

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

RECORD PACKET COPY

**Wed 19b**

March 25, 2005

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO
BILL PONDER, COASTAL PROGRAM ANALYST**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II
LCP SEGMENT MAJOR AMENDMENT NO. #3-04C (Emerald
Pointe), #3-04E (Tabata), #3-04G (Palomar Pointe) (For Public Hearing
and Possible Commission Action at the Meeting of April 13-15, 2005)**

SYNOPSIS

The subject LCP land use plan and implementation plan amendment was filed as complete on January 7, 2005. A one-year time extension was granted on in March 17, 2005. As such, the last date for Commission action on this item is April 7, 2006. LCPA #3-04B (Residential amendments), LCPA #3-04 D (Stormwater regulations), LCPA #3-04F (Thompson/Tabata) and LCPA #3-04H (Lohf) are not part of this staff report and will be scheduled for Commission hearing at a later date. LCPA #3-04A (Carlsbad Ranch) was approved at the March 2005 hearing.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment includes eight separate components involving changes to both the certified LCP land use plan and the implementation plan. In general, areas within the City where the LUP and Zoning Maps are not in conformity have been identified and targeted for actions to bring the designations into consistency. The adjustment of land use and zoning boundaries in this amendment is part of a Citywide effort to bring the General/LCP Plan and Zoning into conformity. The land use plan changes include adding open space designations to those parts of the Emerald Pointe, Tabata and Palomar Pointe properties that contain sensitive coastal resources. The implementation plan changes include rezoning those areas to open space.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed Open Space land use designations and zoning correspond to the areas of the site that contain sensitive coastal resources. The proposed line between open space and developable area is consistent with the standards in the certified LCP applicable to future development of these sites. The LCP includes the City of Carlsbad Habitat Management Plan (HMP) which establishes reasonable development area and an open space habitat preserve for the City. The HMP, including the standards applicable to future

development to carry out the provisions of the HMP, has been reviewed by the Commission and found to meet the requirements of Section 30240 and 30250 of the Coastal Act.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Land Use Plan Amendment as submitted begin on page 4; the findings for approval of the Implementation Plan Amendment as submitted begin on page 7.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Bill Ponder** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment requests affect the Mello II segment.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation are provided just prior to each resolution.

I. MOTION: *I move that the Commission certify the Land Use Plan Amendment #3-04C,E,G for the City of Carlsbad LCP Mello II Segment as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a YES vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the Mello II Segment of the certified LCP as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

II. MOTION *I move that the Commission reject the City of Carlsbad Implementation Plan Amendment #3-04C, E and G as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT
AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the Mello II Segment of the certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
MELLO II LAND USE PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTIONS:

1. Emerald Pointe (LCPA #3-04C). The project site consists of approximately 18 acres of partially cultivated land located south of Laurel Tree Road between Aviara Parkway and Cobblestone Road. The property is constrained by steep slopes, sensitive native habitat, and a 150' wide SDG&E easement located along the western property boundary. The site has a Residential Low (RL) LCP land use designation. The RL designation allows residential development at a density range of 0-1.5 units per acre. The amendment adds the Open Space (OS) land use designation to approximately 11.5 acres to correspond to site-specific provisions of the certified LCP/Habitat Management Plan (HMP) which require identified resources be reserved as open space.

2. Tabata (LCPA #3-04 E). The 5.4 acre site is located on the east side of Black Rail Road, south of Poinsettia Lane, and immediately adjacent to the Twin "D" Reservoir site. The site is bordered by the Twin "D" Reservoir site to the north, single-family residential to the south, habitat preserved as open space to the east, and single-family residential to the west. The site is currently developed with one single-family home and an agricultural field crop operation with a roadside sales stand. The land use plan amendment changes the LCP land use designation on the property from RLM (0-4 du/ac) to RLM (0-4 du/ac) and OS. The open space designation applies to two open space lots which reflect the boundaries of the areas of steep slopes (Lot 17) and sensitive southern maritime chaparral habitat (Lot 18) to be preserved and maintained as open space.

3. Palomar Pointe (LCPA #3-04 G). The vacant 13.47 acre site is located southeast of College Boulevard, southwest of Aston Avenue, and north of the McClellan Palomar Airport. The north, east and northwest sides of the site are surrounded by office/industrial development and the McClellan-Palomar Airport is located south of the site. The future municipal golf course is located generally west of the site.

The project site is currently designated by the LCP Land Use Map for Planned Industrial (PI) land use. A number of sensitive vegetation communities are located on site and within the off-site access road area. These include Southern Maritime Chaparral, Diegan Coastal Sage Scrub, and San Diego Mesa Claypan Vernal Pools. "Hardline" preserve areas and developable areas have been identified in the certified HMP/LCP and on the approved tentative map. The LUP amendment designates these habitat preserve areas as Open Space.

A. CONFORMITY OF THE MELLO II LAND USE PLAN WITH CHAPTER 3

1. Environmentally Sensitive Habitat Areas.

The following Chapter 3 policy is applicable to the LUP amendment and states:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The certified City of Carlsbad LCP land use plan (LUP) has been amended to incorporate the City's Habitat Management Plan (HMP). The HMP was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. The certified LUP includes Coastal Act Sections 30233 and 30240 as applicable standards of review for development within and adjacent to wetlands and other environmentally sensitive habitat areas. In addition, the HMP and certified LUP contain habitat protection requirements and conservation standards applicable to certain properties within the Carlsbad coastal zone (most of which are undeveloped), to concentrate future development adjacent to already-developed areas and protect slopes greater than 25% grade and scenic natural landforms.

The HMP includes "standards" areas for properties that contain sensitive resources but, at the time of approval of the HMP, did not have a specific site development plan. The HMP includes "hardline" properties where the open space habitat preserve line was established based on a site-specific development plan. The Emerald Pointe and Tabata

sites are designated as "standards" areas in the certified HMP/LCP. The Palomar Pointe site is identified as a "hardline" area in the HMP/LCP.

The "standards" areas involve specific properties within the City that are located in the biological core and linkage areas identified in the County Multiple Habitat Conservation Plan (MHCP). The City's "standards" areas are focused geographically, using the Local Facilities Management Zones identified in the City's Growth Management Plan.

"Standards" properties have conservation goals and standards which allow at least 25% development of the site, but which provide for minimum conservation of 67% of coastal sage scrub and 75% of gnatcatchers on each site. Several areas have significantly higher standards for greater protection of individual resource areas. Emphasis is placed upon creation of preservation corridors and linkage to the larger MHCP habitat areas. Projects proposed within the "standards" areas also require additional consultation with the City and the wildlife agencies to determine whether the project complies with the HMP.

In its review of the Carlsbad HMP/LCP amendment, the Commission reconciled the conflict between the policies of the Coastal Act that protect environmentally sensitive habitat area (ESHA) and those that require concentration of development where it will not have significant adverse effects on coastal resources. The Commission found, on balance, that approval was most protective of significant coastal resources because the HMP would allow for concentration of development and creation of a habitat preserve that addresses the long-term viability and conservation of sensitive species while allowing some impacts to ESHA to occur. Although implementation of the HMP/LCP will result in some loss of native habitat and listed species throughout the region, in association with loss due to incidental take outside the preserve area, the potential losses to the habitat would be considerably higher without the HMP. Through application of the HMP mitigation requirements, there will be no net loss of ESHA within the coastal zone. Thus, the Commission certified the HMP/LCP amendment as consistent with Sections 30240 and 30250 of the Coastal Act.

1. Emerald Pointe (LCPA #3-04 C). As stated, the certified HMP/LCP identifies the Emerald Pointe property as a "standards" area and provides:

8.5-Assessor's Parcel No. 212-040-50 (Emerald Point) – Development limited to disturbed and non-native grassland areas. No impacts to native habitat allowed.

The HMP/LCP limits development to the disturbed and non-native grassland areas of the site. The line between open space and developable area is shown on the approved tentative map and is consistent with the above policy language i.e., the tentative map indicates the [development] will be located on approximately 6.1 acres located on a ridge top that has been previously disturbed by agricultural activity. The remaining disturbed and undisturbed portion of the property containing native, non-native, and disturbed habitat will be preserved in open space. In effect, a 10.1-acre habitat preserve surrounds and buffers the residential subdivision on three sides.

The HMP/LCP also identifies the site as a habitat linkage (Linkage F) from Core Areas 4, 6, and 8. The area shown as open space on the approved tentative map is the area proposed as open space in the LUP as part of this LCP amendment. As such, the amendment is consistent with the resource protection provisions of the Mello II LUP and HMP/LCP and with Section 30240 of the Coastal Act, and the change does not conflict with any other Chapter 3 policies.

2. Tabata (LCPA #3-04 E). The certified HMP/LCP identifies the Tabata property as a "standards" area. The site contains .042 acres of southern maritime chaparral on steep slopes. This "dual criteria" slope area (steep slopes with sensitive habitat) is being preserved in its entirety as a deed-restricted open space lot which will be biologically maintained, consistent with the Habitat Management Plan. The 2 open space lots (Lots 17 and 18) reflect the boundaries of the steep slopes and southern maritime chaparral habitat respectively and are designated as Open Space in the proposed LUP amendment. The remainder of the property is designated RLM. As such, the amendment is consistent with the resource protection provisions of the Mello II LUP and HMP/LCP and with Section 30240 of the Coastal Act, and the change does not conflict with any other Chapter 3 policies.

3. Palomar Pointe (LCPA #3-04 G). The Palomar Pointe site is identified as a "hardline" area in the HMP/LCP. The certified Mello II LUP provides:

Assessor's Parcel No. 212-120-33 (Hieatt) – No impact to vernal pools.
Minimize impact to vernal pool watersheds.

The line between open space and developable area shown on the approved tentative map for Palomar Pointe is consistent with the resource mapping and "hardline" identified on the certified HMP/LCP map. As such development is limited to the flatter portions of the site while the steeper slopes with native vegetation and areas containing vernal pools are avoided. Approximately 6.41 acres (48% of the site) is proposed to be preserved as open space through an open space conservation easement. The area shown as open space on the approved tentative map is the area proposed as open space in the LUP as part of this LCP amendment. As such, the amendment is consistent with the resource protection provisions of the Mello II LUP and HMP/LCP and with Section 30240 of the Coastal Act, and the change does not conflict with any other Chapter 3 policies.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
MELLO II IMPLEMENTATION PLAN AMENDMENT #3-04C, E
and G, AS SUBMITTED

A. AMENDMENT DESCRIPTIONS

1. Emerald Pointe (LCPA #3-04 C). The amendment changes the zoning on the property from Limited Control (L-C), which does not allow for any development unless a zone change is proposed consistent with the underlying LUP designation. The proposed zone is the R-1 (Single-Family Residential) zone for the developable area and the Open Space (OS) zone for the area shown as open space in the LUP.

2. Tabata (LCPA #3-04 E). The amendment changes the zoning on the property from Limited Control (L-C) to One-Family Residential (R-1) and Open Space (OS) for the area shown as open space in the LUP.

3. Palomar Pointe (LCPA #3-04 G). The amendment changes the zoning on the property from Planned Industrial (P-M) to Open Space (OS). The proposed open space zone corresponds to the area shown as Open Space in the LUP.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

A. Purpose and Intent of the Ordinance.

1. Open Space Zone. To provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned property such as parks, open space, recreation areas, civic centers and other public facilities of a similar nature. The zone also designates high priority resource areas at time of development that, when combined would create a logical open space system for the community.
2. R-1 Zone. To implement the residential low density (RL), residential low-medium density (RLM) and residential medium density (RM) land use designations of the Carlsbad LCP; and provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses.
3. Planned Industrial Zone. To allow the location of business and light industries engaged primarily in research and/or testing, compatible light manufacturing, business and professional offices when engaged in activities associated with corporate offices or in activities whose primary purpose is not to cater directly to the general public, and certain commercial uses which cater to and are ancillary to the uses allowed in this zone.

B. Major Provisions of the Ordinance.

1. Open Space Zone. The open space zone allows the following uses and structures: beaches and shoreline recreation, bicycle paths, horse trails, open space easements, public parks, City picnic areas and playgrounds, public access easements, scenic and slope easements, transportation rights-of-way, vista points, agricultural uses (field and seed crops, truck crops, horticultural crops, orchards and vineyards, pasture and rangeland, tree farms and fallow lands). Permitted accessory uses and structures include public restrooms, clubhouses, parking areas,

barbecue and fire pits, playground equipment, stairways, patios, changing rooms, pool filtering equipment, fencing and other accessory uses required for the conduct of the permitted uses. Uses allowed by conditional use permit include group or organized camps, marinas, playfields and athletic fields, public facilities, recreational campgrounds, public stables and riding academies, golf courses, swimming pools, tennis courts, private playgrounds and picnic areas, other related cultural, entertainment and recreational activities and facilities and stands for the display and sale of aquaculture products grown on the premises. There is no minimum lot area established for the open space zone. No building or structure in the zone shall exceed thirty-five feet in height unless a higher elevation is approved as a conditional use permit by the Planning Commission.

2. R-1 Zone. The major provisions of the ordinance identify permitted and conditional uses and design and development standards for large lot single-family development.
3. Planned Industrial Zone. The following uses are permitted in the PM zone:
 1. Manufacturing and processing facilities;
 2. Storage, wholesale and distribution facilities;
 3. Administrative offices associated with and accessory to a permitted use;
 4. On-site recreational facilities intended for the use of employees of the planned industrial zone;
 5. Business and professional offices which are not retail in nature, do not cater to the general public, and do not generate walk-in or drive-in traffic, and are incidental to the industrial uses in the vicinity.

All industrial projects shall comply with the following design criteria:

- (1) The overall plan shall be comprehensive, imaginative and innovative, embracing land, buildings, landscaping and their relationships, and shall conform to adopted plans of all governmental agencies for the area in which the proposed development is located.
- (2) The plan shall provide for adequate open space, circulation, off-street parking and other pertinent amenities. Buildings, structures and facilities in the parcel shall be well integrated, oriented and related to the topographic and natural landscape features of the site.
- (3) The proposed development shall be compatible with existing and planned surrounding land uses and with circulation patterns on adjoining properties. It shall not constitute a disruptive element to the community.
- (4) The internal street system shall not be a dominant feature in the overall design; rather, it should be designed for the efficient and safe flow of vehicles without creating a disruptive influence on the activity and function of the development.
- (5) The design of buildings and surrounding environment shall be architecturally integrated and compatible with each other.
- (6) Screening walls for storage spaces, loading areas and equipment shall be architecturally integrated with the surrounding building design.

(7) Building placement shall be designed to create opportunities for plazas or other landscaped open spaces within the project.

C. Adequacy of the Ordinance to Implement the Certified LUP Segments.

As stated in the previous findings, the Carlsbad LCP has been amended to incorporate the City's Habitat Management Plan (HMP) which was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. The Commission found approval of the HMP is the most protective option for coastal resources based on the assumption that the habitat preserve and mitigation areas will be implemented as proposed, and properly maintained in perpetuity as habitat preserve. Should the habitat not be managed and maintained as designed, or if the required mitigation sites are not provided as proposed, the long-term benefits of the HMP for coastal resources would not be realized. To address these concerns, the City has included policies in the HMP and associated LUP which address establishment of the habitat preserve, funding, monitoring and management.

Interim preserve management requirements, as provided in the HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies. The preserve management plan must be approved by the City, the wildlife agencies and the Commission, and shall ensure adequate funding to protect the preserve as open space and maintain the biological values of the mitigation areas in perpetuity. Additionally, the preserve management plan is required to be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP. Unfortunately the one-year goal has not been met as the HMP was certified by the Commission in August 2003 and the preserve management plan has not yet been submitted.

One of the major goals of HMP implementation will be to establish an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It is anticipated this mechanism will include a conservation oriented open space zone or overlay that will restrict uses within the habitat preserve to resource dependent uses which are more restrictive and protective of coastal resources than the current open space zone certified in the LCP. The Commission finds, in the absence of a resource-oriented conservation zone, the habitat preserve will be protected as open space through the Open Space land use plan designation, which is controlling, and the conservation easement which must be recorded as a condition of approval by the City of the tentative map. The conservation easement prohibits private encroachment or development in dedicated open space; however, habitat restoration and enhancement is permitted.

In addition, the City has indicated as a requirement of the Implementation Agreement for the HMP, it is required to amend the Open Space Ordinance which will include a new open space conservation zone or overlay. This must be done within one year of approval of the HMP by the Resource Agencies. Although the Commission approved the HMP/LCP amendment in August 2003, the Resource Agencies did not give final

approval until November 2004. The attached memorandum to the Community Development Director (See Exhibit 7 dated January 5, 2005), outlines the remaining tasks to complete implementation of the HMP. City staff has indicated a preserve management plan has been drafted and is awaiting City Council approval. In addition, the City expects to have an LCP amendment addressing the complete HMP implementation plan submitted to the Commission for approval by November 2005. With this understanding, the Commission finds the proposed open space zoning would adequately implement the HMP/LCP in the interim and is consistent with and adequate to carry out the certified LUP.

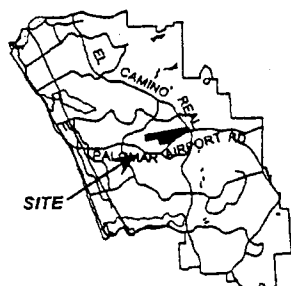
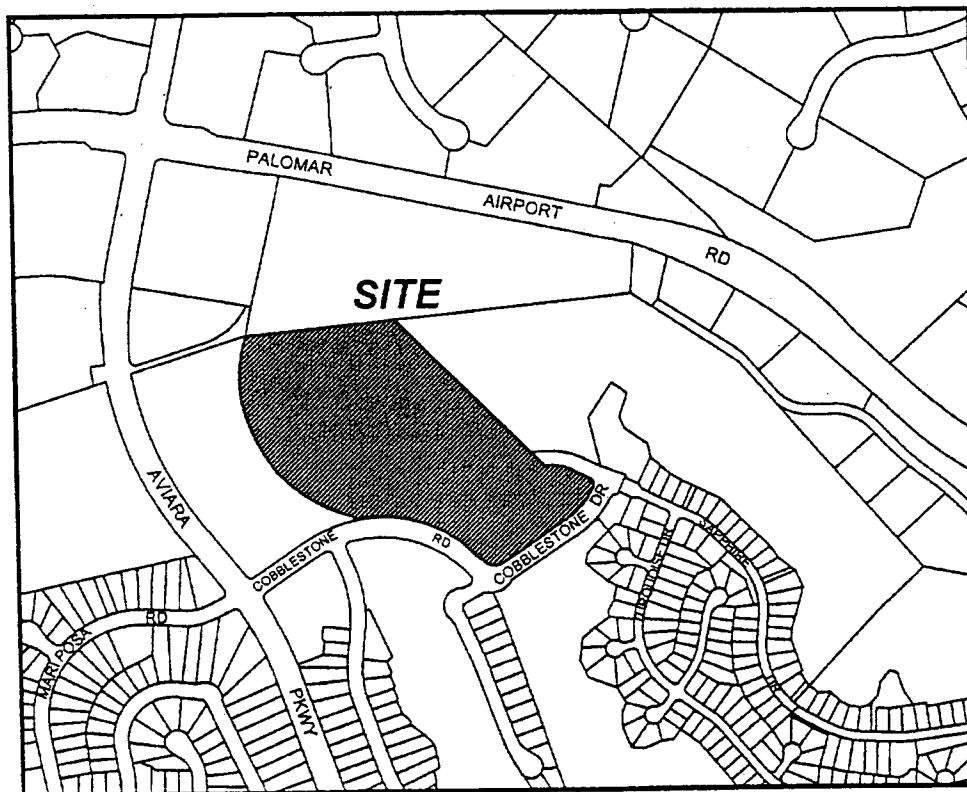
The Tabata and Emerald Pointe zoning amendments propose R-1 zoning on the developable portions of the property. This zoning allows for single-family development at densities allowed by the underlying LCP land use designations and as such is adequate to implement the certified LUP.

Similarly, the Palomar Pointe zoning amendment proposes PM (industrial) zoning on the developable portions of the property. This zoning allows for the proposed three industrial office buildings allowed by the PI land use designation and as such is adequate to implement the certified LUP.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENT QUALITY ACT (CEQA)

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The proposed land use redesignations and rezones will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.



EMERALD POINTE ESTATES

GPA 03-05/LCPA 02-02/ZC 02-02

EXHIBIT NO. 1
APPLICATION NO.
Carlsbad LCPA
No. 3-04C
Location Map

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, ADDENDUM, AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP AND LOCAL COASTAL PROGRAM TO CLARIFY, REFINE, AND ADJUST LAND USE DESIGNATION BOUNDARIES ON AN 18-ACRE PARCEL GENERALLY LOCATED SOUTH OF PALOMAR AIRPORT ROAD BETWEEN AVIARA PARKWAY AND COBBLESTONE DRIVE IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: EMERALD POINTE ESTATES

CASE NO.: GPA 03-05/LCPA 02-02/ZC 02-02


The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, the Planning Commission did on June 16, 2004, hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment 03-05 according to Exhibit "GPA 03-05" attached to Planning Commission Resolution No. 5644 and incorporated herein by reference and Local Coastal Program Amendment 02-02 according to Exhibit "LCPA 02-02" attached to Planning Commission Resolution No. 5645 and incorporated herein by reference. The Planning Commission adopted Planning Commission Resolutions No. 5643, 5644 and 5645 recommending to the City Council that they be approved; and

WHEREAS, the City Council did on the 5th day of October, 2004 hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment and Local Coastal Program Amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment and Local Coastal Program Amendment.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, does hereby resolved as follows:

EXHIBIT NO. <u>2</u>
APPLICATION NO.
Carlsbad LCPA
No. 3-04C
Council Resolutions
 California Coastal Commission

1 The City Council of the City of Carlsbad, California does hereby resolve as
2 follows:

- 3 1. That the above recitations are true and correct.
- 4 2. That the findings and conditions of the Planning Commission in Planning
5 Commission Resolutions No. 5643, 5644 and 5645 for the Mitigated Negative Declaration,
6 Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment and
7 Local Coastal Program Amendment constitute the findings and conditions of the City Council in
8 this matter.
- 9 3. That the recommendation of the Planning Commission for the approval of
10 General Plan Amendment 03-05 as shown in Planning Commission Resolution No. 5644 is
11 hereby accepted, approved in concept, and shall be formally approved with GPA Batch No. 2
12 comprised of GPA 02-05, GPA 03-08, GPA 03-13, GPA 04-01, GPA 04-04, GPA 04-07, GPA
13 04-08, GPA 04-11 and GPA 04-13.

14 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
15 Carlsbad on the 5th day of October, 2004, by the following vote,

16 to wit:

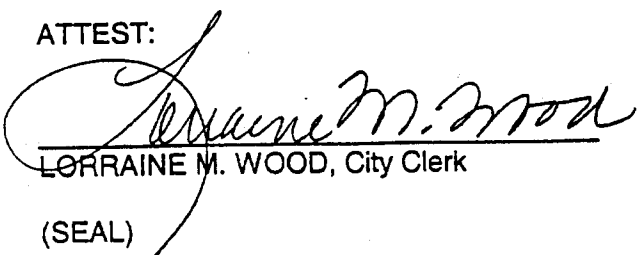
17 AYES: Council Members Lewis, Finnilla, Kulchin, Hall and Packard.

18 NOES: None

19 ABSENT: None

20
21 
22 CLAUDE A. LEWIS, Mayor

23 ATTEST:

24 
25 LORRAINE M. WOOD, City Clerk

26 (SEAL)

ORDINANCE NO. NS-723

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP TO GRANT A ZONE CHANGE FROM L-C, R-1 AND O-S TO R-1-10,000 AND O-S ON PROPERTY GENERALLY LOCATED SOUTH OF PALOMAR AIRPORT ROAD BETWEEN AVIARA PARKWAY AND COBBLESTONE DRIVE IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: EMERALD POINTE ESTATES

CASE NO.: ZC 02-02

The City Council of the City of Carlsbad, California, does ordain as follows:

SECTION I: That Section 21.05.030 of the Carlsbad Municipal Code, being the City's zoning map, is amended as shown on the map marked Exhibit "ZC 02-02" attached hereto and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution 5646 constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

///

///

///

///

1 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
2 Council on the 5th day of October, 2004, and thereafter.

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Carlsbad on the 12th day of October, 2004, by the following vote, to wit:


5 AYES: Council Members Lewis, Finnilla, Kulchin, Hall, and
6 Packard

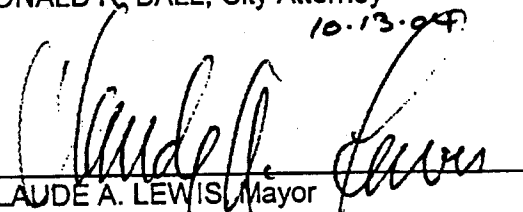
7 NOES: None

8 ABSENT: None

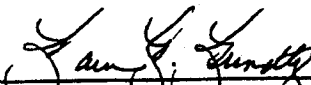
9 ABSTAIN: None

10 APPROVED AS TO FORM AND LEGALITY

11 
12 RONALD R. BALL, City Attorney

13 
14
15 CLAUDE A. LEWIS, Mayor

16
17 ATTEST:

18 
19 LORRAINE M. WOOD, City Clerk
20 Karen R. Kundtz, Assistant City Clerk
(SEAL)

GENERAL PLAN MAP CHANGE

GPA: 03-05

draft ☒ final ☐



EXISTING



PROPOSED

Project Name: Emerald Pointe Estates

Related Case File No(s):

Property/Legal Description(s):

Parcel 1: All that portion of that parcel of land designated as "description No. 5, 103.54 acres as shown and delineated on Record of Survey Map No. 5715, filed in the office of the County Recorder of San Diego County, December 19, 1960.

LCPA 02-02/ZC 02-02/CT 02-07/CDP 02-07/HDP 02-02

Excepting therefrom portions of Parcel 1 of Parcel Map 15661 as described in official records.

Parcel 2: Lot 115 of Carlsbad Tract No. 84-32(A), Unit No. 1 (Cobblestone Sea Village) in the City of

Carlsbad, County of San Diego, State of California,
According to map thereof No. 13428, filed in the
office of the County Recorder of San Diego County,
June 3, 1997.

Parcel 3: Easement for roadway and utility purposes
over those certain strips of land designated as "60
foot strip and 66 foot easement reserved for roadway
ad utility purposes". As shown on said Record of
Survey Map No. 5715.

Excepting from 60 foot strip, that portion which lies
within Parcel No. 1 above.

Parcel 4: A temporary easement for pedestrian and
vehicular access, ingress and egress as contained in
document recorded May , 1996 as File No. 1996-
021877 of official records being a portion of Parcel 1
of Parcel Map 15661, that portion being a portion of
the easement for roadway and utility purposes over
those certain strips of land designated and as
described in official records.

G.P. Map Designation Change			Approvals
Property	From:	To:	Council Approval Date:
A. 212-190-53	RLM	RL	Resolution No:
B. 212-040-50	RL/RLM/OS	RL/OS	Effective Date:
			Signature:
Attach additional pages if necessary			

LOCAL COASTAL PROGRAM

LCPA: 02-02

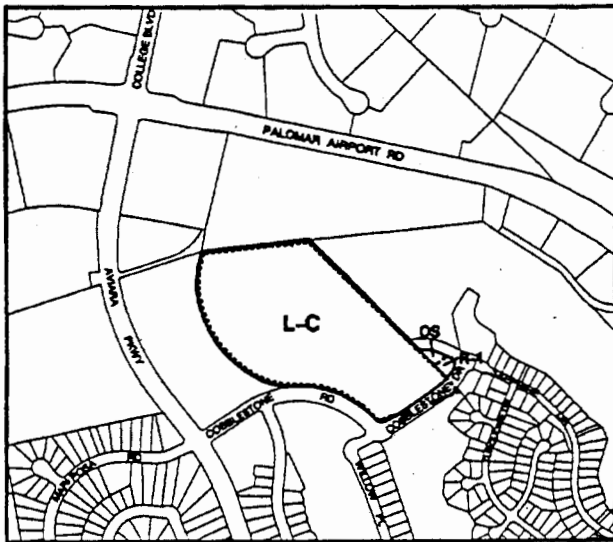
draft



final



ZONING



EXISTING



PROPOSED

Project Name: Emerald Pointe Estates

Related Case File No(s):

Property/Legal Description(s):

Parcel 1: All that portion of that parcel of land designated as "description No. 5, 103.54 acres as shown and delineated on Record of Survey Map No. 5715, filed in the office of the County Recorder of San Diego County, December 19, 1960.

GPA 03-05/ZC 02-02/CT 02-07/CDP 02-07/HDP 02-02

Excepting therefrom portions of Parcel 1 of Parcel Map 15661 as described in official records.

Parcel 2: Lot 115 of Carlsbad Tract No. 84-32(A), Unit No. 1 (Cobblestone Sea Village) in the City of

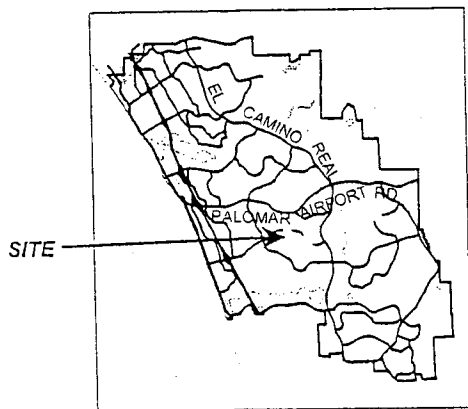
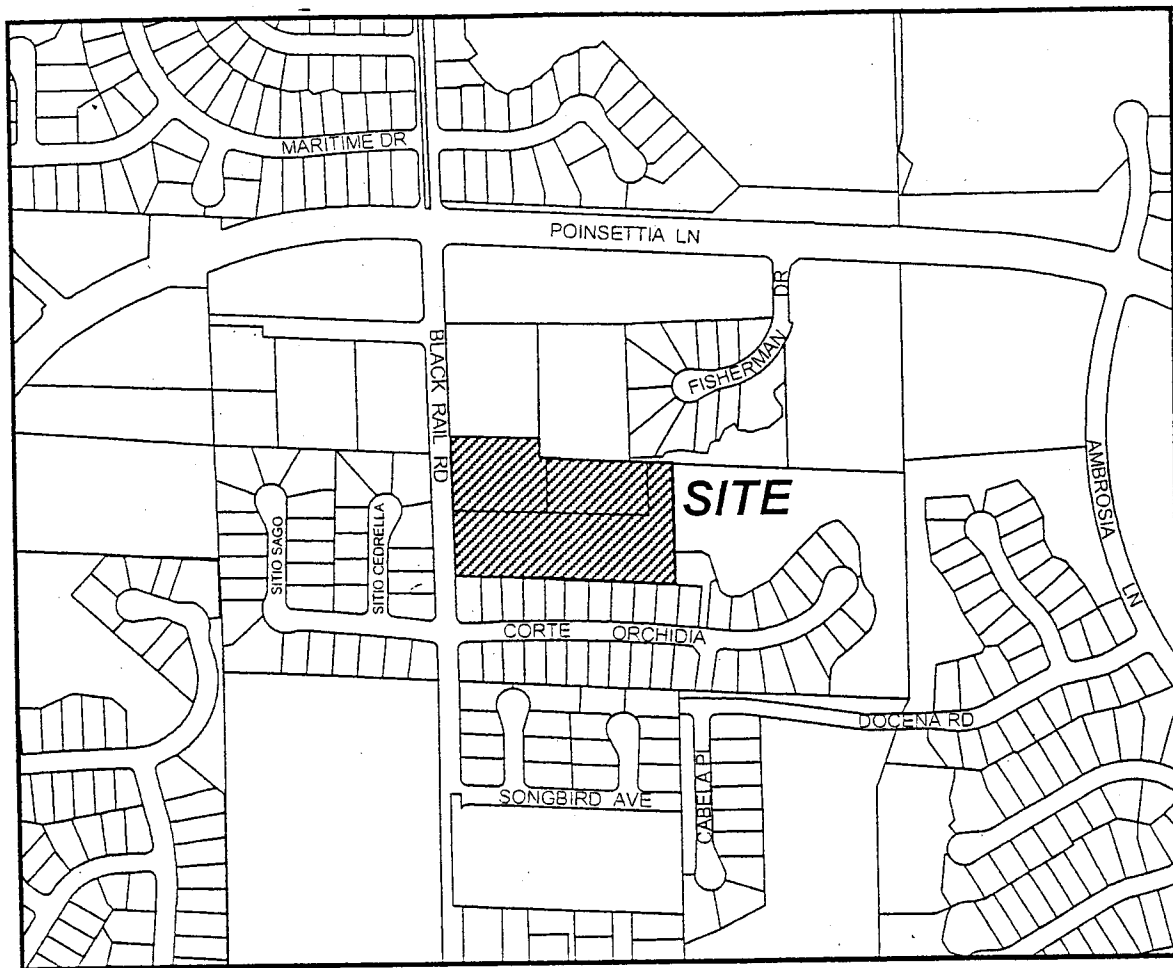
Carlsbad, County of San Diego, State of California,
According to map thereof No. 13428, filed in the
office of the County Recorder of San Diego County,
June 3, 1997.

Parcel 3: Easement for roadway and utility purposes
over those certain strips of land designated as "60
foot strip and 66 foot easement reserved for roadway
ad utility purposes". As shown on said Record of
Survey Map No. 5715.

Excepting from 60 foot strip, that portion which lies
within Parcel No. 1 above.

Parcel 4: A temporary easement for pedestrian and
vehicular access, ingress and egress as contained in
document recorded May, 1996 as File No. 1996-
021877 of official records being a portion of Parcel 1
of Parcel Map 15661, that portion being a portion of
the easement for roadway and utility purposes over
those certain strips of land designated and as
described in official records.

LCPA Map Designation Change			Approvals
Property	From:	To:	Council Approval Date:
A. 212-190-53	RLM	RL	Resolution No:
B. 212-040-50	RL	RL/OS	Effective Date:
			Signature:
Attach additional pages if necessary			



TABATA RESIDENTIAL SUBDIVISION

GPA 04-13/LCPA 03-07/ZC 03-05

CT 03-06/CDP 03-24/HDP 04-02

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad LCPA
No. 3-04E
Location Map

RESOLUTION NO. 2004-338

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING A GENERAL PLAN AMENDMENT AND A LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE DESIGNATIONS FROM RESIDENTIAL LOW-MEDIUM DENSITY (RLM, 0-4 DU/AC) TO RESIDENTIAL LOW-MEDIUM DENSITY (RLM, 0-4 DU/AC) AND OPEN SPACE (OS) AND TO CHANGE THE LOCAL COASTAL PROGRAM ZONING DESIGNATION FROM LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1) AND OPEN SPACE (OS) ON A 5.64 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF BLACK RAIL ROAD, SOUTH OF POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: TABATA RESIDENTIAL SUBDIVISION

CASE NO.: GPA 04-13/LCPA 03-07/ZC 03-05

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, the Planning Commission did on September 1, 2004, hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as referenced in Planning Commission Resolution No. 5718, General Plan Amendment GPA 04-13, according to Exhibit "GPA 04-13" attached to Planning Commission Resolution No. 5719 and incorporated herein by reference, and Local Coastal Program Amendment LCPA 03-07, according to Exhibit "LCPA 03-07" attached to Planning Commission Resolution No. 5720 and incorporated herein by reference to change the General Plan and Local Coastal Program Land Use designations from Residential Low-Medium Density (RLM, 0-4 du/ac) to Residential Low-Medium Density Residential (RLM, 0-4 du/ac) and Open Space (OS) and to change the Local Coastal Program Zoning designation from Limited Control (L-C) to One-Family Residential (R-1) and Open Space (OS) and the Planning Commission adopted Planning Commission Resolutions No. 5718, 5719, and 5720 recommending to the City Council that they be approved; and

WHEREAS, the City Council did on the 19th day of October, 2004 hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative

EXHIBIT NO. 4
APPLICATION NO.
Carlsbad LCPA
No. 3-04E
Council Resolutions

1 Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, and
2 Local Coastal Program Amendment and;

3 WHEREAS, at said public hearing, upon hearing and considering all testimony
4 and arguments, if any, of all persons desiring to be heard, the City Council considered all
5 factors relating to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting
6 Program, General Plan Amendment, and Local Coastal Program Amendment.

7 NOW, THEREFORE, the City Council of the City of Carlsbad, California, does
8 hereby resolved as follows:

9 The City Council of the City of Carlsbad, California does hereby resolve as
10 follows:

11 1. That the above recitations are true and correct.

12 2. That the findings and conditions of the Planning Commission in Planning
13 Commission Resolutions No. 5718, 5719, and 5720 for the Mitigated Negative Declaration and
14 Mitigation Monitoring and Reporting Program, General Plan Amendment, and Local Coastal
15 Program Amendment constitute the findings and conditions of the City Council in this matter.

16 3. That the recommendation of the Planning Commission for the approval of
17 General Plan Amendment GPA 04-13 as shown in Planning Commission Resolution No. 5719
18 is hereby accepted, approved in concept, and shall be formally approved with GPA Batch No. 2
19 of 2004 comprised of GPA 02-05, GPA 03-05, GPA 03-08, GPA 03-13, GPA 04-01, GPA 04-
20 04, GPA 04-07, GPA 04-08 and GPA 04-11.

21

22

23

24

25

26

27

28

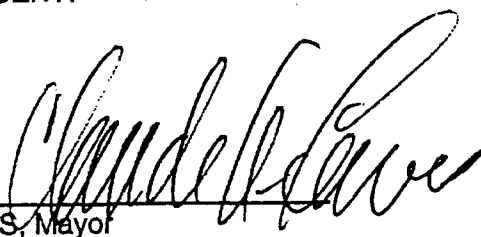
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Carlsbad on the 19th day of October, 2004, by the following vote,
to wit:

AYES: Council Members Lewis, Finnilla, Kulchin, Hall and Packard.


NOES: None

ABSENT: None



CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk

(SEAL)

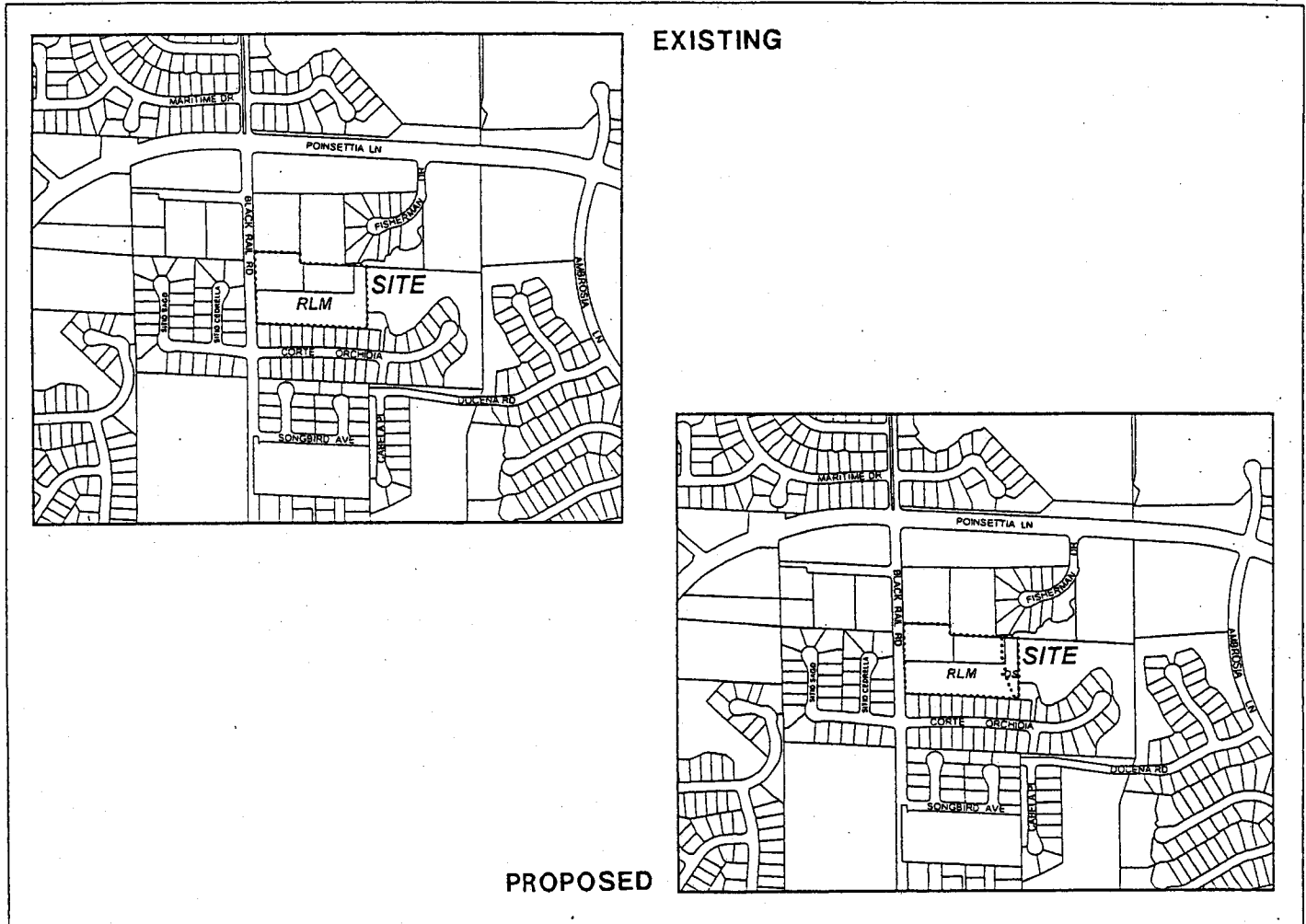
LOCAL COASTAL PROGRAM

LCPA: 03-07

draft ☒

final ☐

LAND USE



Project Name: TABATA RESIDENTIAL SUBDIVISION			Related Case File No(s):
Property/Legal Description(s): A portion of the southwest quarter of the southeast quarter of Section 22, T12S, R4W, SBBM, in the City of Carlsbad, County of San Diego, State of California			GPA 04-13/ZC 03-05/CT 03-06/CDP 03-24/HDP 04-02
LCPA Map Designation Change			Approvals
Property	From:	To:	Council Approval Date:
A. 215-080-20	RLM	RLM & OS	Resolution No:
B. 215-080-21	RLM	RLM & OS	Effective Date:
C. 215-080-28	RLM	RLM	Signature:
Attach additional pages if necessary			

LOCAL COASTAL PROGRAM

LCPA: 03-07

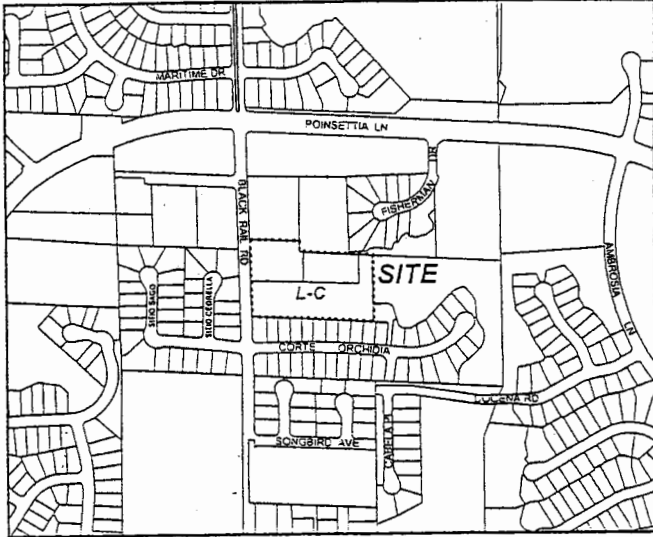
draft ☒

final ☐

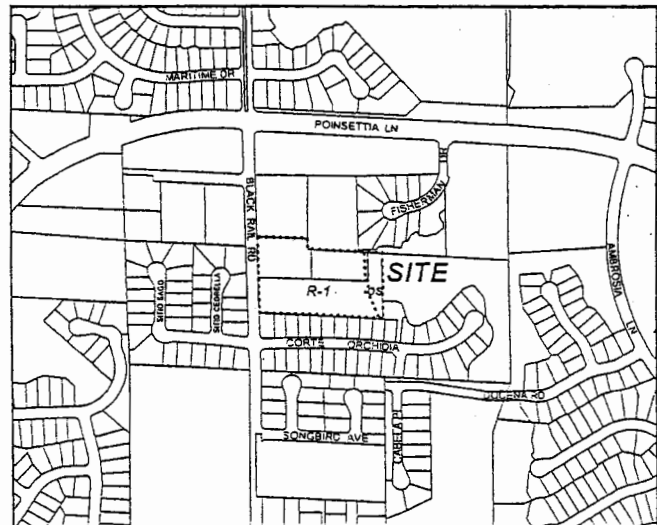
ZONING

September 1, 2004

EXISTING



PROPOSED



Project Name: TABATA RESIDENTIAL SUBDIVISION			Related Case File No(s):	
Property/Legal Description(s): A portion of the southwest quarter of the southeast quarter of Section 22, T12S, R4W, SBBM, in the City of Carlsbad, County of San Diego, State of California			GPA 04-13/ZC 03-05/CT 03-06/CDP 03-24/HDP 04-02	
LCPA Map Designation Change			Approvals	
Property	From:	To:	Council Approval Date:	
A. 215-080-20	L-C	R-1 & OS	Resolution No:	
B. 215-080-21	L-C	R-1 & OS	Effective Date:	
C. 215-080-28	L-C	R-1	Signature:	
Attach additional pages if necessary				

LOCAL COASTAL PROGRAM

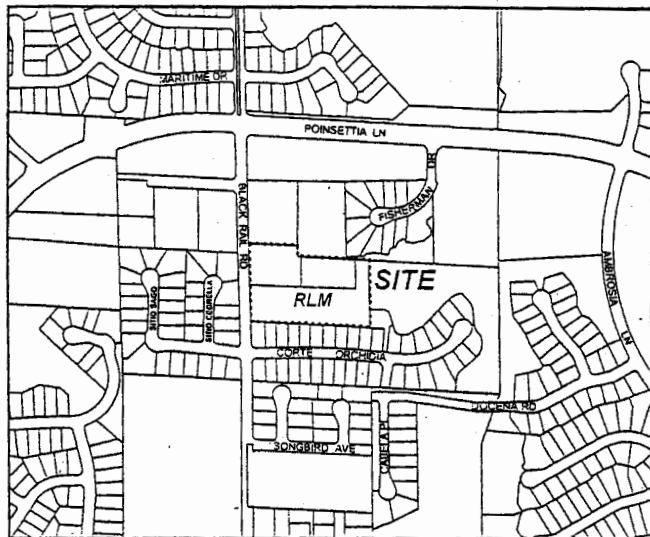
LCPA: 03-07

draft ☒

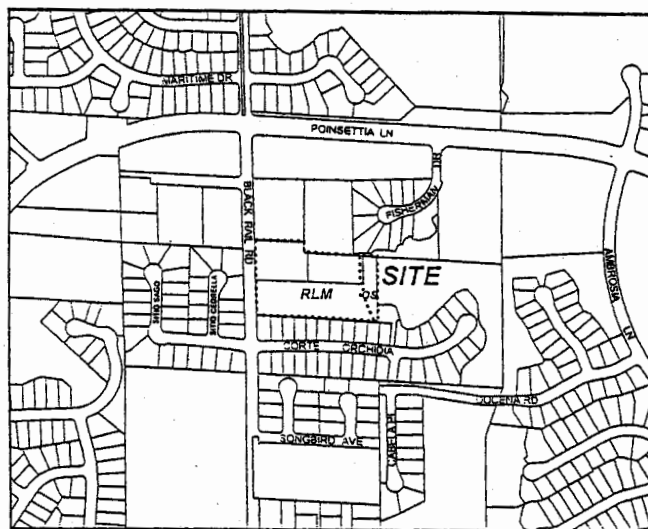
final ☐

LAND USE
September 1, 2004

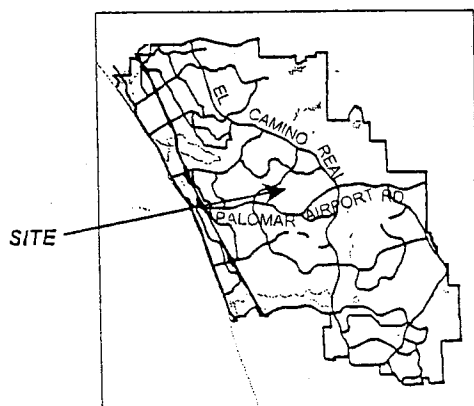
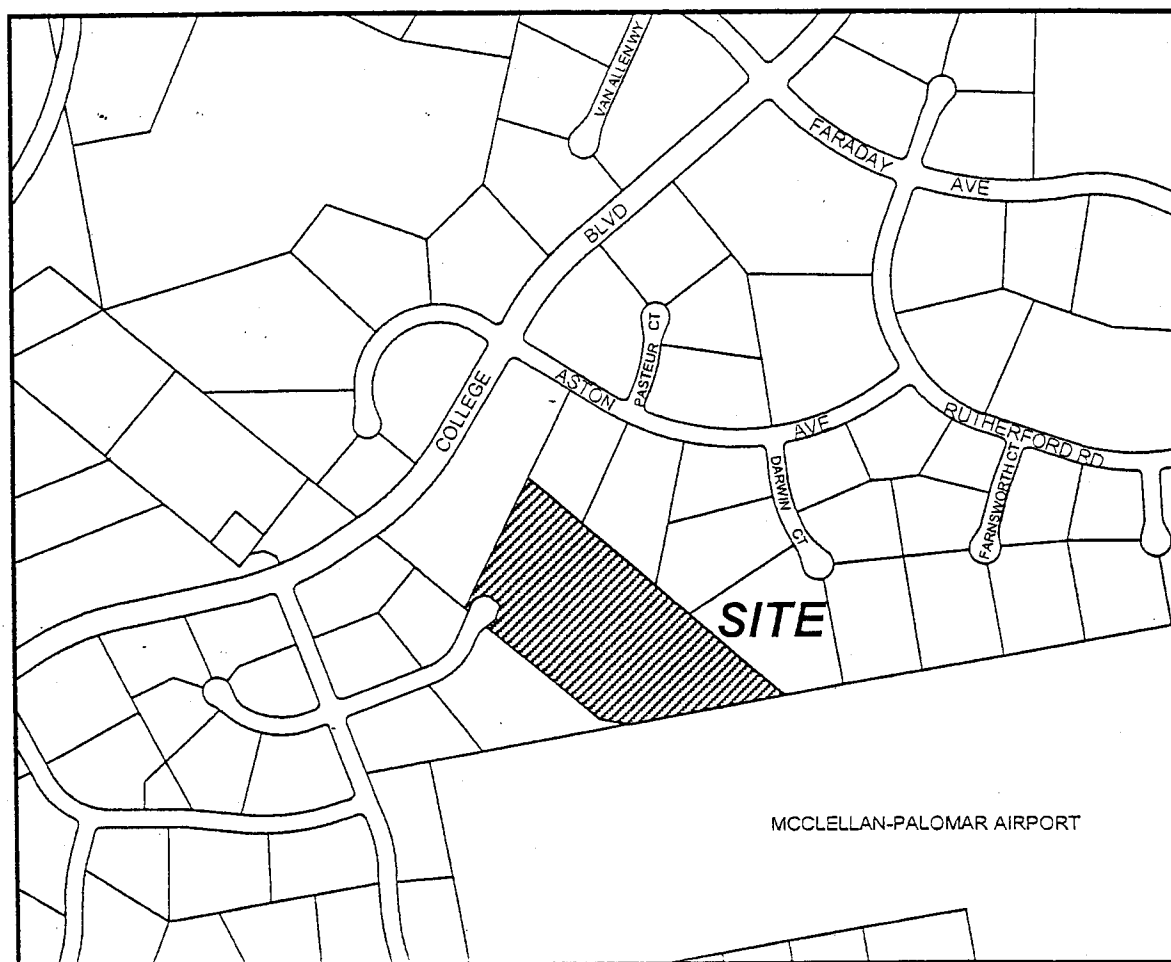
EXISTING



PROPOSED



Project Name: TABATA RESIDENTIAL SUBDIVISION			Related Case File No(s):
Property/Legal Description(s): A portion of the southwest quarter of the southeast quarter of Section 22, T12S, R4W, SBBM, in the City of Carlsbad, County of San Diego, State of California			GPA 04-13/ZC 03-05/CT 03-06/CDP 03-24/HDP 04-02
LCPA Map Designation Change			Approvals
Property	From:	To:	Council Approval Date:
A. 215-080-20	RLM	RLM & OS	Resolution No:
B. 215-080-21	RLM	RLM & OS	Effective Date:
C. 215-080-28	RLM	RLM	Signature:
Attach additional pages if necessary			



PALOMAR POINTE

GPA 04-08/ZC 04-03/LCPA 04-07

EXHIBIT NO. 5
APPLICATION NO.
Carlsbad LCPA
No. 3-04G
Location Map
California Coastal Commission

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

The City Council of the City of Carlsbad, California does ordain as follows:

SECTION I: That Section 21.050.30 of the Carlsbad Municipal Code, being the [redacted] Ordinance, is hereby amended as shown on the map marked Exhibit "ZC 04-03," dated September 1, 2014, and is hereby adopted, approved, confirmed, and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution No. 5711 constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation within fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance shall not be effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council held on the 19th day of October, 2004, and thereafter


///

///

///

///

///

EXHIBIT NO 6
APPLICATION NO.
Carlsbad LCPA
No. 3-04G
Council Resolutions
 California Coastal Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PASSED AND ADOPTED at a regular meeting of said City Council held on the

26th day of October, 2004, by the following vote, to wit:

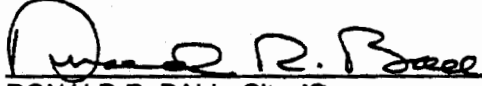
AYES: Council Members Lewis, Finnilla, Kulchin, Hall and Packard.

NOES: None

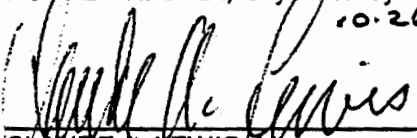
ABSENT: None

ABSTAIN: None

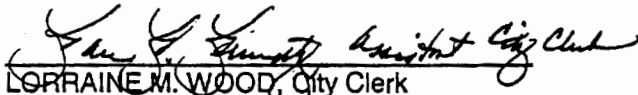
APPROVED AS TO FORM AND LEGALITY


RONALD R. BALL, City Attorney

10.26.04.


CLAUDE A. LEWIS, Mayor

ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)

RESOLUTION NO. 2004-339

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, ADDENDUM, AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVING AN AMENDMENT TO THE GENERAL PLAN LAND USE MAP, AND A LOCAL COASTAL PROGRAM AMENDMENT TO RE-DESIGNATE THE OPEN SPACE PRESERVE AREAS FROM PI AND P-M TO OS ON A 13.47 ACRE PARCEL GENERALLY LOCATED GENERALLY LOCATED SOUTHEAST OF COLLEGE BOULEVARD, SOUTHWEST OF ASTON AVENUE, NORTH OF MCCLELLAN-PALOMAR AIRPORT, AND EAST OF THE FUTURE CARLSBAD MUNICIPAL GOLF COURSE IN LOCAL FACILITIES MANAGEMENT ZONE 5.

CASE NAME: PALOMAR POINTE

CASE NO.: GPA 04-08/ZC 04-03/LCPA 04-07

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, the Planning Commission did on September 1, 2004, hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program according to Planning Commission Resolution No. 5709, General Plan Amendment 04-08 according to Exhibit "GPA 04-08" attached to Planning Commission Resolution No. 5710 and incorporated herein by reference and Local Coastal Program Amendment 04-07 according to Exhibit "LCPA 04-07" attached to Planning Commission Resolution No. 5712 and incorporated herein by reference. The Planning Commission adopted Planning Commission Resolutions No. 5709, 5710 and 5712 recommending to the City Council that they be approved; and

WHEREAS, the City Council did on the 19th day of October, 2004 hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment and Local Coastal Program Amendment and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Mitigated Negative Declaration, Addendum, and Mitigation Monitoring and Reporting Program, General Plan Amendment and Local Coastal Program Amendment.

1 NOW, THEREFORE, the City Council of the City of Carlsbad, California, does
2 hereby resolved as follows:

3 The City Council of the City of Carlsbad, California does hereby resolve as
4 follows:

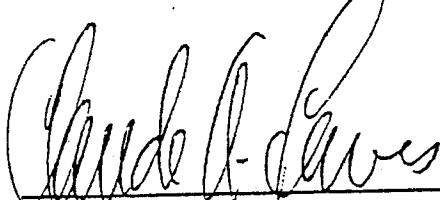
- 5 1. That the above recitations are true and correct.
- 6 2. That the findings and conditions of the Planning Commission in Planning
7 Commission Resolutions No. 5709, 5710 and 5712 constitute the findings and conditions of the
8 City Council in this matter.
- 9 3. That the Mitigated Negative Declaration, Addendum and Mitigation
10 Monitoring and Reporting Program are adopted as shown in Planning Commission Resolution
11 No. 5709 on file with the City Clerk and incorporated herein by reference.
- 12 4. That the recommendation of the Planning Commission for the approval of
13 General Plan Amendment 04-08 as shown in Planning Commission Resolution No. 5710 is
14 hereby accepted, approved in concept, and shall be formally approved with GPA Batch No. 2
15 comprised of GPA 02-05, GPA 03-05, GPA 03-08, GPA 03-13, GPA 04-01, GPA 04-04, GPA
16 04-07, GPA 04-11, and GPA 04-13.

13 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
14 Carlsbad on the 19th day of October, 2004, by the following vote,
15 to wit:

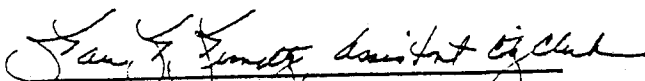
16 AYES: Council Members Lewis, Finnilla, Kulchin, Hall and Packard.

17 NOES: None

18 ABSENT: None

19
20
21 
22 CLAUDE A. LEWIS, Mayor

23 ATTEST:

24
25 
26 LORRAINE M. WOOD, City Clerk

27 (SEAL)

LOCAL COASTAL PROGRAM

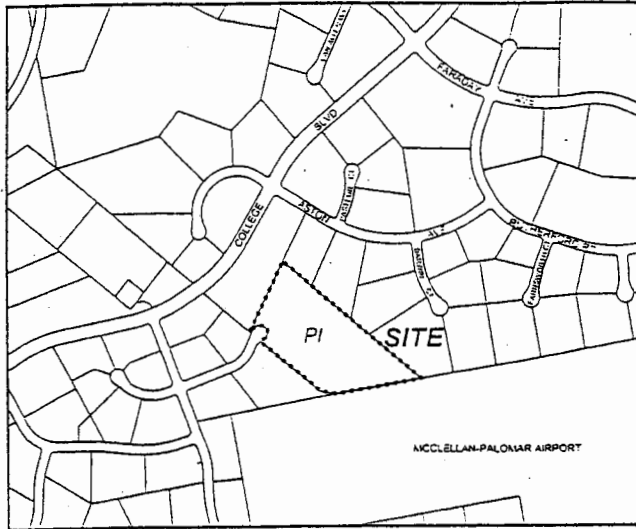
LCPA: 04-07

draft ☒

final ☐

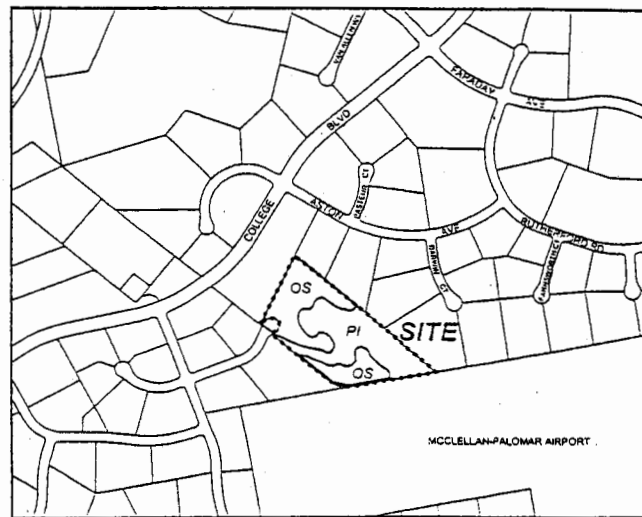
LAND USE

September 1, 2004



EXISTING

PROPOSED



Project Name: PALOMAR POINTE

Related Case File No(s): GPA 04-08/ZC 04-03/CT
04-06/ PUD 03-02/PIP 03-02 /CDP 03-06/HDP
03-02

Property/Legal Description(s):

That portion of Lot F of the Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to map thereof no. 823, filed in the Office of the County Recorder of San Diego, November 16, 1896

LCPA Map Designation Change

Property	From:	To:
A. 212-120-33	PI	PI & OS

Approvals

Council Approval Date:

Resolution No:

Effective Date:

Signature:

Attach additional pages if necessary

LOCAL COASTAL PROGRAM

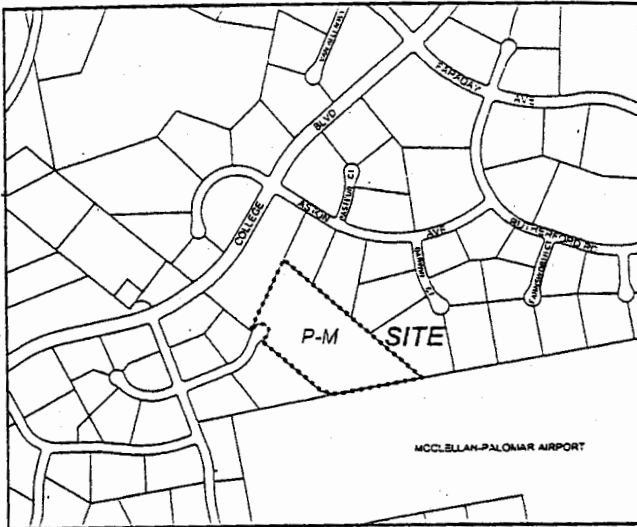
LCPA: 04-07

draft ☒

final ☐

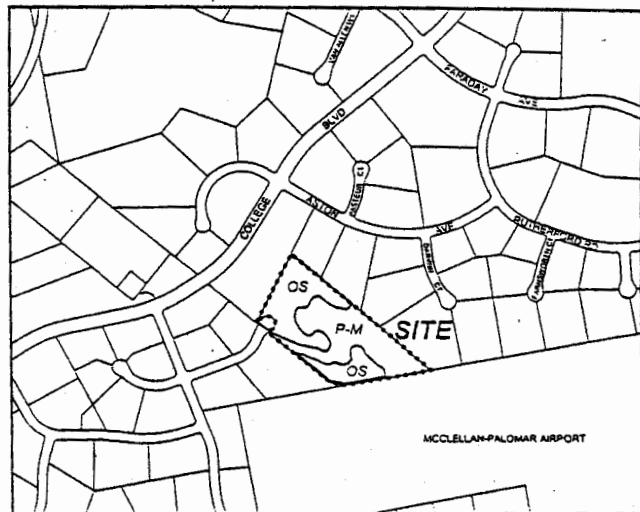
ZONING

September 1, 2004



EXISTING

PROPOSED



Project Name: PALOMAR POINTE

Related Case File No(s): GPA 04-08/ZC 04-03/CT 04-06/ PUD 03-02/PIP 03-02 /CDP 03-06/HDP 03-02

Property/Legal Description(s):

That portion of Lot F of the Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to map thereof no. 823, filed in the Office of the County Recorder of San Diego, November 16, 1896

LCPA Map Designation Change

Property	From:	To:
A. 212-120-33	P-M	P-M & OS

Attach additional pages if necessary

Approvals

Council Approval Date:

Resolution No:

Effective Date:

Signature:

85

TO: COMMUNITY DEVELOPMENT DIRECTOR

FROM: Michael J. Holzmiller, Consultant

MAR 10 2005

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT


REMAINING TASKS TO COMPLETE IMPLEMENTATION OF THE HMP

Provided below is a summary of the remaining tasks to complete full implementation of the Habitat Management Plan (HMP). The tasks are listed in order of general priority. A detailed work plan for completing each task is presently being prepared.

Task 1 Approval of Open Space Management Plan (OSMP) – This Plan identifies how the habitat preserve system will be managed, maintained and monitored. It quantifies the costs associated with managing the preserve system including the city-owned land in the preserve. The preparation and approval of this Plan is a condition of approval of the HMP by the Wildlife Agencies and the Coastal Commission. An Agenda Bill will be prepared to have City Council approve the Plan including the costs associated with the city-owned lands. The Council will also be asked to direct staff to negotiate with the Center for Natural Lands Management (CNLM) for maintenance of the city-owned lands. Once the negotiations have been completed, staff will return to the City Council with an Agenda Bill to approve a contract with CNLM and to determine the specific funding mechanism to pay for the maintenance. As part of their approval of the HMP, the Coastal Commission required that the Open Space Management Plan be approved by Commission after the city's approval and incorporated into the Local Coastal Plan. The State and Federal Wildlife Agencies have already reviewed the OSMP. It is proposed that the initial Agenda Bill go to City Council in early February 2005.

Task 2 Adoption of Revised HMP Mitigation Fee Program – The purpose of this fee is to fund the HMP requirement to conserve habitat in the North County Multiple Habitat Conservation Plan (MHCP) Gnatcatcher Core Area located southeast of the city limits. The City Council approved the Fee Program in 2000 but it did not become effective because the Coastal Commission delayed approval of the HMP. The fee will be used to reimburse Real Estate Collateral Management (Villages of La Costa) for lands they purchased in the Core Area to assist in the requirement and to reimburse the city for acquisition of the additional land needed to complete the requirement. A number of changes have occurred since that time. Properties have developed which would have paid the fee had it been in effect. As part of approval of the HMP, the Wildlife Agencies gave the city credit for additional conservation which had occurred in Carlsbad which reduces the amount of remaining acreage which needs to be acquired in the Core Area. Because of these changes, it is necessary to have the city's consultant, Jun Onaka, readjust the fee amount and his nexus study. Once that is done, an Agenda Bill will be prepared to explain the program and its revisions and to have the City Council set a public hearing to readopt the fee. It should be noted that since the time the city received final approval of the HMP, Planning staff has been conditioning projects to pay the fee once it becomes effective.

Task 3 Preparation of Staff Guidelines for Reviewing Proposals to Create or Restore Habitat in the Coastal Zone – One of the additional conservation standards added to the HMP as a result of Coastal Commission review and approval is to

EXHIBIT NO. 7
APPLICATION NO.
Carlsbad LCPA
No. 3-04C,E & G
Implementation Task
 California Coastal Commission

create or "substantially" restore habitat on an acre for acre basis for any habitat impacted in the Coastal Zone. Planning staff has received several project applications which involve the creation or restoration of habitat to meet this new conservation standard. The question of what qualifies for creation or substantial restoration is an issue. The city has the authority to make this determination and not the Coastal Commission or Wildlife Agencies. Guidelines are needed to assist the Planning staff and to make sure that the determination is applied consistently to all proposed projects in the Coastal Zone. This is a time critical task because of the project applications already submitted to the city. Staff will start working on these guidelines immediately and hopefully complete them this month (January 2005).

Task 4 Approval of Mitigation Bank Agreement for City-owned Land at Lake Calavera – The purpose of this agreement is to formalize the Wildlife Agencies approval through the HMP of allowing the city to get mitigation credits for public projects for the land around Lake Calavera which the city has put into the HMP preserve system. The State and Federal Government have guidelines for preparing and completing a mitigation bank agreement and staff is presently reviewing these guidelines. Once an agreement has been drafted, reviewed by the City Attorney's office and approved by the Wildlife Agencies, staff will prepare an Agenda Bill to have the Council approve the agreement and authorize the Mayor to sign it. It is hoped that the Agreement can be ready for Council approval within 3 months.

Task 5 Approval of Amendments to the General Plan – A condition of the HMP Implementation Agreement requires the city to amend the Land Use and the Open Space Elements of the General Plan to reference the HMP and to revise any existing goals, objectives and policies contained in the Elements to further adherence to and implementation of the HMP. The General Plan Amendments will require public hearings at Planning Commission and City Council. It is anticipated that the amendments will be drafted in January and that final approval by the City Council will occur by late April 2005.

Task 6 Approval of Amendments to the Zoning Ordinance – This task is also a requirement of the HMP Implementation Agreement. Besides creating a brand new chapter of the Zoning Ordinance relating to Habitat Protection and Incidental Take Permit procedures, it is anticipated that the following Chapters of the Zoning Ordinance may need to be revised:

- A. Chapter 21.33 – Open Space Zone
- B. Chapter 21.80 – Coastal Development Permits
- C. Chapter 21.95 – Hillside Development Regulations
- D. Chapter 21.110 – Floodplain Management Regulations
- E. Chapter 21.203 – Coastal Resource Overlay Zone.

The Grading Ordinance, Chapter 15.16 of the Municipal Code will also need to be revised. The drafting of these Zoning Ordinance Amendments will be much more complicated and time-consuming than the General Plan Amendments described in Task 5. It is anticipated that the drafting of the amendments will take about three months. The amendments will require public hearings at Planning Commission and City Council. It is anticipated that once the initial drafts are complete, the review and approval process will probably take up to six months. The Zoning Ordinance revisions will also require amendments to the

city's Local Coastal Program so they will not become effective in the Coastal Zone until the Coastal Commission approves them.

- Task 7 Follow-up to Staff Training – A ½ day workshop was conducted on December 21, 2004, to train Planning Department staff on the use of the HMP and its associated approval documents. The workshop was very successful. A list of questions were raised at the workshop which still need to have a response. Responses are presently being worked-on and will be provided as soon as completed.
- Task 8 Educational Program – Educational materials about the HMP need to be prepared and distributed to citizens particularly as it relates to their assistance in the on-going management and maintenance of the habitat preserve system. An educational program was discussed with Marilyn Campbell about one year ago but it was put on hold until the HMP received final approval. It is very important that citizens understand the enormous investment the city and property owners have put into developing the preserve system and that they can do a lot to help maintain the preserve for the purpose it was intended. Contact with all the Homeowners Associations may be a good vehicle for initiating the educational process. A timeframe for this task has not yet been determined.
- Task 9 On-Going Implementation Task – A condition of the Implementing Agreement requires the city to prepare an annual report on HMP implementation and the status of management of the preserve system. The report must be prepared by December 1st of each year. A public meeting must then be held to discuss the findings of the report. Preparation of the first annual report should be started in the spring of this year.
- Task 10 Related Coastal Commission Task – When the Coastal Commission was reviewing the HMP, it was requested that the city concurrently process an update to all of the Local Coastal Program segments. All of the city's LCP segments are very old (25+ years) and have had numerous piecemeal amendments resulting in confusing provisions and a difficult format to understand. The city was able to convince the Coastal Commission to allow the HMP processing to go forward without the concurrent update of the Local Coastal Program. This was done with the city's promise to initiate a comprehensive update after the HMP was approved. This update will be a very time-consuming task and a determination of when to initiate the update needs to be discussed.

If you have any questions concerning this summary of tasks to complete the implementation of the HMP, please let me know.



MICHAEL J. HOLZMILLER

c: Jane Mobaldi, Assistant City Attorney
Don Neu, Assistant Planning Director
Don Rideout, Management Analyst

