

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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

Staff: WNP-SD
Staff Report: 1/15/98
Hearing Date: 2/3-7/98



W 13b

AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-94-131-A-7

Applicant: The Olson Company Agent: Paul Klukas

Original

Description: Subdivision of a 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.

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: To allow a one-time encroachment into the winter grading season from February 15, 1998 to March 31, 1998 to allow for finish grading for building pads and roads. Grading is proposed at 31,834 cubic yards of cut, 19,783 cubic yards of fill and 10,000 cubic yards of export.

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 the 1998 winter season; requiring the submittal of a detailed grading schedule and requiring the submittal of a monitoring program for the condition of the erosion control devices.

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello II segment, 6-94-131-A4

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

- I. Approval with Conditions.

The Commission hereby grants a permit for the proposed amendment, subject to the conditions below, 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. Standard Conditions.

See attached page.

III. Special Conditions.

The amendment is subject to the following conditions:

1. Grading and Erosion Control. This condition replaces Special Condition #3 of the original permit in its entirety.

Prior to the issuance of the coastal development permit amendment, the applicant shall submit final grading plans which shall incorporate the following:

A. All grading activities shall be prohibited within the period from October 1st to April 1st of any year. However, from February 15th, 1998 to March 31st, 1998, necessary grading may occur in increments and in conformance with the detailed grading schedule which has been submitted to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director for review and written approval prior to the commencement of construction.

B. All proposed temporary erosion control measures, such as interceptor ditches, sandbagging, debris basins, temporary desiltation 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. Demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the City Engineer of Carlsbad has determined that all necessary and adequate erosion control devices are in place to provide protection of downstream resources.

2. Monitoring and Reporting. Prior to the issuance of to 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, 1998. 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. 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.

3. 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 now known as Aviara Parkway 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 has been constructed along the western boundary of the project site and extends 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. The approximately 68 acre site has been partially built-out; however, the site where grading is proposed (Area "A") has only been rough-graded and no development has occurred.

In 6-94-131-A5, the Commission approved an amendment which allowed for the construction of 42 affordable unit townhomes and 40 attached units on the subject site, known as area "A".

The proposed amendment is for a one-time exemption from the winter grading restriction (October 1 to April 1) approved in CDP #6-94-131. The amendment proposes grading for building pads and roadway beds from February 15, 1998 to March 31, 1996 to complete finish grading. Approximately 31,834 cubic yards of cut grading and 19,783 cubic yards of fill are proposed; 10,000 cubic yards of export would be moved to a location outside of the coastal zone.

On two previous occasions the Commission has approved requests to grade within the rainy season within the adjacent area "C". A non-material amendment (6-94-131-A2) was issued that approved grading on the interior portion of the Sambu development (between Alga Road and Hidden Valley Road) until November 15 based on assurances that all temporary erosion control devices and measures were in place before October 1st to assure that off-site sediment transportation would not be greater than that which occurred previous to the site being graded.

A material amendment was subsequently approved for the same project for 60,000 cubic yards of balanced grading for building pads and roadway beds from November 15, 1995 to January 31, 1996. The extension of time was necessary due to a delay in the receipt of laboratory results of a soil pesticide residue study, and a delay in Alga Road condemnation proceedings on an adjacent parcel. The Commission approved the amendment subject to special conditions that required a detailed grading schedule, that all proposed temporary erosion control measures shall be installed concurrent with grading and the demonstration that all on-site temporary and permanent runoff and erosion control devices are installed and the City Engineer of Carlsbad has determined that all necessary and adequate erosion control devices are in place to provide protection of downstream resources.

2. Resource Protection/Sensitive Habitat. The certified Mello II LUP, which the subject site is subject to, contains significant requirements to protect against erosion and subsequent sedimentation of Batiquitos Lagoon and other sensitive areas. Although Batiquitos Lagoon is located more than a mile south of the project site, portions of the site would drain in that direction to a large permanent desiltation basin upstream of the lagoon. This basin has been designed to accommodate runoff generated by buildout in the project area. Also the existing street drainage system between the site and the lagoon is capable of handling on-site runoff; the proposed on-site desiltation basins will be capable of handling sediment generated by project grading. Other portions of the site would drain to the north to Canyon de las Encinas which also supports sensitive habitat. A depollution drainage basin is proposed in the southeastern corner of the site which would intercept site runoff before it enters the Canyon de las Encinas watershed. Both areas are located within the Mello II geographic area.

With respect to mitigating grading and drainage impacts to sensitive areas, the Mello II LUP requires 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).

The applicants are proposing a significant amount of finish grading on the site during the rainy season. Grading is proposed for on-site interior streets and building pads. Measures that are currently in place to mitigate the impacts of the proposed grading include a temporary desiltation basin which is located at the northern portion of the project site. This drainage structure is sited at a low point on the site where all graded areas will drain. Gravel bags and hay bale check dams are also proposed on the proposed street system and the site perimeter to ensure surface runoff control. A silt fence is proposed at the toe of slope of an existing slope that leads to open space previously approved by the Commission. As noted, a temporary desiltation basin is proposed in the southeast corner of the site and would be operable prior to finish grading activities. A hydrological analysis of the

site indicates the desilting basins are adequately sized to handle anticipated runoff. Off-site erosion control (Aviara Parkway) in place and operating includes gravel bags and hay bale check dams at strategic locations to ensure surface runoff control. Silt fences have been installed near Encinas Creek to capture runoff and erosion. A permanent desiltation basin is also operable on the west side of Hidden Valley Road near Encinas Creek.

Drainage in the northern portion of the site is away from the open space areas the Commission previously approved, so no adverse impacts are expected to occur to these resources. The Commission also approved an open space area in the southeast portion of the site and portions of the site would drain there. However, the applicant has proposed temporary erosion control measures that would intercept the runoff before it enters the open space area so no adverse impacts are expected to occur.

The proposed winter grading program identifies that mass grading will be completed by March 31, 1998. The northerly desiltation basin has been installed and will be cleaned-out on 2/17/98. The perimeter slopes have been hydroseeded but more hydroseeding will occur on 2/16/98. Attached Exhibit 3 lists the full extent of the proposed erosion control program. The applicant proposes to conduct monitoring of the performance of the proposed winter erosion control program for monthly submittal to the Commission. The monitoring reports will describe the current status of the erosion control operations, report the condition and effectiveness of the erosion control devices, and include discussion of any needed repairs or maintenance of the devices. The proposal is to submit the monitoring reports on the 15th of each month through March, 1998. All of the above will ensure that the proposed grading will not result in downstream impacts to sensitive resources both on-and-off site.

Special Condition #1 identifies that grading is permitted until March 31, 1998 and identifies that necessary grading may occur in increments and in conformance with the detailed grading schedule which has been submitted to the Executive Director. Any variation from the schedule shall be promptly reported to the Executive Director for review and written approval prior to the commencement of construction. It also requires that the City Engineer of Carlsbad determine that all necessary and adequate erosion control devices are in place to provide protection of downstream resources.

Special Condition #2 imposes a requirement for a detailed monitoring program to allow the Executive Director to assess the success of the proposed winter erosion control program. The condition requires the submittal of monthly reports describing 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 approved grading schedule. This condition is proposed to insure maximum protection of the sensitive biological resources of Batiquitos Lagoon and Canyon de las Encinas.

Given these additional levels of protection, the potential for significant impacts to sensitive resources 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 Mello I and II segments were certified by the Commission in 1980 and 1981 respectively. The proposed grading during the rainy season is beyond the scope of grading typically allowed during the rainy season. For this reason, the attached special conditions have been proposed to maximize the level of protection to resources through the application of more elaborate and extensive erosion control measures than were previously required to be applied to 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 planning areas within the project vicinity for finish grading with similar controls (ref CDP Nos. 6-90-294, 6-90-301, 6-90-302). 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.

(2053A)

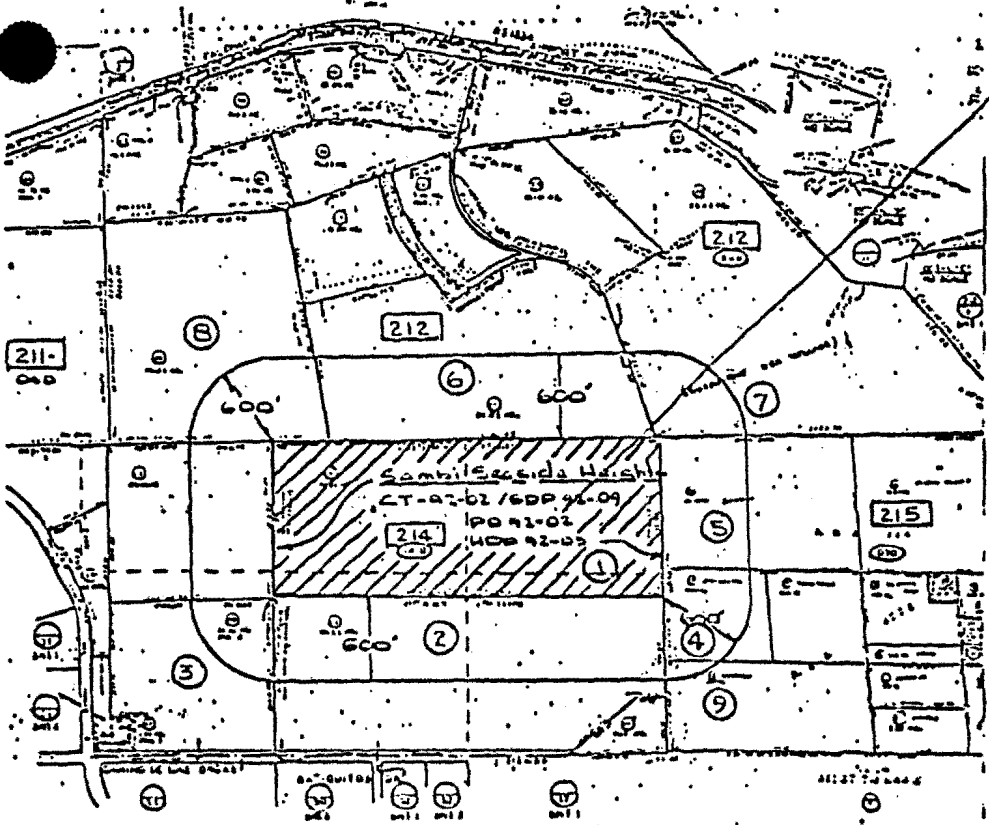
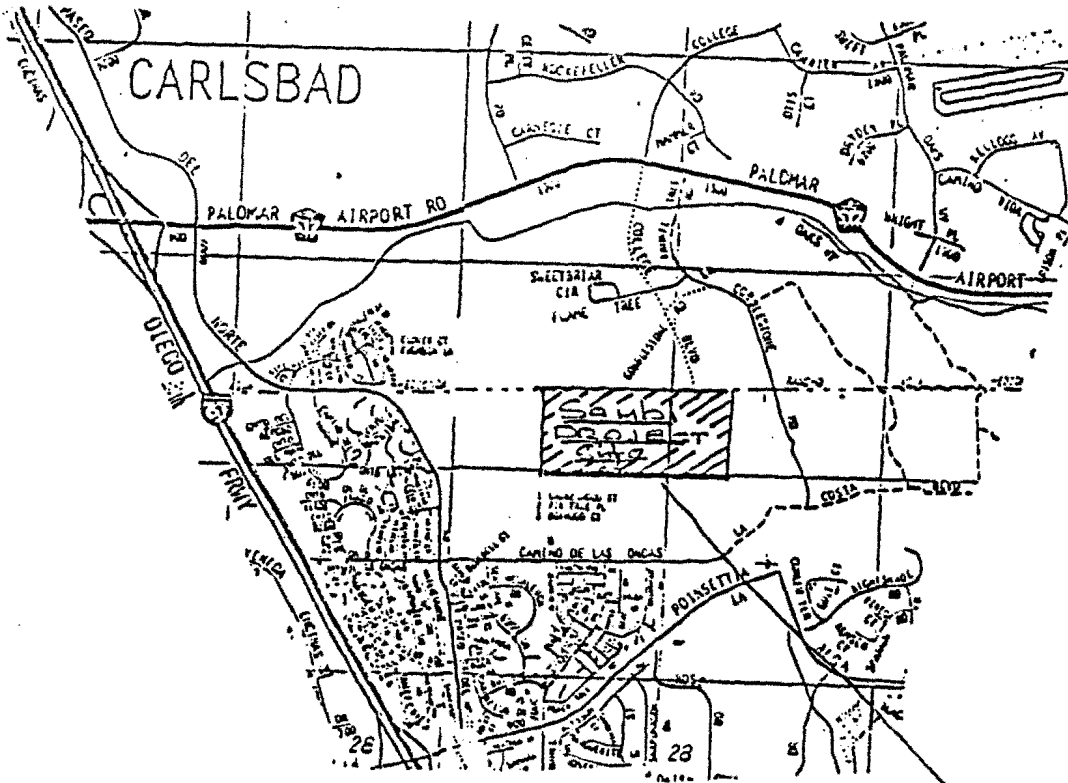
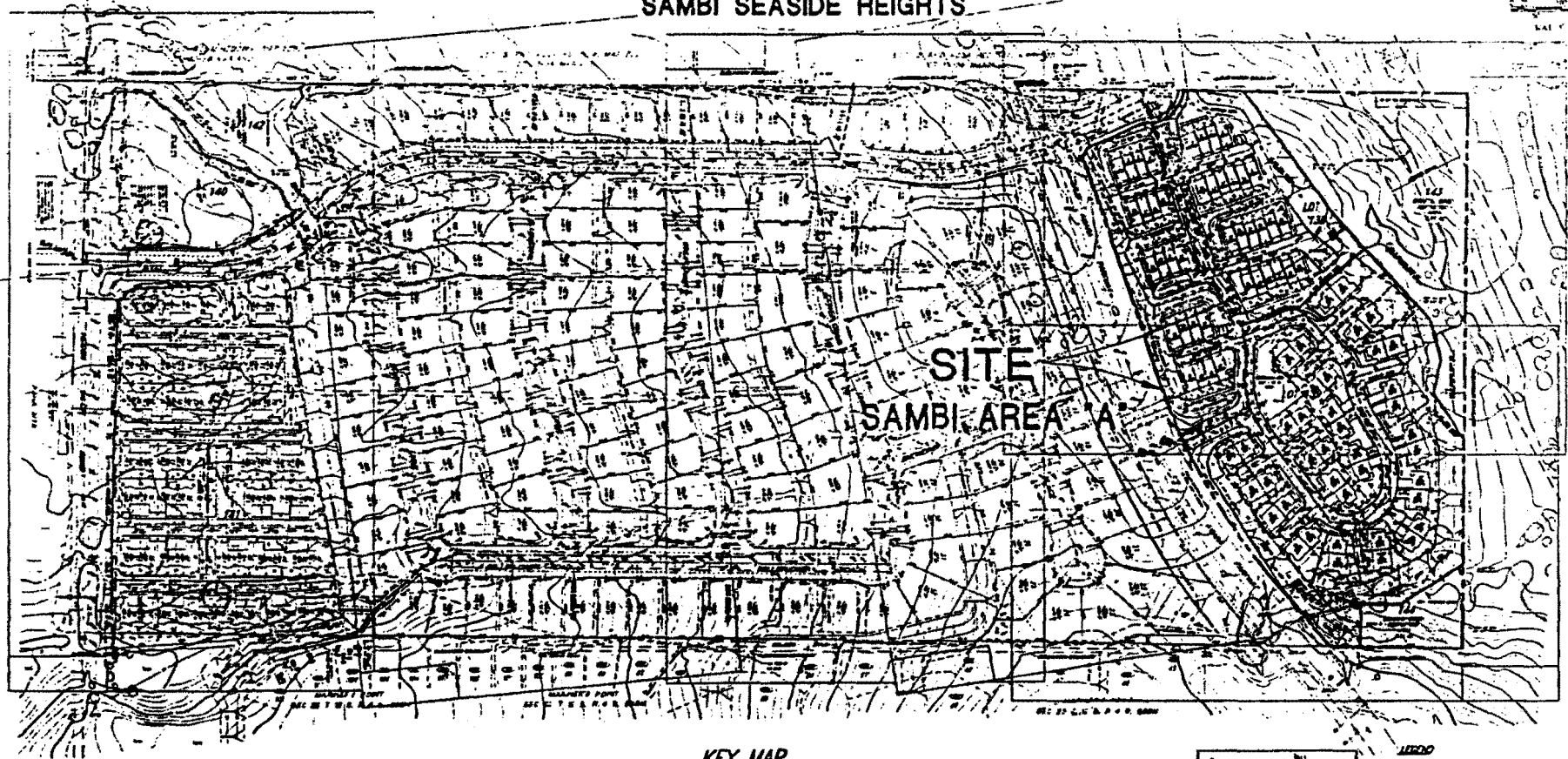


EXHIBIT NO. 1-A
APPLICATION NO. 10-47-131-1A7
<i>location</i>
California Coastal Commission

AMENDED COASTAL DEVELOPMENT PERMIT No. 6-94-131-A5
 CALIFORNIA COASTAL COMMISSION
 CARLSBAD TRACT NO. CT 92-02(A)
 SAMBI SEASIDE HEIGHTS



KEY MAP
 SHEET 1 OF 3

SAMBI-AREA "A"

REQUEST FOR AMENDMENT TO PERMIT
 TO ALLOW ONE-TIME EXEMPTION TO
 WINTER GRADING PROHIBITION FROM
 FEB. 15, 1998 TO MARCH 31, 1998.

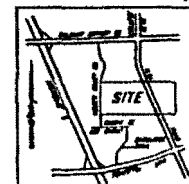
THE OLSEN CO.-APPLICANT

California Coastal Commission

EXHIBIT NO. 1

APPLICATION NO.
 6-94-131-A7

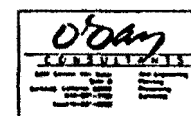
Location Maps



VICINITY MAP

LEGEND

DATELINE	XXX	STREET	---
ADJACENT	101	ACCESS ROAD	---
NO. 101	---	STREET	---
ADJACENT	---	ADJACENT	---
ADJACENT	---	STREET	---
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 PROJECT NO.: 6-94-131-A7
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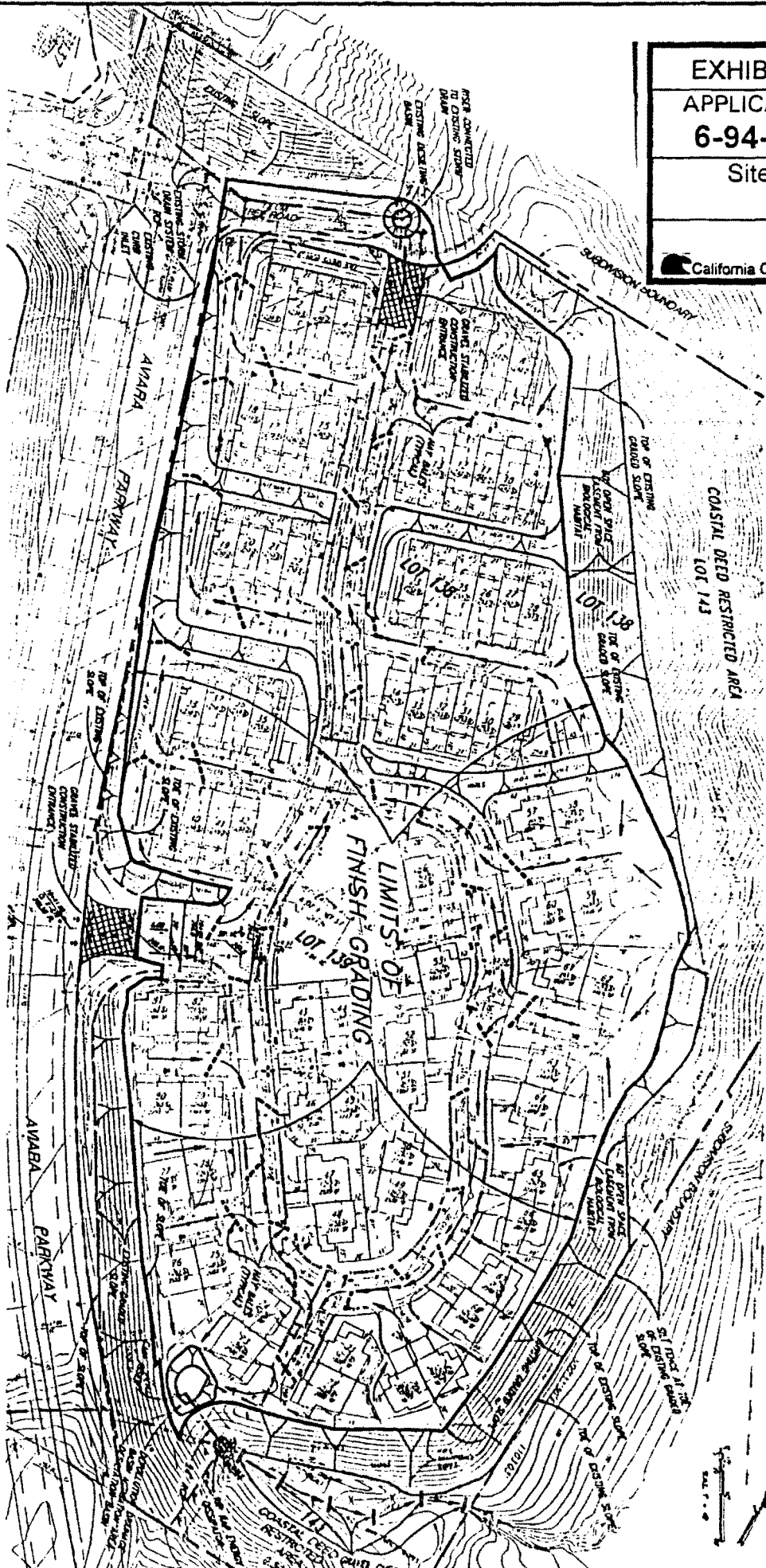
SHEET 1	CALIFORNIA COASTAL COMMISSION	SHEET 3
SANDI SEASIDE HEIGHTS		
CARLSBAD TRACT CT 92-02(A)		
PROJECT NO.	6-94-131-A5	DATE

EXHIBIT NO. 2
 APPLICATION NO.
 6-94-131-A7
 Site Plans



GRADING/EROSION CONTROL PLAN EXHIBIT
 CALIFORNIA COASTAL COMMISSION

SAMBI - AREA 'A'



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PROJECT NO.	2
DATE	12/94
PROJECT NAME	SAMBI SEASIDE HEIGHTS
PROJECT LOCATION	COASTAL DEED RESTRICTED AREA
PROJECT NUMBER	6-94-131-A7
PROJECT TYPE	GRADING/EROSION CONTROL PLAN
PROJECT STATUS	APPROVED


**SAMBI - AREA A WINTER GRADING
THE OLSON COMPANY**

Jan 15, 1998

Activity Name	Start Date	Finish Date	Feb '98				Mar '98				Apr '98				
			1	8	15	22	1	8	15	22	29	5	12	19	26
MOBILIZATION	2/8/98	2/14/98	█	█											
FINALIZE INSTALLATION SOUTH DESILTATION BASIN	2/15/98	2/19/98		█	█										
CLEAN OUT NORTH DESILTATION BASIN	2/15/98	2/17/98		█											
INSTALL PERIMETER SILT FENCE	2/16/98	2/18/98		█											
HYDROSEED PERIMETER SLOPES	2/16/98	2/18/98		█											
INSTALL HAY BALES/GRAVEL BAGS	2/18/98	2/20/98		█											
FINISH GRADING - NORTH END SITE	2/20/98	3/17/98		█	█	█	█								
RE-SET HAY BALES/GRAVEL BAGS - NORTH END SITE	3/17/98	3/18/98						█							
FINISH GRADING - SOUTH END SITE	3/6/98	3/28/98						█	█	█					
RE-SET HAY BALES/GRAVEL BAGS - SOUTH END SITE	3/28/98	3/29/98								█					
INSTALL FINAL LANDSCAPING PERIMETER DOWNSLOPES	3/24/98	4/9/98								█	█	█			
			1	8	15	22	1	8	15	22	29	5	12	19	26

NOTES: The present status (1/15/98) status of the site is as follows:

- The site is presently mass-graded.
- The northerly desiltation basin has been installed and is functional. Clean-out will be necessary.
- The perimeter slopes have been hydroseeded and are beginning to grow, but additional hydroseeding is recommended.
- Aviara Parkway (Alga Road) improvements are complete.
- A fully-completed noise wall exists along Aviara Parkway.

EXHIBIT NO. 3
APPLICATION NO.
6-94-131-A7
Erosion Control Plans
 California Coastal Commission

PLANNING SYSTEMS	
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