

CALIFORNIA COASTAL COMMISSION
San Diego Coast
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Staff: WNP-SD
Staff Report: 3/16/96
Hearing Date: 4/9-12/96

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PERMIT AMENDMENT
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-90-249-A

Applicant: Aviara Land Associates Limited Partnership

Agent: D.L. Clemens

Original

Description: Subdivision of a 18 acre site into 9 lots and construction of a 108 unit residential condominium development.

Zoning	PC - Planned Community
Plan Designation	RLM/RM 5.4 dua
Ht abv fin grade	26 feet

Proposed

Amendment: Subdivision of a 18 acre site into 21 lots; revise the project from 108 multifamily units to 101 detached single family units.

Site: Southeast corner of Alga Road and Black Rail Court, Carlsbad, San Diego County. APN 215-612-10

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello 1, CDP #6-87-680 with amendments, CDP #6-90-249

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development as submitted.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants an amendment for the proposed development 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. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. In December 1990, the Commission approved the subdivision and development of Planning Area #12 of the Aviara Master Planned Community, of which the master plan was approved by the Commission on April 12, 1988 (ref. CDP #6-87-680). The subject proposal included the subdivision of an 18.26 acre lot into 9 lots ranging in size from 34,804 sq. ft. to 5.17 acres, with three lots set aside for open space. Also approved was the construction of a 108 unit residential condominium project. In addition, the applicant was requesting a one-time exemption from the grading season restriction applied by the master plan permit, in order to complete finish grading, utility/foundation trenching and roadway construction.

The subject site is located in southern Carlsbad east of Interstate 5 on the southeast corner of Alga Road and Black Rail Court within the Aviara Master Planned Community (Planning Area 12). The site is surrounded by Alga Road to the north, open space and the future Four Seasons Resort Hotel to the south and east and the Aviara golf course to the west. The site takes access off of Black Rail Court.

Although 312 residential units are allowed in this planning area under the master plan and 108 units were approved under the Commission's last action (CDP #6-90-249), 101 residential units are proposed. A tentative map revision is proposed with the single family unit proposal. The revised tentative map would create a total of 21 lots: 10 lots that include 101 single family condominiums, 5 street lots and 6 open space lots. The master plan development standards would be revised to reflect the revision, however, no reduction in public facilities, planning area setbacks, parking, landscaping or recreation areas would occur. The site is currently graded as a result of Aviara Phase I mass grading and some finish grading associated with the previously approved tentative map. All deed-restricted native habitat open space areas preserved with the former project, thus creating a defined pad for future construction.

2. Visual Resources. Section 30251 of the Coastal Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

The subject site is highly visible from the Batiquitos Lagoon and surrounding roadways, including Interstate 5, La Costa Avenue and El Camino Real, all coastal access routes and all designated scenic corridors. In the approved master plan, community development standards were developed which apply to the entire master planned community, including the subject site. In addition, specific site development standards were developed for each planning area. Within Planning Area #12, in which the subject property is located, the specific development standards relate to height of structures, setbacks and design criteria.

The proposed development is in conformance with the established development standards and design criteria as the buildings will be a maximum of 26 feet in height, well below the maximum permitted 30 foot height limit, all required setbacks have been met and the design and landscape plans have been found acceptable. This reduction in the intensity of development on this site will result in reduced visual impacts to the viewshed as building massing and separation would be significantly less intensive than development associated with more units. In addition, the proposed project preserves the master plan delineated open space area. Therefore, the Commission finds the proposed development consistent with Section 30251 of the Coastal Act and the previously approved master plan.

3. Visitor Uses/Public Recreation/Priority Uses

Planning Area #12 contains one segment of the approved public access trail system within the Aviara holdings. In its certification of the Aviara Master Plan, the Commission found the upland community trail system was a lower cost recreational facility which gives access to the Batiquitos Lagoon North Shore Trail and upland areas within the Aviara holdings. The Commission allowed encroachment into sensitive resources in exchange for the commitment that the upland trail system would go forward to provide public access. Currently, a major community trail exists along the south side of Alga Road as a sidewalk which has been built. Thus, the Commission can find the proposed amendment consistent with the visitor-serving and public recreation sections of the Coastal Act.

4. Resource Preservation.

Section 30240 of the Coastal Act provides for the protection of environmentally sensitive habitat areas and the need to preserve naturally-vegetated steep slopes has been an issue in the Aviara planning areas. The existing certified Aviara Master Plan resulted in the delineation of developable areas within each planning area and required the permanent preservation of designated habitat areas. There are no changes proposed to the deed restricted open space areas already conveyed as part of the original master plan approval and subdivision in this permit amendment. Additionally, the major "mass" grading of the site has been accomplished. The major permanent erosion control measures, including revegetation of exposed soils, construction of permanent desilting basins, etc., required under the permit are all in place. Other resource protection measures (such as erosion controls, grading season restrictions and brush management specifications) will remain in effect. Therefore, the Commission finds that the proposed amended project can be found consistent with the resource protection provisions of the Mello I LCP and the certified Aviara Master Plan.

5. 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 I segment.

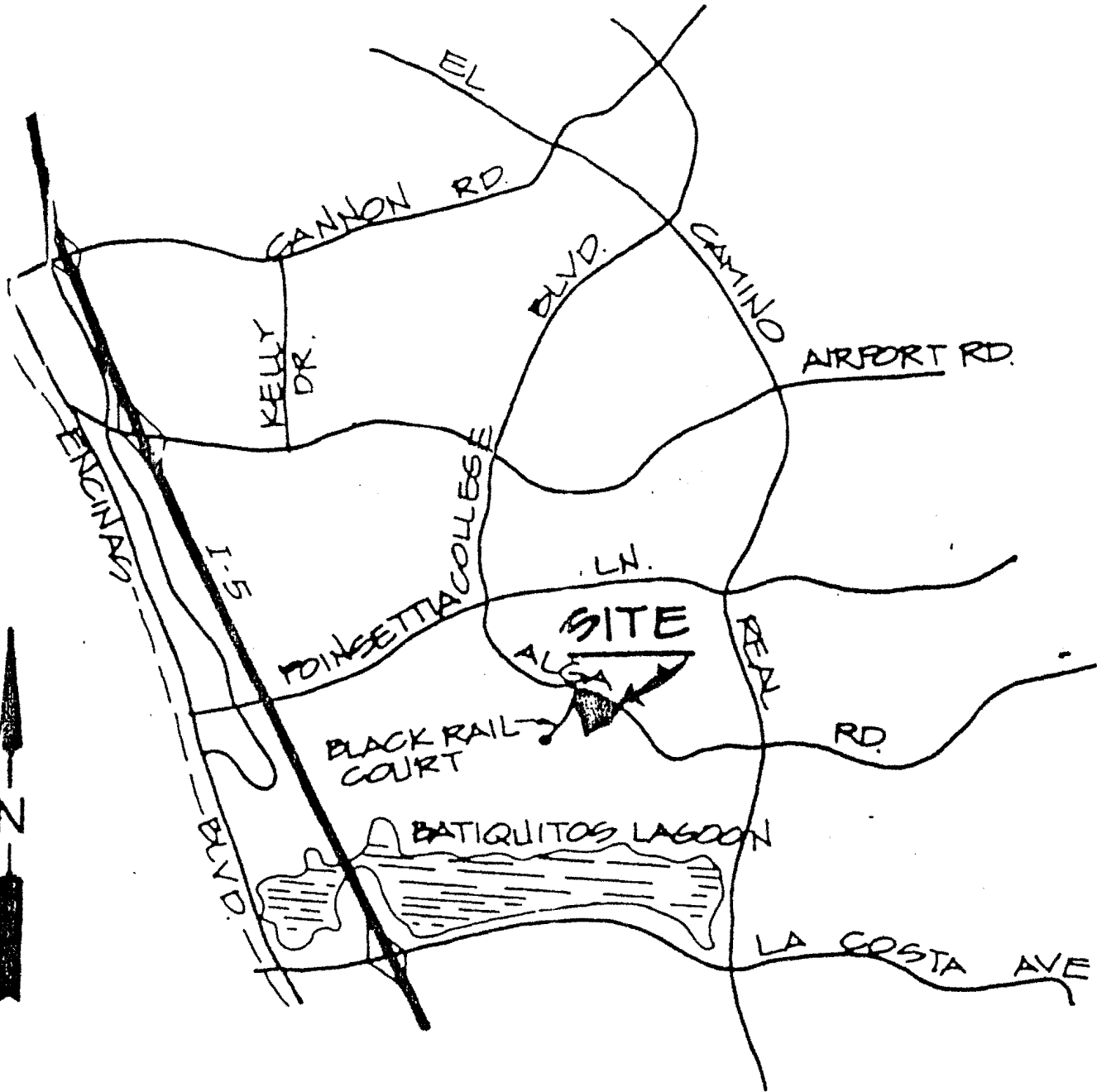
The Mello I and II segments were certified by the Commission in 1980 and 1981 respectively. A new LCP segment, the East Batiquitos Lagoon/Hunt Properties segment, came as the result of the City's 1984 annexation of lands from the unincorporated County of San Diego. The corresponding new East Batiquitos Lagoon/HP 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 proposed development is consistent with this provision of the certified LCP for this area. The subject site is zoned Planned Community and the plan designation is RLM/RM. The subject proposal, with a density of 5.5 dua, is below the site's maximum permitted density of 12.1 dua. As all coastal resource issues have been resolved by the master plan and tentative map approval, the proposed development is consistent with the resource protection policies of the LCP, the Commission finds that the proposed project is consistent with the LCP segment as certified.

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VICINITY MAP

NOT TO SCALE

EXHIBIT NO. 1
APPLICATION NO. 6-90-249 A
location
California Coastal Commission

