

CALIFORNIA COASTAL COMMISSION

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January 17, 2008

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TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
TONI ROSS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT 1-07C (La Costa Glen Corporate Center) for Commission Meeting
of February 6-8, 2008**

SYNOPSIS

The subject LCP land use plan and zoning designation amendment was submitted and filed as complete on November 1, 2007. A one-year time extension was granted on January 10, 2008. As such, the last date for Commission action on this item would be the January 2009 Coastal Commission hearing. This report addresses one of three components (C) of the proposed amendment. The remaining components of the LCP amendment will be heard at a later date. LCPA 1-07(A/DKN Hotel) is tentatively scheduled for the March 2008 hearing and LCPA 1-07(B/Planned Development Regulations) does not have a tentative hearing scheduled to date.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment proposes changes to the land use designation and zoning on a 7.82 acre parcel located at the northwest corner of Calle Barcelona and Woodfern Lane, within the southwest quadrant of the City of Carlsbad. The parcel exists as a previously permitted graded pad, previously farmed areas, manufactured slopes, a settling basin, a potable water easement, disturbed lands, and natural habitats. The proposed amendment would affect both the Land Use and Implementation Plans. The LCP land use designation would be modified to incorporate changes in the location of the line separating Open Space and Commercial/Office/Residential Medium High on the subject site. In 1996, the Commission certified the Green Valley Master Plan as the implementing ordinance for this sub-area. The existing zoning on site would remain as P-C (Planned Community); however, the design guidelines within the Green Valley Master Plan for this sub-area would be modified to incorporate the Open Space designation. Currently, the entire site is classified as C-2 (a commercial designation) within the Green Valley Master Plan, as proposed, the developable area will remain this C-2 designation, and the preserved areas would be modified to Open Space (OS). The Open Space area would be required to conform to all Open Space policies from both the City's General Plan and the Habitat Management Plan certified as part of the LCP. The

site is located within the East Batiquitos Lagoon/Hunt Property Segment of the City's adopted Local Coastal Program (LCP) and is not within the Coastal Commission's appeal jurisdiction area of the Coastal Zone.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the LCP amendment as submitted. The proposed line between open space and developable area is consistent with the standards applicable to future development of this site contained in the certified LCP, which includes the previously certified Habitat Management Plan (LUP), the East Batiquitos Lagoon/Hunt Properties Segment (LUP), and the Green Valley Master Plan (IP). The proposed location will result in the least amount of impacts to the sensitive vegetation existing on site. All impacts to sensitive habitats will be mitigated consistent with both the HMP and the Green Valley Master Plan. The proposed land use plan and zoning modifications designate the least sensitive portions of the site for commercial use, with the remainder of the site proposed as open space, consistent with the above mentioned standards, thus consistent with the Coastal Act and the City's certified LCP.

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 10.

BACKGROUND

On June 12, 2003, the California Coastal Commission approved a Local Coastal Program (LCP) amendment request for the adoption of the City's Habitat Management Plan. In its action, the Commission adopted land use plan revisions to the Carlsbad LCP, and incorporated the City's Habitat Management Plan (HMP) into the certified LCP. The modifications addressed revised development limitations on specific properties and included additional requirements for development of the preserve management plan. The Carlsbad HMP was prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

In its action on City of Carlsbad LCP Amendment No. 1-03B in June 2003, the Commission certified the HMP as part of the LCP and found it to meet the requirements of Sections 30240 and 30250 of the Coastal Act despite some impacts to environmentally

sensitive habitat area (ESHA). The Commission found that, pursuant to Sections 30007.5 and 30200(b), certification of the HMP with suggested modifications was, on balance, the alternative that was most protective of significant coastal resources. Since certification of the HMP/LCP Amendment, the Commission has approved several LCP amendments similar to that proposed which would modify the commercial/residential and open space boundaries to accommodate development. The guidelines and requirements approved by the HMP bind these HMP areas to additional measures, including sites within the Green Valley Master Planned area, when addressing impacts to sensitive habitats.

In 1996, the City of Carlsbad proposed the Green Valley Master Plan. The Green Valley planning area encompasses approximately 281 gross acres, all within the southwest portion of the City of Carlsbad. The Green Valley site is physically characterized by three distinct areas: (1) a linear riparian woodland area which is parallel and adjacent to El Camino Real; (2) areas of gently sloping open fields which are located to the west of the riparian woodland area; and (3) an area of moderate to steep slopes which is located in the western portion of the property. The intent of the Green Valley Master Plan was to serve as the development and preservation policy and design guidelines for these properties. In 1996, the Commission adopted the Green Valley Master Plan as the implementing ordinance for this sub area. The Master Plan established land uses, delineated approximate acreages for development, considered differing land use interrelationships, delineated specific design criteria, outlined phasing and provided implementation methodology. This Master Plan also set out criteria for sensitive habitat protection and mitigation. Currently, approximately 194.8 acres or 69% of the Green Valley area is conserved as Open Space.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP amendment 1-07 (C) may be obtained from Toni Ross, Coastal Planner, at (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 request affects the East Batiquitos Lagoon/Hunt Properties 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 the 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 for the City of Carlsbad 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 City of Carlsbad 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 Implementation Program Amendment for the City of Carlsbad 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 AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the

Implementation Program Amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, and certification of the Implementation Program 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 Amendment.

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

A. AMENDMENT DESCRIPTION

The subject LCP amendment proposes changes to the land use designation and zoning on a 7.82 acre parcel located at the northwest corner of Calle Barcelona and Woodfern Lane, within the southwest quadrant of the City of Carlsbad. The parcel exists as a previously permitted graded pad, previously farmed areas, manufactured slopes, a settling basin, a potable water easement, disturbed lands, and natural habitats. The proposed amendment would affect both the Land Use and Implementation Plans. The LCP land use designation would be modified to incorporate changes in the location of the line separating Open Space and Commercial/Office/Residential Medium High areas on the subject site.

An LCP amendment is required to implement the proposed changes to the Land Use and Open Space Conservation maps to modify the boundaries of the C/O/RMH and OS land use designations to accommodate the proposed development on Lot 1 and possible future development of Lot 2. Further, on the subject property, a remnant of designated OS land use area is incorrectly shown and should be designated as C/O/RMH; this area is inappropriately mapped and was previously permitted by a CDP for grading and thus contains no habitat. The proposed amendment would correct this mapping error and would designate the new boundaries proposed to accommodate development and open space associated with this on the General Plan Land Use and Open Space and Conservation Maps. The proposed adjustment in open space boundaries will increase the acreage designated as OS from approximately .31 acres to 2.67 acres, for a net gain of 2.36 acres at this site and will restore an additional 1.85 acres to OS designated lands within the Master Plan's open space preserve on Lot 10.

The development proposal consists of a four-lot subdivision to create two commercial lots (Lots 1 and 2) and two open space lots (Lots 3 and 4), and includes further grading on the commercially designated lots to allow for subsequent construction of a 21,904 sq. ft. office building on Lot 1. Lot 2 is not proposed for development at this time, with the exception of a 6-foot high plantable crib wall that would be constructed at the base of the access driveway. Lots 3 and 4 will be preserved as Open Space.

B. CONFORMANCE WITH CHAPTER THREE POLICIES.

1. Environmentally Sensitive Habitat Areas. The Coastal Act provides:

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 Commission finds, for the specific reasons detailed below, that the land use plan conforms with Chapter 3 of the Coastal Act.

1. Findings for Approval.

The site is located within the East Batiquitos Lagoon/Hunt Property LUP Segment of the City's adopted Local Coastal Program (LCP) and is not within the Coastal Commission's appeal jurisdiction area of the Coastal Zone. The proposed amendment before the Commission includes only the modifications to the land use designations on site and not the specific development. The project site is currently designated by the General Plan Land Use Map and Green Valley Master Plan for Commercial/ Office/ Residential Medium High (C/O/RMH) land uses and Open Space (OS). As proposed, the site will remain both C/O/RMH and OS; however, the boundaries of these land uses will be modified to accommodate commercial office development and to rectify previous mapping errors on the project site. The proposed area designated as Open Space will be greater in size than the current open space designated area. The existing .31 acres of OS designated land will be modified to delete .23 acres (this land has been previously graded as approved through a CDP and does not have any habitat value). The proposed adjustment in open space boundaries will increase the acreage designated as Open Space on the subject site from approximately .31 acres to 2.67 acres. The open space adjustment will eliminate the C/O/RMH land use designations on areas proposed as open space preserve and will remove the Open Space designation from the developed and brush management 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. The

property is subject to the preservation standards of the Habitat Management Plan (HMP) and, as a property within the Coastal Zone, is subject to additional HMP conservation standards for development within the Coastal Zone.

At the time of approval of the HMP, the City and the Coastal Commission recognized that the Green Valley Master Plan area was constrained for development due to the presence of ESHA on the parcel. At the time, there was no development plan proposed; so, the site was approved as a “standards” area rather than a “hardline” property. Any property within the HMP that had a specific project associated with the site at the time of HMP approval was thoroughly reviewed, and a hardline was developed based on that review in order to separate the sensitive habitat from the developable areas. Because this site had no specific project associated with it at the time the HMP was approved, the HMP simply provided guidelines or standards by which development should proceed on such properties. It was acknowledged at that time that the guidelines in the HMP might need to be slightly revised depending, on the specifics of the project ultimately proposed or the value of the habitat after thorough biological review. This review would be a requirement prior to approval of any development project within the area subject to the HMP, including this site. As designed, the project complies with these conservation standards.

As addressed above, this project is subject to the preservation standards of the Habitat Management Plan (HMP). Because the Green Valley area already has a certified Master Plan that was found to be consistent with the Coastal Act, no further site specific standards were required with the adoption of the HMP. However, given that the site is located within the HMP area Local Facilities Management Zone 23, and within the Coastal Zone, all general HMP policies are applicable for this project. These requirements include provisions for adequate buffers and protection of sensitive habitat; it sets appropriate mitigation ratios and requires that all impacts within the coastal zone be mitigated within the coastal zone to the extent practicable. The region where the proposed development is located is identified within the HMP as the Core 8 Focus Planning Area (FPA) and is described as follows:

The Core 8 FPA, located in the southwest corner of Carlsbad, includes Batiquitos Lagoon and Green Valley. Critical vegetation communities in the area are maritime succulent scrub, saltmarsh, and southern maritime chaparral. The Southern Maritime Chaparral located in Green Valley supports critical populations of Del Mar manzanita and Encinitas baccharis as well as major populations of wart-stemmed ceonthus.

The associated development results in impacts to .63 acres of occupied coastal sage scrub (CSS). In accordance with HMP standards, the project will preserve 67.1% of the existing CSS and will mitigate at the required ratios (2:1). All mitigations will be fulfilled either onsite or within the adjacent lot (Lot 10), thus within the coastal zone. No impacts are proposed to occur to Southern Maritime Chaparral. All habitat preserved onsite will be placed within two separate open space lots. As stated above, the land use modifications will result in two lots designated for commercial uses. The development

associated with this amendment is only utilizing one of these lots; allowing the second lot will be developed in the future. As proposed, any open space will be protected by a conservation easement, and thus will be protected from impacts resulting from the future development of the remaining commercially designated lot.

An HMP “Hardline” has been adopted over Lot 10 of the La Costa Glen property. The subject project is located adjacent to Lot 10. Because the project is located adjacent to a hardline, certain adjacency standards are required and include fire management (extensive use of fire retardant building materials to allow for a reduced buffer and further protection of habitat), erosion control (brow ditch and grass lines swale located on the property adjacent to the protected habitat to avoid pollution and sedimentation from reaching the open space), landscaping restrictions (only native species will be used for landscaping), fencing/ signs/ lighting (preserve areas will be labeled with signs and project lighting will be sensitive to the nearby preserve areas) and predator and exotic species standards (no exotic pets as development is commercial and project required to monitor cowbirds and native predators on preserve areas). As briefly described above, this project meets all adjacency requirements.

Since approval of the 2003 HMP/LCP Amendment, the Commission has approved several site-specific LCP Amendments, similar to that proposed, which would modify the commercial and open space boundaries on a site consistent with the standards in the HMP. These include, but are not necessarily limited to, Carlsbad LCP Amendment Nos. 1-04B (Kirgis); 1-05A (Yamamoto); 1-05C (North Coast Calvary Chapel); 2-01A (Lynn); 2-04B (Black Rail); and 2-06B (La Costa Village).

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 of the HMP was most protective of significant coastal resources because the HMP would allow for concentration of development in the areas of the City most suitable for 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, it was determined the potential losses to the habitat caused by piecemeal, uncoordinated development would be considerably higher without the HMP. Through application of the HMP mitigation requirements, there should be no net loss of ESHA within the coastal zone. Thus, the Commission certified the HMP/LCP amendment as consistent, on balance, with Sections 30240 and 30250 of the Coastal Act. The findings addressing resolution of the policy conflicts between these Coastal Act sections in the Commission’s action on LCP Amendment No. 1-03B are herein incorporated by reference and attached to this report as Appendix A.

In conclusion, the proposed LUP amendment is consistent with all requirements of the certified HMP, a Land Use Plan (LUP) previously found to be consistent with the Coastal

Act. The proposed amendment will modify the existing boundaries between Open Space and Commercial/Office/Residential designations. The result of these modifications will be an increase in the total acreage protected by the open space designation as well as the protection of the highest quality habitat located on site. The project will include appropriate mitigation and monitoring measures, consistent with the HMP. Because the project meets all these requirements and does not result in a net loss to the sensitive habitat, and because of previous findings made for the approval of the City's Habitat Management Plan, the proposed changes to the City of Carlsbad's LUP can be found consistent with the Coastal Act.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The proposed amendment will modify Planning Area 2 of the Green Valley Master Plan (GVMP). As stated above, the Green Valley Master Plan was approved as the implementing ordinance for this area by the Commission in 1996. The proposed amendment would include an Open Space (OS) designation within Planning Area 2 (subject site) as this planning area was previously entirely designated for Commercial uses. The open space designation would serve to protect the sensitive resources remaining on site.

The project is located within a portion of Planning Area 2 (PA 2) of the GVMP which allows for up to 300,000 square feet of commercial/retail uses. The majority of PA 2 has been developed with the 265,000 square foot Forum shopping center. The subject site includes the remaining undeveloped portion of PA 2 located on the western side of Calle Barcelona which may be developed with up to 35,000 square feet of commercial uses.

The development associated with this LCP Amendment includes the grading and construction of a 21,904 square foot office building on Lot 1 of the proposed minor subdivision. Lot 2 is not proposed for development at this time, with the exception of a 6-foot high plantable crib wall that would be constructed at the base of the access driveway. The proposed office building development on Lot 1 is subject to the development standards of the Green Valley Master Plan and the C-2 zone.

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. The intent of the Green Valley Master Plan is to be the zoning code (Implementation Plan) for the Green Valley properties and to serve as the basis for more detailed project reviews within this specific area. The purpose of the master plan is to assure development occurs in an orderly and positive manner without creating significant impacts to existing resources and infrastructure.

b) Major Provisions of the Ordinance. The major provisions of the Green Valley Master Plan include the following:

- Establishing land uses
- Delineating approximate acreages for development areas.
- Establishing general development guidelines pertaining to trails, grading, signage and lighting
- Detailing landscape requirements
- Establishing development standards for each of the planning areas
- Including detailed mitigation and monitoring requirements for impacts to sensitive habitat areas.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP). In the case of the subject LCP amendment, the Green Valley Master Plan serves as the Implementation Program for the East Batiquitos Lagoon/Hunt Properties segment of the LCP.

The site is located within the East Batiquitos Lagoon/Hunt Properties segment of the City's adopted Local Coastal Program (LCP). In 1996, the City of Carlsbad and the Coastal Commission approved an amendment to the East Batiquitos Lagoon/Hunt Properties Segment of the LCP to designate the Green Valley Master Plan as the implementing ordinance for the portion of the LCP covering the Green Valley property.

As stated above, since the time of the Master Plan's approval, a further amendment (HMP) has been added by the City to apply more conservative measures to sensitive habitat protection. The City's LUP was amended to add the HMP, and the Commission certified this proposed amendment in 2003. The HMP has therefore been added to the City's Land Use Plan for this area.

The 7.82 acre site is generally located northwest of Calle Barcelona, west of El Camino Real, and north of Leucadia Boulevard in the southwest quadrant of the City in Local Facilities Management Zone 23. The site has a Planned Community (P-C) zone designation and is located within a portion of Planning Area 2 of the Green Valley Master Plan. The subject property currently exists as a previously permitted vacant graded lot containing previously farmed areas, manufactured slopes, a settling basin, a potable water easement, disturbed lands and natural habitat. An open space preserve area is located on three sides of the site with the Forum shopping center located across Calle Barcelona to the southeast of the site. The proposed development would result in two commercial lots (Lots 1 and 2) and two open space lots (Lots 3 and 4). The area within Lot 2 is currently graded and suitable for development. An existing dirt access road would be improved to provide access to Lot 2 and to the upper development area within Lot 1. The proposed amendment would not change the zoning of the four sites, as they would remain P-C, however, the site-specific zoning within the Green Valley Master Plan

for this site (Planning Area 2) would be modified to include an Open Space designation. Currently, all four sites have a commercial (C-2) zoning. Therefore, the end result would be the addition of Open Space areas.

The project is located within the East Batiquitos Lagoon/Hunt Properties Segment (LUP); this segment has specific requirements for development in Green Valley and state in part:

Upland (approximately 240 acres) is designated for a combination of Residential (Medium High Density) Commercial (C), and Office (O) uses. The maximum height of new development shall be limited to 35 feet consistent with the Carlsbad Municipal Code. Additionally, the intensity of development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a Master Plan which is consistent with the uses allowed by the Carlsbad General Plan adopted as of March 1, 1988.

Upon the approval of the Green Valley Master Plan, further design guidelines and restrictions were developed to detail the future development at this location. These, as stated previously, were found to be consistent with the existing LUP for this region. The proposed change to the Green Valley Master Plan would increase the areas zoned as open space, consistent with the HMP. The Commission therefore finds that the proposed amendment is consistent with and adequate to implement the certified LUP for this area.

Planning Area 2 – Retail Center
Use Allocation

A maximum of 300,000 square feet of gross floor area of retail commercial uses which cater directly to the consumer shall be allowed.

The majority of Planning Area 2 has already been developed with the 265,000 square foot Forum shopping center. The subject site includes the remaining undeveloped portion of the area which may be developed with up to 35,000 square feet of commercial/retail uses. The development proposal includes the grading and construction of a 21,904 square foot office building on Lot 1 of the proposed development. Lot 2 is not proposed for development at this time. As stated above, the Master Plan specifies the maximum square footage allowed for the development of Planning Area 2 and after the approval of the proposed development, the remaining commercially zoned lot would be limited to approximately 13,000 square feet of future commercial uses. The proposed office building development on Lot 1 is subject to the specific development standards of the Green Valley Master Plan and the C-2 zone, and as proposed, meets or exceeds all applicable requirements. The primary goal of the Green Valley Master Plan was to set standards for the development of an area containing sensitive resources and to prevent over-development associated with circulation road improvements. The proposed amendment would serve to add additional open space to a site with native habitat, thus further protecting sensitive resources and meeting the primary goal of the Master Plan.

As discussed previously, the Carlsbad LCP was amended in August of 2003 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 preserves. 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, are to cover the first years following approval of the HMP, during which time a plan for permanent management is to 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.

Toward this end, the City has conditioned the approvals for the future development of the site to require the property owner to do the following, to address the question of future management of the preserve open space:

City of Carlsbad Resolution #6213 – Adoption of the Mitigation, Monitoring and Report Program

- a. Select a conservation entity, subject to approval by the City, that possesses qualifications to manage the open space lot(s) for conservation purposes.
- b. Prepare a Property Analysis Record (PAR) or other method acceptable to the City for estimating the costs of management and monitoring of the open space lot(s) in perpetuity.
- c. Based on the results of the PAR, provide a non-wasting endowment or other financial mechanism acceptable to the Planning Director and conservation entity, if any, in an amount sufficient for management and monitoring of the open space lot(s) in perpetuity. The Conservation Easement shall provide that the non-wasting endowment shall transfer to the City if the City accepts the Irrevocable Offer to Dedicate fee title to the open space lot(s).
- d. Record a Conservation Easement over the open space lot(s) which includes an Irrevocable Offer to Dedicate fee title to the open space lot(s) in favor of the City.
- e. Prepare a permanent preserve management plan for the City's approval that will ensure adequate management, including preparation of the PAR and provision of the endowment, of the open space lot(s) in perpetuity.

The provisions for interim and long-term management of the preserve system were 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. The City has submitted LCP Amendment #1-06B (HMP Implementation Plan) and action by the Coastal Commission on this amendment is tentatively scheduled in the coming months. Any deficiencies in the proposed HMP Implementation Plan can be addressed by the Commission in its review of the pending LCP Amendment of the HMP Implementation Plan.

Another one of the major goals of the HMP Implementation Plan will be to establish an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It was anticipated this mechanism would 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, despite 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. The Commission therefore finds the proposed open space zoning would adequately implement the HMP/LCP and is consistent with and adequate to carry out the certified LUP.

The City is also requiring, as part of the approval of this project, a conservation easement which must be recorded as a condition of approval 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 will be required to amend the Open Space Ordinance which will include a new open space conservation zone or overlay. Further, the provision of a suitable open space zone or overlay would likely be part of any HMP Implementation Plan certified by the Commission as adequate to carry out the provisions of the certified HMP/LCP. 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.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL 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 and zoning amendments 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.

Appendix A

Excerpt from Staff Recommendation on City of Carlsbad Major Amendment No. 1-03B (Habitat Management Plan) dated May 22, 2003 Pages 35-39 – Findings for Approval

A. Conflict Resolution/ESHA and Concentration of Development

The Commission can approve an LUP amendment that is inconsistent with Chapter 3 policies only if it finds that the approval of the development raises conflicts between Coastal Act policies and that, on balance, the project as approved is most protective of significant coastal resources. The policy conflicts which arise in this LCP amendment request result from the fact that all areas determined to be ESHA would not be preserved, and concentration of development would not be achieved. In other words, to appropriately concentrate development and create a habitat preserve that addresses the long-term viability and conservation of identified sensitive species, some impacts to ESHA in the coastal zone must be accepted.

Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. The Commission finds that Sections 30240 and 30250 of the Coastal Act must be considered when reviewing the proposed habitat impacts, and the development patterns that would result from implementation of the draft HMP.

Section 30240 states:

- (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.

Section 30250 of the Coastal Act requires that new development be concentrated in areas able to support it without adversely affecting coastal resources and states, in part:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close

proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

The Commission finds that the draft HMP would allow impacts to individual areas of ESHA for uses that are not dependent on the ESHA, which is inconsistent with Sections 30240 of the Coastal Act. However, the Commission finds that the coastal resources of the LCP area will be, on balance, best protected by concentrating allowable development adjacent to existing urban services and other developed areas. Additionally, greater benefit will be obtained from preserving large contiguous areas of the most environmentally sensitive vegetation and wildlife areas rather than preserving all fragmented pieces of habitat in place.

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that a substantial conflict exists between two statutory directives contained in the Coastal Act. In this case, as described above, the draft HMP is inconsistent with Coastal Act policies that protect environmentally sensitive habitat area. Although the City has proposed changes to the HMP and associated policies of the certified land use plan that would delete potential impacts to wetlands in the coastal zone, impacts to environmentally sensitive habitat would still result. However, to deny the LCP amendment based on this inconsistency with the referenced Coastal Act requirements would reduce the City's ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. If the LCP amendment is not approved, dispersed patterns of development will occur that are inconsistent with Section 30250. Denial of the LCP amendment would also prevent the resource protection policies of the LCP from being upgraded to clearly protect ESHA that is not located on steep slopes.

The Commission notes that the HMP proposes mitigation for habitat impacts at ratios ranging from 1:1 to 4:1, depending on the habitat type. At minimum, 1:1 mitigation in the form of new creation is required for any impacts; additional mitigation may be in the form of substantial restoration, revegetation and/or acquisition. Since some of the existing habitat that potentially could be impacted is currently of low quality (e.g., fragmented, disturbed and/or invaded by non-native species), it should be noted that the replacement of such habitat in areas that are suitable and will be permanently monitored and managed may provide an environmental benefit that is superior to retaining all existing areas of native habitat in place.

After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in a manner that is most protective of coastal resources. In this case, the draft HMP would allow certain impacts to ESHA, including dual-criteria slopes. If modified as suggested, overall impacts to native habitat in the coastal zone would be reduced, because categories of habitat that are not currently protected would be protected, but impacts to ESHA would still occur. However, if mitigated as proposed, the replaced and protected ESHA will be located in areas that

provide larger contiguous contributions to the proposed HMP preserve area, and will ensure that the critical wildlife movement corridors and largest populations of gnatcatchers within the coastal zone have sufficient areas of high-quality habitat for species survival.

In resolving the identified Coastal Act conflicts, the Commission finds that the concentration of development adjacent to existing urban development and infrastructure, and away from sensitive natural resources is, on balance, more protective of the land resources than to require that isolated areas of habitat be retained in an area adjacent to residential development. Therefore, the Commission finds that approval of the draft HMP, if modified as suggested, is on balance the most protective option for the relevant coastal resources, for the following reasons.

The HMP proposes to preserve large, contiguous blocks of habitat with the highest natural resource value relative to covered species, and to generally locate development away from these areas. In exchange for the benefits derived from a share of the incidental take authorized under the HCP, which will result in some impacts to gnatcatchers and associated adverse impacts to CSS, landowners must agree to place a majority of sensitive habitats on their properties into open space that will then become part of the permanent MHCP preserve.

Within the City of Carlsbad, approximately 8,800 acres of naturally-vegetated areas remain, or 36% of the City's total area, including approximately 3,315 acres of coastal sage scrub. In Planning Zones 19, 20 and 21, where the majority of undeveloped land in the coastal zone is located, approximately 60 acres of CSS remain. The populations of gnatcatchers within the City are important to the overall viability of the regional gnatcatcher population that will be addressed in the MHCP. As the municipality with the largest amount of gnatcatcher habitat within the MHCP, the populations represent a critical link in the distribution of the species throughout north San Diego County, particularly in the Carlsbad-Oceanside corridor, which connects gnatcatcher populations in Orange and Riverside counties with populations to the north and east of Carlsbad. The HMP would preserve approximately 6,400 acres of native habitat, as existing preserve, proposed hardline preserve areas, and through implementation of "standards areas" in certain areas without existing development proposals.

Within the coastal zone, the second HMP addendum and LCP amendment proposes no net loss of most native vegetation types, with mitigation ratios ranging from 1:1 to 4:1 to ensure that, on balance, there will be no negative impacts to the total quantity and/or quality of ESHA within the coastal zone. Interim preserve management requirements, as included 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 Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act. In order to protect corridors of viable, connected habitat area which take into account the mobility and foraging

requirements of listed and covered species, the Commission finds that it is appropriate to take a regional approach to the preservation of ESHAs. Instead of preserving all ESHAs in place where they are found, which could result in excessive fragmentation, reduced habitat values and difficulties in monitoring and management, it may be more protective of ESHA resources to focus on regional conservation approaches that concentrate development away from the habitat of greatest overall value. Such an approach could ensure the health and viability of larger, connected sensitive vegetative communities that support listed and covered species within the City's jurisdiction.

The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other local jurisdiction plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis. The HMP also proposes to provide a higher standard of protection for coastal ESHA than currently provided by the certified LCP, which addresses only native habitat on steep slopes greater than 25% (dual-criteria slopes).

Most of the properties in the standards areas and hardlines are zoned for low- density single-family development. Although it is anticipated that clustering and density transfer within areas outside of the proposed preserve locations could allow for the same number and intensity of residential units to be developed on most properties as currently designated in the General Plan, the ultimate effect would be to locate development on smaller lots and/or a smaller overall development footprint, located further from sensitive resources and proposed wildlife movement corridors. Although current zoning and land use designations limit development in most of the standards areas and hardline properties to low-density single-family development, higher density development than is currently allowed could appropriately occur in most of the areas identified for development in the LCP amendment. Potential impacts to these areas located in the HMP preserve would therefore be reduced, and additional benefits to the City resulting from compact urban growth, prevention of sprawl and efficient use of underlying infrastructure, public services and facilities would likely result. The Commission therefore finds that approval of the HMP and the LCP amendment, if modified as suggested, would result in increased clustering of development and reduction of urban sprawl into sensitive habitat areas.

Although implementation of the HMP and MHCP 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 and MHCP, particularly outside the coastal zone where fewer development restrictions on native habitat would apply. Within the coastal zone, the existing LCP does not protect native habitat on slopes less than 25% grade and therefore the proposed LCP revisions represent a significant improvement over current requirements. Through application of proposed mitigation requirements, there will be no net loss of ESHA within the coastal zone and the regional function of the MHCP preserve will continue to be protected.

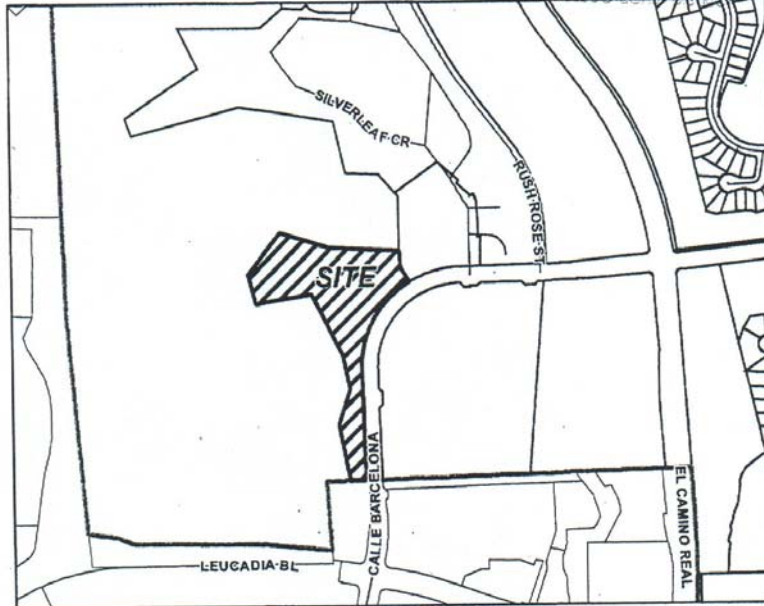
This finding that approval of the HMP is the most protective option for coastal resources is based on the assumption that the habitat mitigation will be implemented as proposed, and properly maintained in perpetuity. Should the mitigation not be managed and maintained as designed, or if the required 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 revisions to the HMP and associated LUP policies which address establishment of the preserve area, funding, monitoring and management. Interim preserve management requirements, as provided in the draft 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.

RECEIVED

MAY 03 2007

EXHIBIT 3

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COUNTY



SITE MAP



NOT TO SCALE

La Costa Glen Corporate Center
GPA 06-02/MP 92-01(B)/LCPA 06-04/
HMPP 06-11/CDP 05-51/H

EXHIBIT #1

Site Map

LCPA #1-07C La Costa Glen Corp. Center
California Coastal Commission

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MAY 03 2007

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

PLANNING COMMISSION RESOLUTION NO. 6216

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE LCP LAND USE DESIGNATION FROM C/O/RMH TO OS ON 1.85 ACRES WITHIN LOT 10; FROM C/O/RMH TO OS ON 2.59 ACRES WITHIN LOT 5; AND FROM OS TO C/O/RMH ON 0.23 ACRES ON LOT 5 OF THE GREEN VALLEY MASTER PLAN ON PROPERTY GENERALLY LOCATED NORTHWEST OF CALLE BARCELONA, WEST OF EL CAMINO REAL AND NORTH OF LEUCADIA BOULEVARD IN THE EAST BATIQUITOS LAGOON/HUNT PROPERTY SEGMENT OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 23.

CASE NAME: LA COSTA GLEN CORPORATE CENTER
CASE NO: LCPA 06-01

WHEREAS, California State law requires that the Local Coastal Program, General Plan, and applicable Master Plan designations for properties in the Coastal Zone be in conformance; and

WHEREAS, Continuing Life Communities, LLC, "Owner/Developer," has filed a verified application for an amendment to the General Plan Land Use Plan and Planning Area 2 of the Green Valley Master Plan, which serves as the Implementation Plan for the East Batiquitos Lagoon/Hunt Property Segment for the Local Coastal Program with the City of Carlsbad regarding property described as

A portion of Lot 5 and Lot 10 of City of Carlsbad Tract No. 92-08 Green Valley, in the City of Carlsbad, County of San Diego, State of California, according to map thereof No 13997, as filed in the Office of the County recorder of San Diego County, July 10, 2000

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit "MP 92-01(B)" dated January 3, 2007, attached to Planning Commission Resolution No. 6215 and Exhibit by reference, as provided in Public Resources Code Section

EXHIBIT #2

Resolution of Approval

LCPA #1-07C La Costa Glen Corp. Center
California Coastal Commission

1 8, Chapter 2, Division 5.5 of Title 14 of the California Code of Regulations of the California
2 Coastal Commission Administrative Regulations; and

3 WHEREAS, the Planning Commission did on the 3rd day of January, 2007,
4 hold a duly noticed public hearing as prescribed by law to consider said request; and

5 WHEREAS, at said public hearing, upon hearing and considering all testimony
6 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors
7 relating to the Local Coastal Program Amendment; and

8 WHEREAS, State Coastal Guidelines requires a six-week public review period
9 for any amendment to the Local Coastal Program.

10 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
11 Commission of the City of Carlsbad, as follows:

- 12 A) That the foregoing recitations are true and correct.
- 13 B) At the end of the State-mandated six-week review period, starting on November
14 10, 2006, and ending on December 22, 2006, staff shall present to the City
15 Council a summary of the comments received.
- 16 C) That based on the evidence presented at the public hearing, the Commission
17 RECOMMENDS APPROVAL of LA COSTA GLEN CORPORATE
18 CENTER - LCPA 06-01 based on the following findings, and subject to the
19 following conditions:

20 Findings:

- 21 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
22 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
23 of the East Batiquitos Lagoon/Hunt Property segment of the Carlsbad Local Coastal
24 Program not being amended by this amendment, in that that the proposed addition of
25 an Open Space (OS) Land Use designation is based on the environmental
26 constraints of the property and is environmentally and topographically appropriate
27 for the site in that the slopes and habitat areas will be included in the open space
28 preserve areas and that these areas are proposed to be designated as OS on the
General Plan Land Use and Open Space and Conservation Maps and the proposed
modification of OS to a Commercial/Office/Residential Medium-High (C/O/RMH)
Land Use designation will correct a mapping error showing OS on the developable
portion of the site.

- 1 2. That the proposed amendment to the East Batiquitos Lagoon/Hunt Property segment
2 of the Carlsbad Local Coastal Program is required to bring it into consistency with the
3 proposed General Plan Amendment (GPA 06-02) and Green Valley Master Plan
Amendment (MP 92-01(B)).

4 Conditions:

- 5 1. This approval is granted subject to the approval of the Mitigated Negative Declaration
6 and Mitigation Monitoring and Reporting Program, General Plan Amendment
7 GPA 06-02, Master Plan Amendment MP 92-01(B), HMPP 06-11, and CDP 05-51
8 and is subject to all conditions contained in Planning Commission Resolutions No.
6213, 6214, 6215, 6217 and 6220 for those approvals incorporated herein by
reference.
- 9 2. This approval is granted subject to the approval of MS 05-28 and is subject to all
10 conditions contained in that approval incorporated herein by reference.

11 PASSED, APPROVED, AND ADOPTED at a regular meeting to the Planning
12 Commission of the City of Carlsbad, held on the 3rd day of January 2007, by the following
13 vote, to wit:

14 AYES: Chairperson Montgomery, Commissioners Baker, Cardosa,
15 Dominguez, Segall, and Whitton

16 NOES:

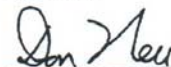
17 ABSENT:

18 ABSTAIN: Commissioner Douglas

19
20 

21
22 MARTELL B. MONTGOMERY, Chairperson
23 CARLSBAD PLANNING COMMISSION

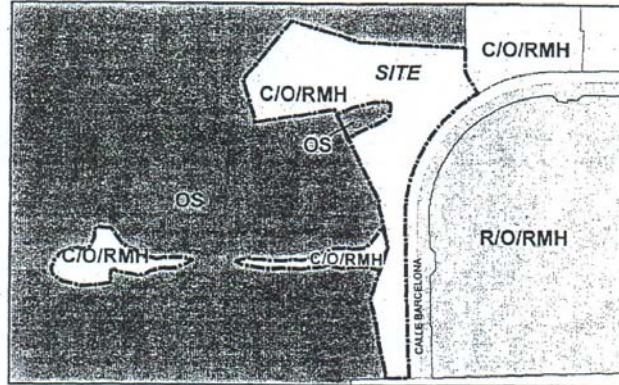
24
25 ATTEST:

26 

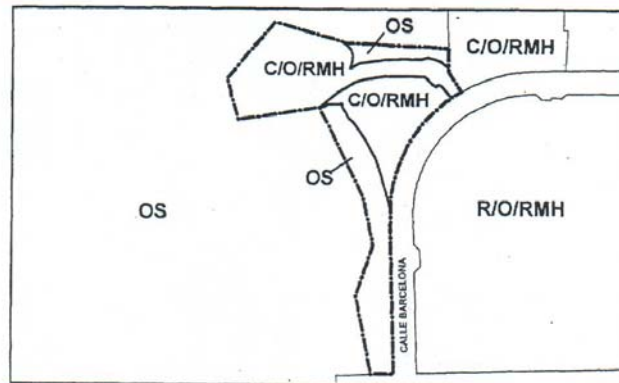
27 DON NEU
28 Assistant Planning Director

LCPA 06-01 LA COSTA GLEN CORPORATE CENTER

1/3/07



EXISTING



PROPOSED

Related Case File No(s): GPA 06-02/MP 92-01(B)/HMPP 06-11/
 SDP 05-16/HDP 05-11/CDP 05-51

G.P. Map Designation Change

Property	From:	To:
A. POR 255-012-05	C/O/RMH, OS	C/O/RMH, OS
B. POR 255-012-10	C/O/RMH	OS
C.		
D.		

EXHIBIT #3

Land Use Map

LCPA #1-07C La Costa Glen Corp. Center
 California Coastal Commission

RECEIVED
MAY 03 2007

ORDINANCE NO. NS-833

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AN AMENDMENT TO THE GREEN VALLEY MASTER PLAN, MP 92-01(B) FOR MODIFICATIONS TO THE GENERAL PLAN LAND USE DESIGNATIONS FOR PLANNING AREA 2
CASE NAME: LA COSTA GLEN CORPORATE CENTER
CASE NO.: MP 92-01(B)

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

WHEREAS, the City Council approved the Green Valley Master Plan MP 92-01 on February 6, 1996 by adopting Ordinance No. NS-348; and

WHEREAS, the City Council approved an amendment to the Green Valley Master Plan MP 92-01(A) to incorporate suggested modifications from the California Coastal Commission on September 17, 1996 by adopting Ordinance No. NS-377; and

WHEREAS, after procedures in accordance with the requirements of law, the City Council has determined that the public interest indicates that said master plan amendment MP 92-01(B) be approved; and

WHEREAS, the City Council did on the 20th day of February, 2007 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, said application constitutes a request for a Master Plan Amendment as shown on Exhibit "MP 92-01(B)" dated January 3, 2007 incorporated by reference.

NOW, THEREFORE, the City Council of the City of Carlsbad does ordain as follows:

SECTION I: That Master Plan Amendment MP 92-01(B) dated January 3, 2007 attached hereto, and incorporated herein by reference, is approved. The Master Plan shall constitute the development plan for the property and all development within the plan area shall conform to the plan.

SECTION II: That the findings and conditions of the Planning Commission in Planning Commission Resolution No. 6215 shall also constitute the findings and conditions of the City Council.

EXHIBIT #4

Zoning Ordinance

LCPA #1-07C La Costa Glen Corp. Center
California Coastal Commission

1 EFFECTIVE DATE: This ordinance shall be effective no sooner than thirty
2 days after its adoption but not until Local Coastal Program Amendment LCPA 06-01 is
3 approved by the California Coastal Commission, and the City Clerk shall certify to the adoption
4 of this ordinance and cause it to be published at least once in a publication of general
5 circulation in the City of Carlsbad within fifteen days after its adoption.

6 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
7 Council on the 20th day of February 2007, and thereafter.

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
9 Carlsbad on the 6th day of March 2007, by the following vote, to wit:

10 AYES: Council Members Lewis, Kulchin, Hall, Packard

11 NOES: None

12 ABSENT: Council Member Sigafoose

13 ABSTAIN: None

14
15
16
17 Claude A. Lewis
CLAUDE A. LEWIS, Mayor

18 ATTEST:

19
20 Lorraine M. Wood
LORRAINE M. WOOD, City Clerk

21 (SEAL)



Exhibit "MP 92-01(B)"

Planning Area Development Standards and Guidelines

property line. The area is the site of a retail center (see Figure IV-11). Major uses in the retail center are typical of community retail.

Development Standards

Development within PA-2 is subject to the development standards of Chapter 21.28 (C2) except as modified below.

All commercial development in Planning Area 2 shall be in conformance with the development standards and architectural guidelines as noted in this chapter. Development is subject to the approval of a Site Development Plan.

Zoning: C2 and OS

General Plan: C/O/RMH and OS

Use Allocation

A maximum of 300,000 square feet of gross floor area of retail commercial uses which cater directly to the consumer shall be allowed.

Permitted Uses

Uses are permitted as defined in Chapters 21.28 (General Commercial) and 21.42 (Conditional Uses) of the Carlsbad Municipal Code.

Building Height

1. Buildings shall be limited to a maximum height of 35 feet including any roof mounted equipment and screening elements.
2. Non-habitable architectural design features may extend to a maximum height of 45 feet, but may not exceed three percent (3%) of the total roof area.
3. Building heights shall be varied in order to provide additional visual relief and to enhance the appearance of the retail center.

Lot Coverage

1. The maximum allowable coverage for structures, parking and vehicular circulation shall be determined by compliance with setback, City landscape standards, parking and circulation requirements.
2. A maximum of 300,000 square feet of combined building area shall be allowed.

Green Valley Master Plan

EXHIBIT #5

Text Changes to Master Plan

LCPA #1-07C La Costa Glen Corp. Center
 California Coastal Commission