

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036

Staff: GDC-SD
 Staff Report: 8/22/96
 Hearing Date: 9/9-13/96



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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-87-680-A-12

Applicant: Aviara Land Associates Agent: Paul Klukas

Original

Description: Conceptual Approval of the Master Plan for a mixed use project covering 1,402 vacant acres in southern Carlsbad. Uses proposed include: 2,836 single- and multi-family residential units; a multi-building hotel/resort with conference suites, commercial sports complex, and restaurants; a golf course with clubhouse; neighborhood shopping center and natural and recreational open space areas, including the eastern basin of Batiquitos Lagoon and trail systems; construction of roads and facilities, including offsite improvements.

Lot Area	1,402 acres
Zoning	Planned Community
Plan Designation	P-C/ Planned Community

Site: Batiquitos Lagoon and lands along its north shore between Interstate 5 and El Camino Real, Carlsbad, San Diego County. APNs 214-170-51; 215-040-02,15,16; 215-050-14; 215-051-10; 215-070-51; 215-080-02; 216-110-02,19,28; 216-111-01,02,04; 216-121-15,16; 216-122-01,23; and 216-150-06,07

Proposed Amendment: To allow a one-time extension of the winter grading season from October 1, 1996 to December 1, 1996 to allow for 110,000 cubic yards of balanced cut and fill for rough and finish grading for Planning Areas 2B and 10. Amendment includes temporary erosion control measures, such as gravel bag check dams, bladed swales, temporary desilting basins in conjunction with plantings to minimize soil loss from the construction site, and an erosion control monitoring program.

Site: Planning Areas 2B and 10 between Alga Road and Batiquitos Drive, north of Batiquitos Lagoon, east of Interstate 5 and west of El Camino Real, Carlsbad, San Diego County. APNs 215-612-01 to 09.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed amendment subject to special conditions limiting the winter grading extension to only December 1, 1996 and requiring submittal of a program to monitor the condition of the erosion control devices.

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segment; CDP #6-90-294, #6-90-301, #6-90-302 and #6-89-189-A.

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. The monitoring program shall include, at a minimum, monthly reports beginning one month from the start date shown on the approved grading schedule and continuing to March 31, 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. Any potential modifications to the approved grading schedule shall be indicated. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

2. Prior Conditions of Approval. All other terms and conditions of the original CDP #6-87-680 and its subsequent amendments, 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. The project sites are Planning Area 2B and the adjacent Planning Area 10 of the Aviara Master Planned Community, of which the master plan was approved by the Commission in 1988 (ref. CDP #6-87-680). The applicant requests an amendment to their previously approved coastal development permit which prohibited grading from

October 1st to March 31st of each year. The subject request is for a one-time extension of the grading season to December 1, 1996 to allow the applicant to complete grading for the Resort Club Timeshare (Planning Area 2B) and the Sports Club (Planning Area 10). The proposed extended grading will involve a balanced operation of rough and finish grading, the recontouring of a previously excavated area to create a mass soil embankment, and utility and foundation trenching and excavation. The applicant has submitted a grading schedule for the project indicating activity from August 1996 through December 1, 1996 (see attached exhibit). The applicant also proposes erosion control devices for the proposed graded areas to include: gravel bag check dams, bladed swales, temporary desiltation basins, use of the existing underground storm drain system and the permanent desiltation basins in the adjoining golf course. In addition, temporary hydroseeding and some permanent landscaping is proposed. An approved emergency erosion control plan which would be implemented in the event of rain has also been submitted. The applicant has also proposed to submit to the Commission a monthly Erosion Control Monitoring Report on November 1, 1996 and December 1, 1996. Planning Areas 2B and 10 are located on the north side of Batiquitos Drive, east of Kestrel Drive and South of Alga Road in the City of Carlsbad.

2. Resource Protection/Sensitive Habitat. The Aviara 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 the recordation of open space deed restrictions over naturally vegetated steep slope areas, those areas most likely to generate sediment for transport to the lagoon; the application of wetland buffers; detailed runoff and erosion control plans, including requirements for the construction of catchment basins and detention facilities; requirements for the installation of other erosion control devices; requirements for revegetation of disturbed areas; and, the prohibition against grading during the rainy season (October 1, to March 31).

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. The EIR and the original permit action for the master plan addressed the fact that the potential for sediment to reach the lagoon from the disturbed site and the associated potential for degradation of the lagoon resources would be greatest during the construction phase of the project. Because of the substantial amount of grading proposed in the original project 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.

The applicants are proposing a significant amount of rough and finish grading 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. The applicants have proposed several measures which will mitigate the impacts of the grading to the maximum extent feasible.

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 applicant's submitted monitoring plan

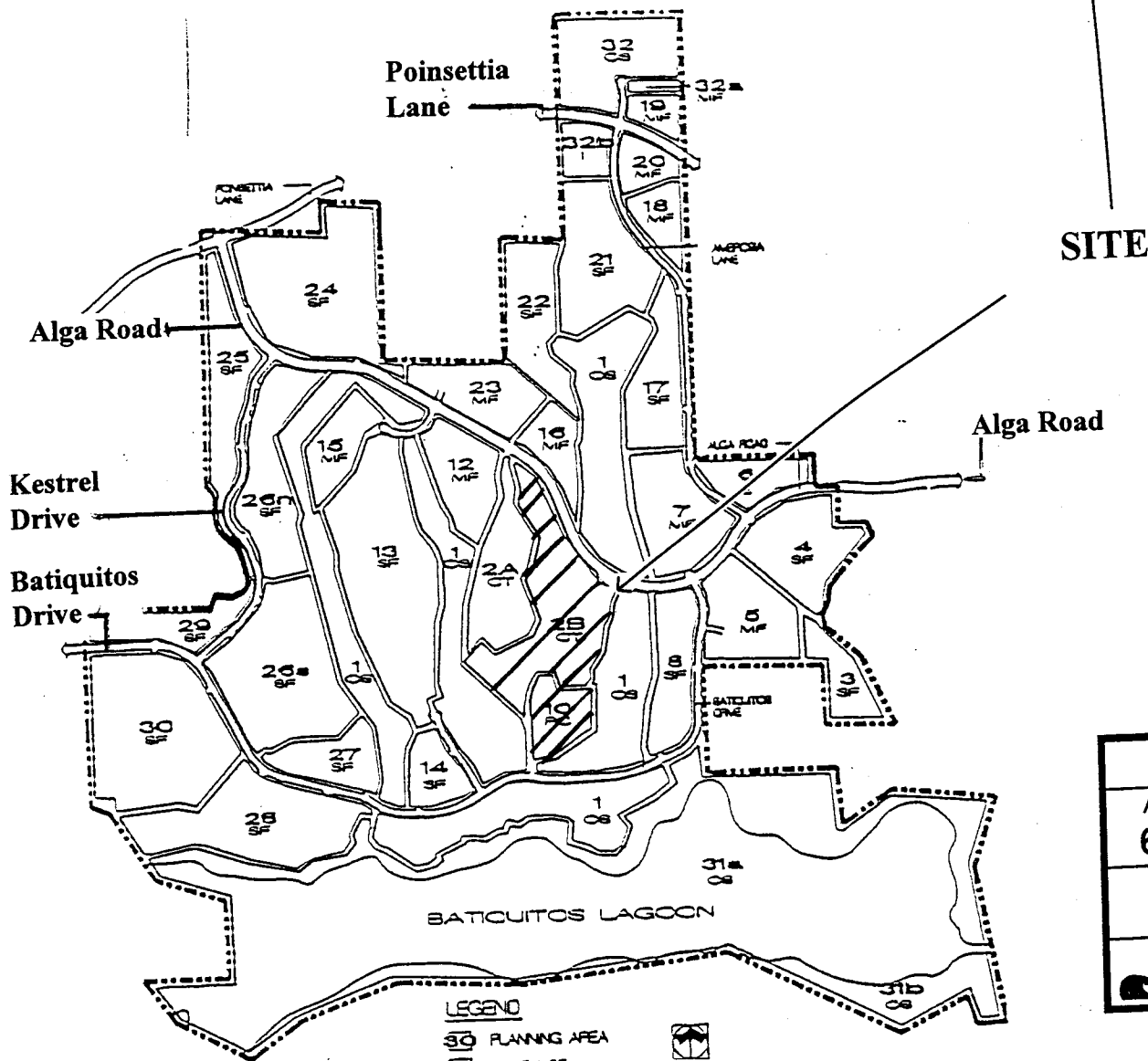
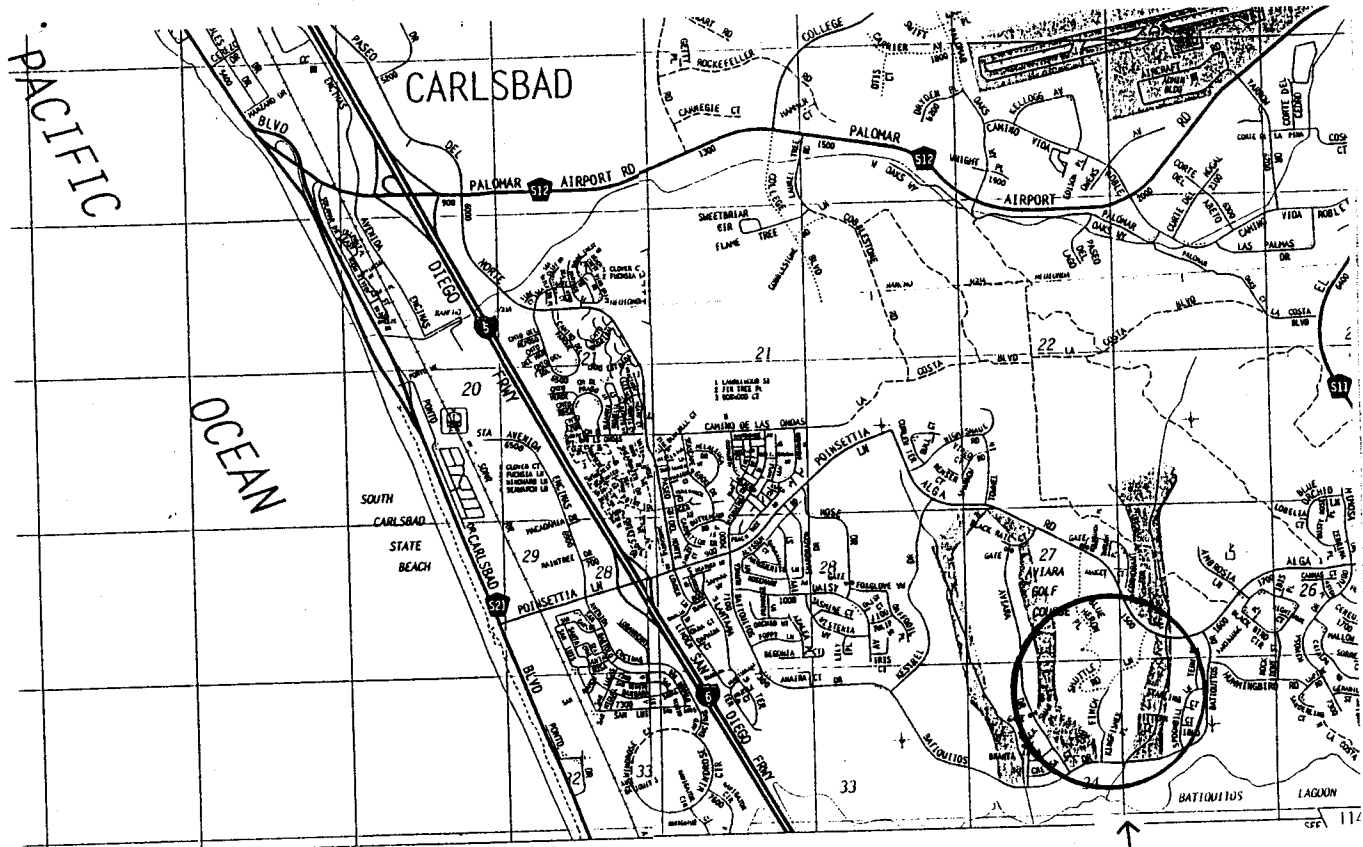
would limit the monthly reports to only November 1st and December 1st. The attached condition would require the submittal of monthly reports throughout the entire rainy season through March 31, 1997. The report must include the current status of the grading operations, the conditions of the erosion control devices, and any needed repairs or maintenance of the devices and will help monitor compliance with the submitted 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 the Aviara community.

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 Mello II 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. 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/HP 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. In 1987, the Commission certified an amendment to the Mello I segment LCP and certified the 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. Planning Area 2B lies within the Mello I segment LCP. Planning Area 10 lies within both Mello I and the East Batiquitos Segment of the LCP.

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, the scale of the 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 application of more elaborate and extensive erosion control measures than were previously required to be applied at the site 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 Aviara planning areas for finish grading with similar controls (ref CDP Nos. 6-90-294, 6-90-301, 6-90-302 and 6-92-189-A). 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.



SITE

EXHIBIT NO. 1
 APPLICATION NO.
 6-87-680-A-12
 Location Maps

California Coastal Commission

FIG DATE 01/11/98 ADJUSTING YES NONE
 FIG TIME 09:46 SCALE 0.88
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 PATH 5158551501000000 DRAWING NAME 402201000

**FOUR SEASONS RESORT
 AVIARA
 LIMITS OF GRADING
 OCT. 1, 1996 - DEC. 1, 1996**

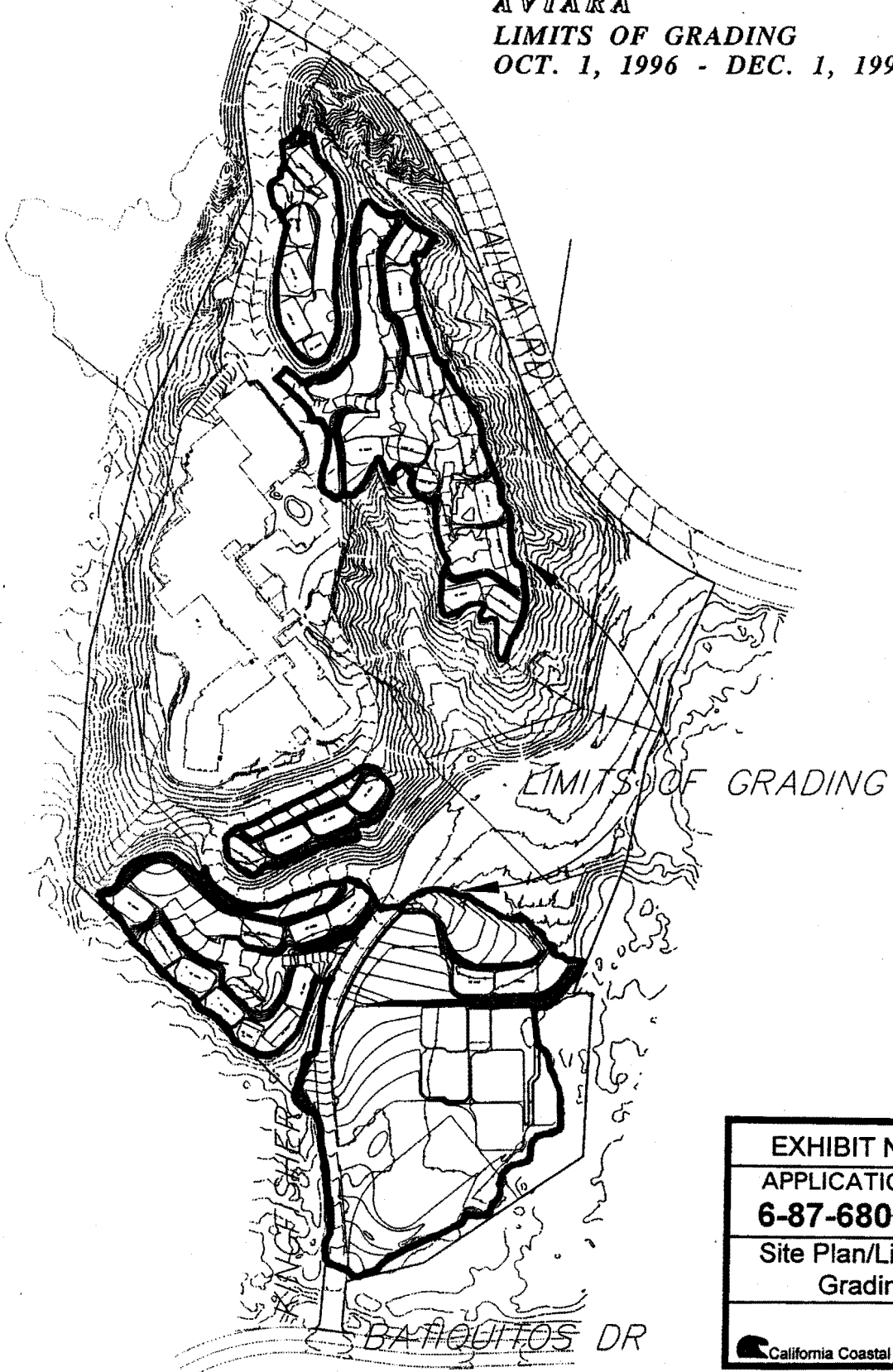


EXHIBIT NO. 2
APPLICATION NO.
6-87-680-A-12
Site Plan/Limits of Grading
California Coastal Commission

<p> NOLTE and ASSOCIATES, Inc. Engineers / Planners / Surveyors 5469 Esplanade Vista Road, Suite 308, San Diego, CA 92122 </p>	Limits of Grading Four Seasons Resort Aviara Resort Club and Sports Club		SCALE N T S CAD	
	PREPARED FOR DATE BY REVISION DESCRIPTION	DATE BY REVISION DESCRIPTION	DATE BY REVISION DESCRIPTION	DATE BY REVISION DESCRIPTION

FOUR SEASONS RESORT AVIARA DRAINAGE CONTROL

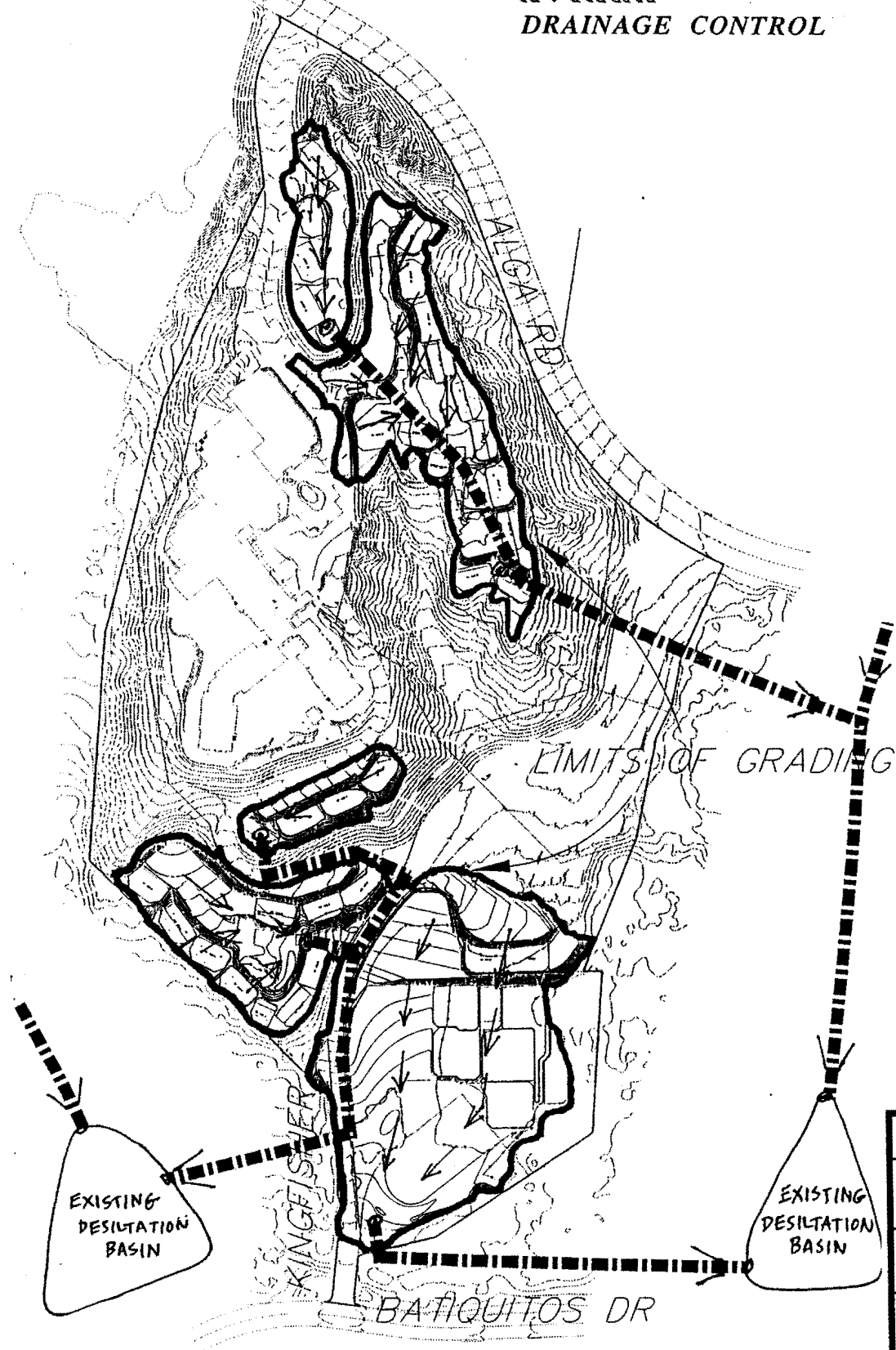


EXHIBIT NO. 3
APPLICATION NO. 6-87-680-A-12
Drainage Control Plan
California Coastal Commission

<p> NOLTE and ASSOCIATES, Inc. Engineers / Planners / Surveyors 1469 Kearny Vls Road, Suite 101, San Diego, CA 92123 </p>	<p> Limits of Grading Four Seasons Resort Aviara Resort Club and Sports Club </p>		<table border="1"> <tr> <td>DATE</td> <td>BY</td> <td>REVISION DESCRIPTION</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	BY	REVISION DESCRIPTION				<table border="1"> <tr> <td>SCALE</td> <td>NTS</td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	SCALE	NTS		
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AVIARA RESORT CONSTRUCTION SCHEDULE

Activity Name	Start Date	Finish Date	Aug '96			Sept '96				Oct '96				Nov '96			
			11	18	25	1	8	15	22	29	6	13	20	27	3	10	17
MASS GRADING																	
RESORT CLUB - NORTH	8/15/96	9/15/96	◆	—	◆												
RESORT CLUB - WEST	8/20/96	9/15/96	◆	—	◆												
RESORT CLUB - EAST	8/25/96	9/20/96	◆	—	◆												
SPORTS CLUB	8/5/96	10/8/96	◆	—	◆												
ROUGH GRADING																	
RESORT CLUB - NORTH	9/16/96	9/24/96						◆	—	◆							
RESORT CLUB - WEST	9/18/96	9/28/96						◆	—	◆							
RESORT CLUB - EAST	9/26/96	10/7/96								◆	—	◆					
SPORTS CLUB	9/10/96	10/20/96						◆	—	◆							
FINISH GRADING																	
RESORT CLUB - NORTH	9/25/96	10/8/96								◆	—	◆					
RESORT CLUB - WEST	9/29/96	10/12/96								◆	—	◆					
RESORT CLUB - EAST	10/8/96	10/20/96										◆	—	◆			
SPORTS CLUB	10/10/96	10/25/96										◆	—	◆			
STORM SEWER																	
TRENCHING	8/4/96	10/30/96	◆	—	◆												
CONSTRUCTION	8/14/96	11/4/96	◆	—	◆												
RETAINING WALLS																	
CONSTRUCTION	9/5/96	11/15/96						◆	—	◆							
UTILITIES																	
TRENCHING	9/30/96	11/15/96								◆	—	◆					
INSTALLATION	10/14/96	11/21/96										◆	—	◆			
TEMP. EROSION CONTROL																	
INSTALLATION	9/20/96	11/15/96						◆	—	◆							
MAINTENANCE	9/20/96	12/1/96						◆	—	◆							
BUTTON-UP GRADING OPERATIONS	11/15/96	11/30/96												◆	—	◆	
BUILDING FOUNDATIONS																	
TRENCHING	11/1/96	11/30/96												◆	—	◆	

11 18 25 1 8 15 22 29

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EXHIBIT NO. 4
APPLICATION NO.
6-87-680-A-12
Grading Schedule

 California Coastal Commission