

CALIFORNIA COASTAL COMMISSION  
San Diego Coast  
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San Diego, CA 92108-1725  
(619) 521-8036

**TH 126**

Staff: WNP-SD  
Staff Report: 3/16/96  
Hearing Date: 4/9-12/96

**RECORD PACKET COPY**

PERMIT AMENDMENT  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-90-301-A

Applicant: Western Pacific Housing/Aviara Land Partners

Agent: Kevin Canning

**Original**

Description: Subdivision of a 23 acre site into 14 lots and construction of a 147 unit residential condominium development.

|                    |                        |
|--------------------|------------------------|
| Lot Area           | 24.1 acres             |
| Building Coverage  | 3.8 acres (16%)        |
| Pavement Coverage  | 4.9 acres (20%)        |
| Landscape Coverage | 7.6 acres (32%)        |
| Unimproved Area    | 7.8 acres (32%)        |
| Parking Spaces     | 328                    |
| Zoning             | PC - Planned Community |
| Plan Designation   | RLM/RM 5.4 dua         |
| Ht abv fin grade   | 26 feet                |

**Proposed**

Amendment: Subdivision of a 24.1 acre site into 33 lots with two lots for recreation and eleven lots for open space. Revise the project from 147 attached units to 131 detached single family units.

Site: Southeast corner of Alga Road and Batiquitos Drive, Carlsbad, San Diego County. APN 215-051-10, 251-040-16

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello I, CDP #6-87-680 with amendments, CDP #6-90-301

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**STAFF NOTES:**

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to a special condition regarding grading and erosion control and a condition requiring the submittal of a trail construction plan.

STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants an amendment 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. Grading and Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit final grading plans which shall incorporate the following:

A. Grading may only occur in conformance with a detailed grading schedule to be submitted to, reviewed and approved in writing by the Executive Director prior to commencement of grading. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with onsite grading activities. Any variation from the schedule shall be promptly reported to the Executive Director.

B. All proposed temporary erosion control measures, such as interceptor ditches, sandbagging, debris basins, temporary desilting basins, hay-baling and hydroseeding shall be performed concurrent with grading, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site.

C. All grading activities shall be prohibited within the period from October 1st to March 31st of each year. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms. Desilting basin maintenance, including removal of accumulated silt, shall occur prior to the onset of the rainy season and on an as-needed basis throughout the winter.

2. 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 indicating the alignment of the SDG&E easement trail as approved by the City of Carlsbad. The plans shall indicate 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 read "Public Access - 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 February 1991, the Commission approved the subdivision and development of Planning Area #5 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 23.8 acre lot into 14 lots with three lots for recreation and three lots set aside for open space. Also approved was the construction of a 147-unit residential condominium project to be developed as 3 duplex, 6 three-plex, 27 four-plex and 3 five-plex structures. A chaparral dominated open space corridor runs north to south through the center of the site.

The Commission also approved 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 for the model complex (1 bldg./4 units) subject to a monitoring and reporting requirement of winter season grading. However, the project was not built.

Although 189 residential units are allowed in this planning area under the master plan and 147 units were approved under the Commission's last action (CDP #6-90-301), 131 residential units are proposed. 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.

The subject site is located in southern Carlsbad east of Interstate 5 on the southeast corner of Alga Road and Batiquitos Drive within the Aviara Master Planned Community (Planning Area #5). Access to the site is from Batiquitos Drive to Hummingbird Drive. The site has been previously graded as approved by the master plan permit and all erosion control devices are in place.

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 #5, 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 development standards and design criteria established for the site 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. In addition, the proposed project preserves the master plan delineated open space area which runs north to south through the center of the site. 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 #5 contains two segments 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. Regarding public access/trails in PA 5, two segments of the approved upland community trail system traverse this planning area. Currently, a major community trail exists along the southeasterly side of Alga Road as a sidewalk. The other trail segment traverses that portion of the SDG&E easement within PA 5. The amendment proposes to add a provision regarding this trail that indicates no certificates of occupancy shall be issued for any residential units or phases located adjacent to the SDG&E easement until the required public trail is constructed and landscaped to the satisfaction of the City. As presently certified, the master plan does not provide for this trail in PA 5. Rather, it is identified as a requirement in PA 4, which is adjacent PA 5 to the southwest. Originally, the master plan identified the trail on PA 4 but the amendment shows it in its correct location within PA 5.

Special Condition #2 requires submittal of final community trail plan indicating the alignment of the SDG&E easement trail as approved by the City of Carlsbad. Additionally, the condition provides that the trail be maintained and open to the public in perpetuity and be signed to facilitate public access. With the assurance that the PA 5 public trail will be built as stipulated, 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 was accomplished in 1989. The major permanent erosion control measures, including revegetation of exposed soils, construction of permanent desilting basins, etc., required under the permit were in place prior to the onset of the 1989-90 winter rainy season. In other words, all detention facilities are already constructed and functioning, and all permanent erosion control measures required under the original permit were fulfilled prior to the onset of the 1988-89 winter season. The applicant is proposing 25,900 cubic yards of finish grading. Special Condition #1 is proposed to insure maximum protection of the sensitive biological resources of Batiquitos Lagoon. 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, as conditioned, can be found consistent with the resource protection provisions of the Mello I LCP and the certified Aviara Master Plan.

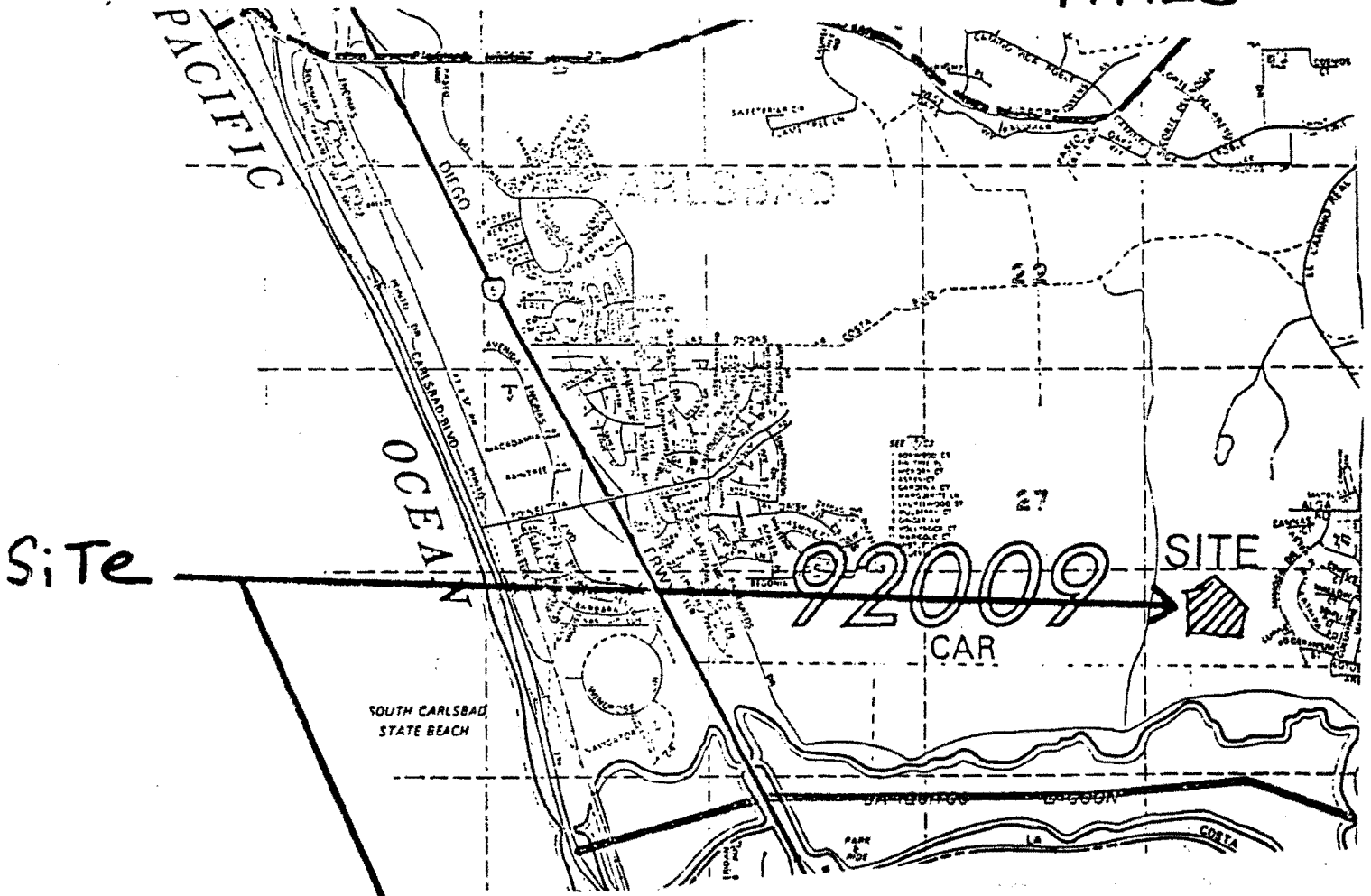
5. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to specific statutory dates. The Master Plan covers 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 5.4 dua, is below the site's maximum permitted density of 7.9 dua. As the majority of the coastal resource issues have been resolved by the master plan approval, and with special conditions to insure the proposed development is also consistent with the resource protection policies of the LCP, the Commission finds that the proposed project, as conditioned, is consistent with the LCP segment as certified.

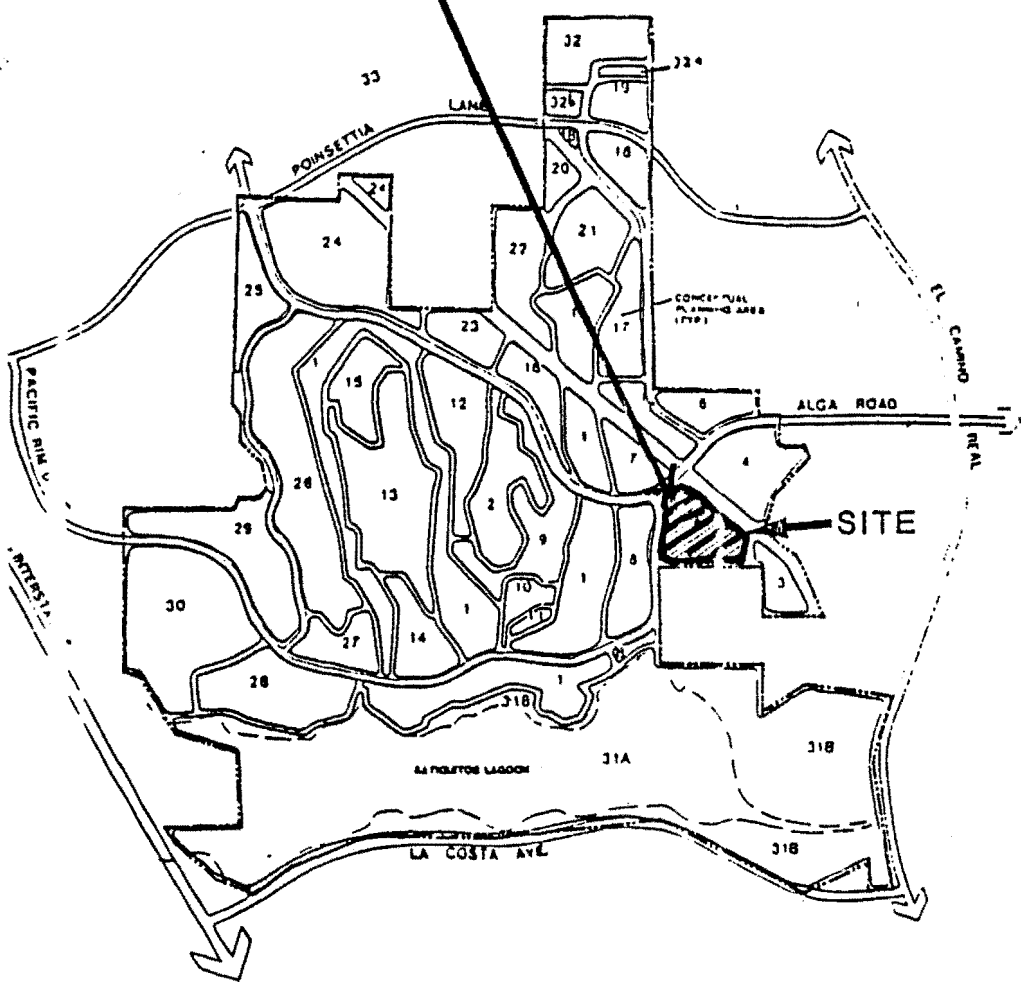
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Site

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| EXHIBIT NO.                   | 1          |
| APPLICATION NO.               | 0-90-309 A |
|                               | Location   |
| California Coastal Commission |            |

