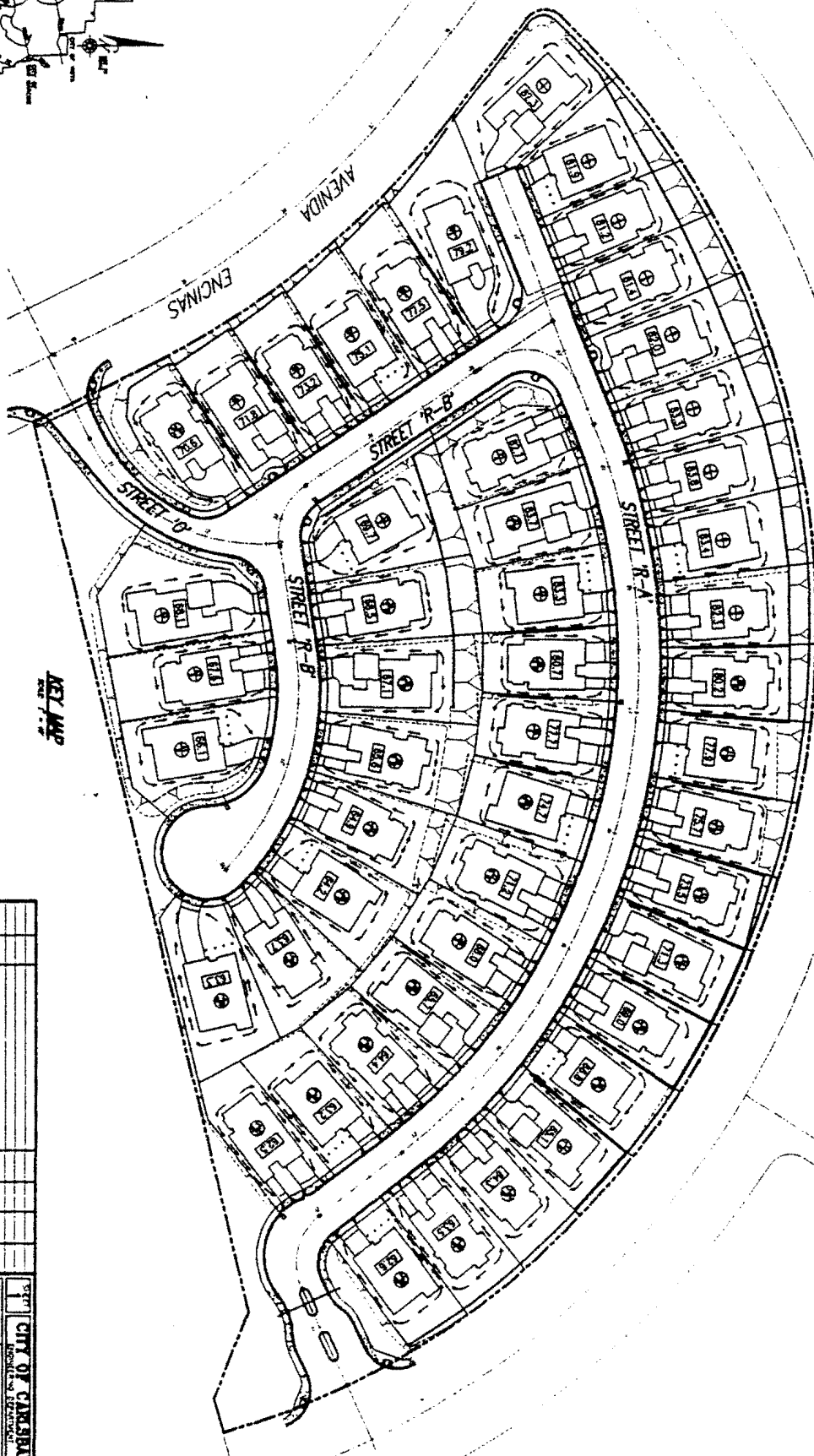
(1441A)



SITE

EXHIBIT NO. 1
APPLICATION NO.
6-95-52-A
Location Maps
California Coastal Commission

WINDROSE

 California Coastal Commission

KEY MAP
Scale 1" = 4"

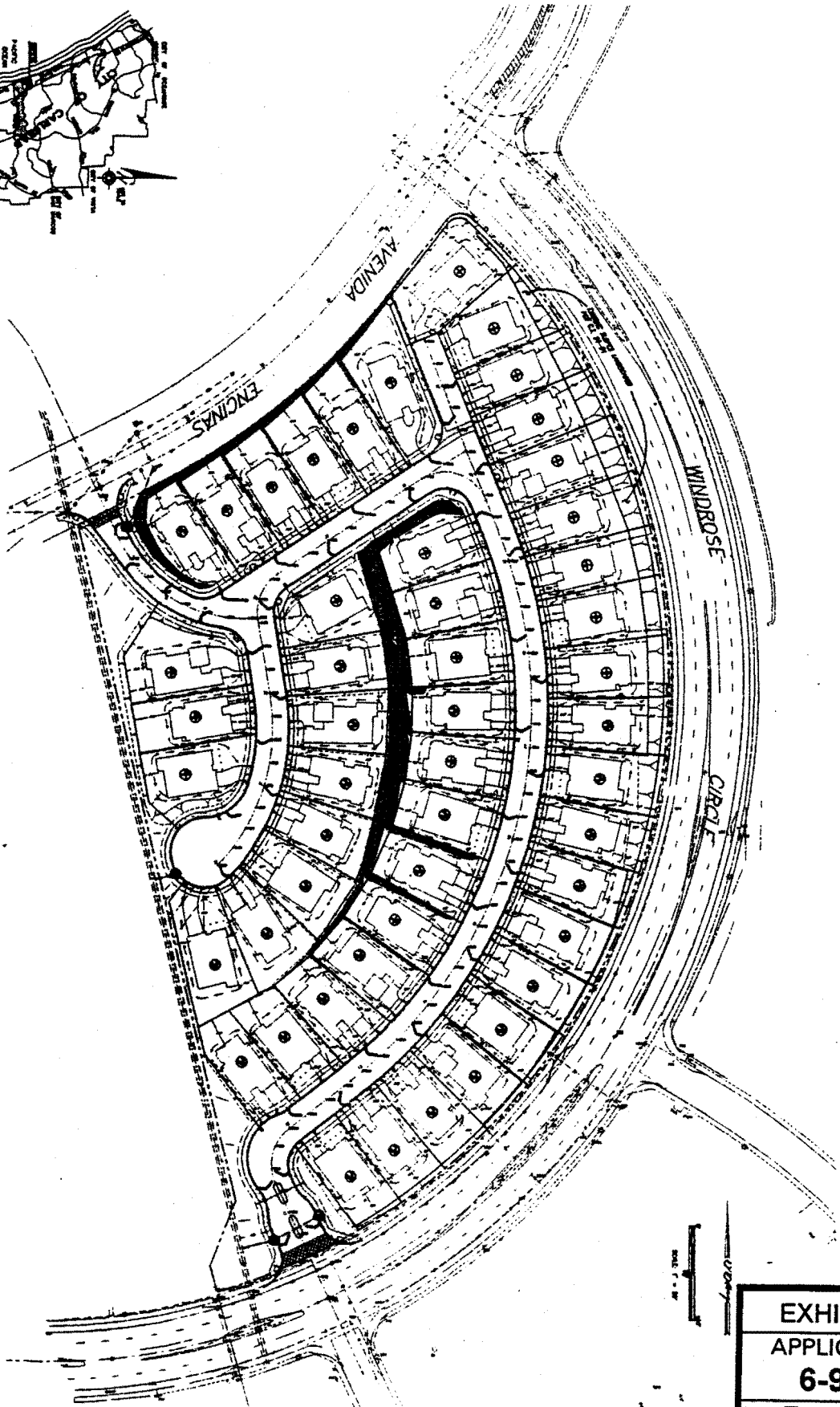
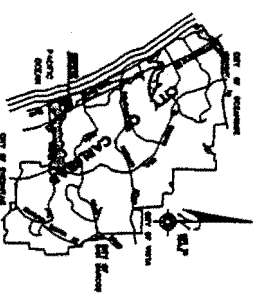
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10-9-93
11-11-93
12-11-93

INVENTORY MAP



02047

DESIGNED BY: J. B. BULLITT
 DRAWN BY: J. B. BULLITT
 CHECKED BY: J. B. BULLITT
 DATE: 11/11/1988

REVISIONS BY: J. B. BULLITT
 DATE: 11/11/1988

AS-BUILT

BENCHMARK:

ENCINITAS, CA 92024
 36° 00' 00" N 117° 00' 00" W
 117° 00' 00" W 36° 00' 00" N
 117° 00' 00" W 36° 00' 00" N

NO.	DATE	REVISION	DESCRIPTION
1	11/11/1988		REVISION: ENCINITAS

CITY OF CARLSBAD

PONSETTI SHORES

DATE: 11/11/1988
 BY: J. B. BULLITT
 CHECKED BY: J. B. BULLITT
 DATE: 11/11/1988

EXHIBIT NO. 3

APPLICATION NO.

6-95-52-A

Erosion Control Plans

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California Coastal Commission