

## CALIFORNIA COASTAL COMMISSION

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



March 21, 1996

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DISTRICT DIRECTOR  
 DEBORAH N. LEE, ASSISTANT DISTRICT DIRECTOR, SAN DIEGO AREA OFFICE  
 DIANA LILLY, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT NO. 1-96D (LAUREL TREE) TO  
 THE CITY OF CARLSBAD LOCAL COASTAL PROGRAM--MELLO II SEGMENT (For  
 Public Hearing and Possible Final Action at the Coastal Commission  
 Hearing of April 9-12, 1996)

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SYNOPSIS

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval, as submitted, of the proposed Land Use Plan amendment and the associated rezoning. Major issues addressed are the preservation of steep slopes and sensitive habitat areas, the protection of wetland resources, the provision of adequate parking, protection of agricultural lands and the protection of scenic resources.

The appropriate resolutions and motions may be found on Pages 4 and 5. Findings for the approval of the land use plan begin on Page 5 and findings for approval of the rezoning begin on Page 12.

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SUMMARY OF AMENDMENT REQUEST

The subject amendment request amends the certified Mello II LCP segment. The City of Carlsbad's submittal on the current agenda consists of several separate land use plan amendments, some with associated rezonings. This report addresses only the Mello II Land Use Plan Map and proposed rezoning for the Laurel Tree Apartments development. The amendment involves changing the permitted land use designation on the 11.99 acre Laurel Tree property from Office and Related Commercial (O) to Residential High (RH 15-23 du/ac) and rezoning the area from Office (O) to Residential Density Multiple with a Qualified Development Overlay (RDM-Q) consistent with the proposed land use plan map change. The amendment is associated with a specific project proposal currently under review by the Commission (CDP #6-96-14) to develop a 138 unit affordable housing project. The submitted land use redesignation is fully consistent with Chapter 3 of the Coastal Act and the proposed rezoning is consistent with, and adequate to carry out, the submitted land use plan amendment.

### BACKGROUND

The Carlsbad Local Coastal Program consists of six geographic segments. 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. However, the City of Carlsbad found several provisions of the Mello I and II segments unacceptable and declined to adopt the LCP implementing ordinances for the LCP. In October, 1985, the Commission approved major amendments, related to steep slope protection and agricultural preservation, to the Mello I and II segments, which resolved the major differences between the City and the Coastal Commission. The City then adopted the Mello I and II segments and began working toward certification of all segments of its local coastal program. Since the 1985 action, the Commission has approved several major amendments to the City of Carlsbad LCP.

The subject amendment request pertains to only the Mello II segment of the LCP. In February 1988, the Commission approved an amendment on the subject site redesignating the site from Residential Low Medium (RLM 0-4 du/ac) to Office (O) uses.

### ADDITIONAL INFORMATION

Further information on the Carlsbad LCP amendment may be obtained from Diana Lilly, Coastal Planner, at (619) 521-8036.

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PART I. OVERVIEW

A. LCP HISTORY

1. Local Coastal Program History-All Segments.

The City of Carlsbad Local Coastal Program (LCP) consists of six geographic segments: the Agua Hedionda Lagoon LCP segment comprised of approximately 1,100 acres; the Carlsbad Mello I LCP segment with 2,000 acres; the Carlsbad Mello II LCP segment which includes approximately 5,300 acres; the West Batiqitos Lagoon/Sammis Properties LCP segment with 200 acres; the East Batiqitos Lagoon/Hunt Properties LCP segment with 1,000 acres and the Village Area Redevelopment segment with approximately 100 acres. The history of the City's LCP is discussed in its entirety in the Carlsbad LCP Amendment No. 1-96C report also on this agenda; that information is herein incorporated by reference.

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 numerous Planning Commission and City Council meetings with regard to the various components of the subject amendment request. All of these 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.

- A. RESOLUTION I (Resolution to approve certification of the City of Carlsbad Mello II Land Use Plan Amendment 1-96D, as submitted)

MOTION I

I move that the Commission certify the City of Carlsbad Land Use Plan Amendment No. 1-96D, as submitted.

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby certifies the amendment request to the City of Carlsbad Mello II LCP Land Use Plan, as submitted, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to approve certification of the City of Carlsbad Mello II Implementation Plan Amendment 1-96D, as submitted)

MOTION II

I move that the Commission reject the City of Carlsbad Implementation Plan Amendment No. 1-96D as submitted.

Staff Recommendation

Staff recommends a **NO** vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby approves certification of the amendment to the City of Carlsbad's Local Coastal Program on the grounds that the amendment conforms with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT 1-96D, AS SUBMITTED

A. AMENDMENT DESCRIPTION

As noted previously, the proposed amendment consists of changing the permitted land use designation on the 11.99 acre Laurel Tree property from Office and Related Commercial (O) to Residential High (RH 15-23 du/ac) and rezoning the area from Office (O) to Residential Density Multiple with a Qualified Development Overlay (RDM-Q) consistent with the proposed land use plan map change. The Laurel Tree site is located south of Palomar Airport Road, between the future extension of College Boulevard/Alga Road and Laurel Tree Lane. The site is currently vacant, but was cultivated in the distant past. Topographically, the site consists of a south to north trending canyon containing mostly disturbed ruderal habitat, with several small pockets of coastal sage scrub habitat. Isolated portions of the site have slopes greater than 25% grade. The extension of Alga Road from Palomar Airport Road south, along the west side of the property, has been designated in the current LCP.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the LCP amendment, as set forth in the resolution for certification, is consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The Legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

d) Assure priority for coastal-dependent and coastal-related development over other developments on the coast.

e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

C. CONFORMITY OF THE CITY OF CARLSBAD MELLO II LOCAL COASTAL PROGRAM LAND USE PLAN AMENDMENT WITH CHAPTER 3

The review of land use plan amendments are generally analyzed according to thirteen policy groups for findings of Chapter 3 consistency. In this particular LCP amendment request, the only issues raised are with respect to environmentally sensitive habitat areas; locating and planning new development; agriculture; coastal visual resources and shoreline access; and therefore, none of the other policy groups are applicable or discussed herein.

1. Environmentally Sensitive Habitat Area. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

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 30233 of the Act states:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

[...]

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

[...]

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

As stated above, Sections 30231, 30233 and 30240 of the Coastal Act govern the protection of sensitive habitats, located in this case south of Palomar Airport Road, east of the southern extension of College Boulevard (Alga Road). The proposed amendment would change the land use designation on a site which contains a small (.01 acre) patch of naturally vegetated steep slopes. In addition, although the land use designation itself would not effect Alga Road, any development which takes place on the site in the future would likely require the extension of Alga Road south of Palomar Airport Road to the project site. The construction of Alga Road would involve impacts to wetland habitat and naturally vegetated steep slopes.

Relative to the steep slope resources found on the site, the Commission is concerned with the protection of steeply sloping hillsides for a variety of reasons, including the protection of sensitive vegetation and wildlife species which are found on such hillsides, and the potential impacts of erosion and sedimentation on downstream resources that are associated with grading on steep slopes. The policies of the certified Mello II segment of the City's LCP contain the following language regarding the development of steeply sloping hillsides with native vegetation:

### Grading and Erosion Control

- a) For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following shall apply:
  - 1) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with 25% grade, encroachment shall be permitted, however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

Existing policies of the certified LCP identify that all naturally-vegetated slopes of 25% grade or more are worthy of protection and must be reserved as open space before new development can proceed. The policies require that new development be clustered on less steep slopes to minimize visual impacts and the adverse impacts to downstream resources associated with development of steeper slopes. The amendment request is not proposing any modifications to the existing LCP standards or criteria. Therefore, the Commission finds that the proposed amendment would not lessen the levels of protection that the LCP provides, and that protection and preservation of the steeply-sloping naturally-vegetated portions of the property would be assured consistent with Sections 30240 and 30251 of the Coastal Act.

With regard to the protection of wetlands, the existing LCP requires that wetland and riparian resources outside the lagoon ecosystems be protected and preserved. No direct impacts are allowed except for the expansion of existing circulation element roads identified in the certified LCP and those direct impacts associated with installation of utilities (i.e., water, sewer, and electrical lines). There must be no feasible less environmentally-damaging alternative to the proposed disturbance, and any allowable disturbance must be performed in the least environmentally-damaging manner. Open space dedication of sensitive resource areas is also required. Mitigation for any temporary disturbance or permanent displacement of identified resources must be determined in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service, and appropriate mitigation ratios are determined based on site-specific information including the quality of the habitat being disturbed or destroyed and surrounding site conditions. Appropriate buffer zones are also required. The subject amendment request does not seek any modification to the present LCP provisions.

There are no wetland resources present on the project site; however, wetland resources would be impacted by the extension of Alga Road south of Palomar



Airport Road to the project site. As stated above and consistent with the appropriate Chapter 3 policies, the certified LCP recognizes the significant habitat resource value of wetlands. Construction of the road would be required to comply with the existing provisions of the LCP regarding the least-environmentally damaging alternative and the provision of adequate mitigation. Therefore, the Commission finds that the proposed amendment is consistent with Section 30233 of the Coastal Act.

Regarding conformance with the drainage and runoff control provisions of the Coastal Act, a number of policies in the certified LCP apply which require that new development must submit a runoff control plan, drainage and erosion control facility maintenance agreements and install permanent runoff and erosion control devices. Policy 4-3 provides that all permanent runoff-control and erosion-control devices must be developed and installed prior to or concurrent with any onsite grading activities. The amendment would not lessen or alter these provisions; development on the project site, either for office or residential uses, would have to comply with these existing regulations.

Based on a review of the present LCP, the resources located on the site would be suitably protected. There are no unique circumstances on the site that would not allow development of high density residential uses to occur consistent with the applicable sections of the Coastal Act and the existing certified LCP. Therefore, the Commission finds that the amendment as proposed can be found consistent with the Sections 30231, 30233 and 30240 of the Coastal Act.

2. Agriculture Section 30241 of the Act states in part:

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242 of the Act states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

The project site is located in the Coastal Agricultural Overlay Zone and contains prime agricultural soil (Class II). The Mello II LCP requires mitigation when prime coastal agricultural land is converted to urban land uses. In 1981, when the Carlsbad Mello II LCP segment was certified by the Commission, the two major concerns were preservation of agricultural uses and protection of environmentally sensitive habitats. Regarding agricultural preservation, a major issue was minimizing agricultural versus urban impacts by developing stable urban/agricultural boundaries. For the most part, the certified LCP accomplished this objective by concentrating development along I-5, Palomar Airport Road, and the El Camino Real transportation corridors and preserving the interior areas, where public infrastructure is lacking, for continued agricultural use.

The Mello II segment of the certified LCP contains detailed policies regarding agricultural preservation and the maximum density for residential development on those portions of sites where uses other than agricultural production would be allowed. Policy 3-5 and Attachment "A" of the Mello II LUP amplify these provisions. Major amendments to the LCP certified by the Commission in 1985 allow for conversion of almost all the agriculturally designated lands within the City's Mello I and Mello II segments. The LCP provides three mitigation options for such conversions for projects located in Site II of the Carlsbad agricultural mapped area: (1) "Prime Land Exchange"; (2) "Determination of Agricultural Feasibility"; and (3) "Agricultural Conversion Mitigation Fee". Development of urban uses have long been envisioned on the subject site, which was designated for residential use when the LCP was first certified by the Commission. In 1988, the Commission approved an amendment redesignating the area for office uses. Any development on the site will be required to provide mitigation consistent with the policies of the certified LCP. Therefore, the Commission finds that the subject amendment can be found consistent with Sections 30241 and 30242 of the Coastal Act.

3. New Development/Scenic Resources. Section 30250(a) of the Coastal Act states:

(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 a significant adverse effect, either individually or cumulatively, on coastal resources.

Section 30251 of the Act states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas....

The proposed LCP amendment would permit residential development at a density of 15 to 23 du/ac on this property, whereas the current LCP designation of "Office and Related Commercial" would allow the development of office and professional uses, as well as related commercial uses. Therefore, the amendment would not significantly increase the demand upon public services on the site. The site is located in an existing developed area along the Palomar Airport Road transportation corridor and its attendant infrastructure. The infrastructure has been designed and approved to accommodate urban uses in this area.

In addition, although the new development would occur on a site that is currently vacant, no significant impacts to the visual quality of coastal resources are expected. The site is bordered by slopes to the east and west. Any significant development of the site, whether office or residential, would likely be partially visible from Palomar Airport Road. However, development would not block any public views of the ocean. The existing LCP requires that new development be reviewed to determine if it will obstruct public views or otherwise damage the scenic resources of the area. Landscaping typically required to be provided with residential development would soften and screen views of any development from Palomar Airport Road. Therefore, the amendment can be found consistent with Sections 30250(a) and 30251 of the Coastal Act.

4. Coastal Access/Traffic. Section 30212 of the Act states that public access must be provided to and along the shoreline. Traffic impacts related to the modified use associated with this proposal have been addressed in an environmental study performed for this property. The Negative Declaration found that build-out of a 138 unit multi-family residential project on the site would generate 1,104 Average Daily Trips (ADT), while an office use on the site would generate 2,940 ADT. Implementation of the RH land use designation would reduce the number of potential vehicle trips, thereby

improving circulation within the project vicinity. With respect to traffic impacts on coastal access, Palomar Airport Road is a major beach access route; however, the decreased ADT number for residential use will have a positive impact on projected traffic flows and capacity. In addition, the project site is well-removed from any of beaches in the Carlsbad area. Therefore, there are no significant impacts to public access associated with the amendment and the Commission finds that the amendment request is consistent with Section 30212 of the Coastal Act.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT 1-96D, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The City of Carlsbad LCP Implementation Program (IP) principally takes the form of the City's Zoning Code. The proposed IP amendment has been submitted in the form of an ordinance, Ordinance NS-6 of the City's Municipal Code, which would change the zoning of the Laurel Tree property from O (Office) to RDM-Q (Residential Density Multiple with a Qualified Development Overlay). No other changes to the implementation program are proposed.

B. FINDINGS FOR CERTIFICATION

a) Purpose and Intent of the Ordinance. The purpose and intent of the zoning amendment is to allow a change from office to multiple density residential uses (from low to high densities) on a 11.99 acre parcel south of Palomar Airport Road and east of the future southern extension of College Boulevard (Alga Road).

b) Major Provisions of the Ordinance. Ordinance NS-6 provides for the change of zoning of the identified parcel from O (Office) to RDM-Q (Residential Density-Multiple with a Qualified Development Overlay). The RDM zone permits development from single family dwellings to high density multiple dwellings with accessory buildings and structures (but not guest houses or accessory living quarters), sets a 35 foot height limit and establishes development standards for setbacks, placement of buildings, minimum lot area etc. This would allow development of the site with residential uses. Motels, hotels, and residential care facilities would be permitted only by conditional use permit.

c) Adequacy of Ordinance to Implement the Certified LUP. 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. In the case of the subject LCP amendment, the City's Zoning Code serves as the Implementation Program for the Mello II segment of the LCP. In the City's Zoning Code, RDM is a zoning designation that implements a range of densities including the Residential High land use designation. The Qualified Development Overlay Zone provides additional regulations for development to ensure that development is compatible with surrounding development and that development occurs with due regard to environmental factors. This overlay

provides additional assurance the policies of the LCP will be applied and enforced. Therefore, since the proposed rezoning would implement the LUP designation approved above, the Commission finds that the subject amendment to the Implementation Program is consistent with and adequate to carry out the policies of the certified LUP.

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

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its 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 an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, as amended, conforms with the provisions of CEQA. The land use plan and zoning amendments to the Mello II segment of the City's LCP deals with a change to the land use designation and zoning of one area within the City's coastal zone. The Mello II amendment has been reviewed for potential impacts to sensitive wetland and steep slope habitat, visual quality, traffic and parking, and the conversion of agricultural land to urban uses. As submitted, the amendment provides sufficient protection to these resources, and no significant adverse impacts will result. Therefore, the Commission finds that the approval of Mello II amendment will not result in any significant adverse impacts to coastal resources and can be found consistent with Chapter 3 Coastal Act policies. In addition, the individual project or projects to which the new LCP designation would apply will require a coastal development permit. The specific impacts associated with future development would be assessed through the environmental review process; and, its compliance with CEQA would be assured. Therefore, the Commission finds that no significant, unmitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed amendment and that the proposed changes can be made.

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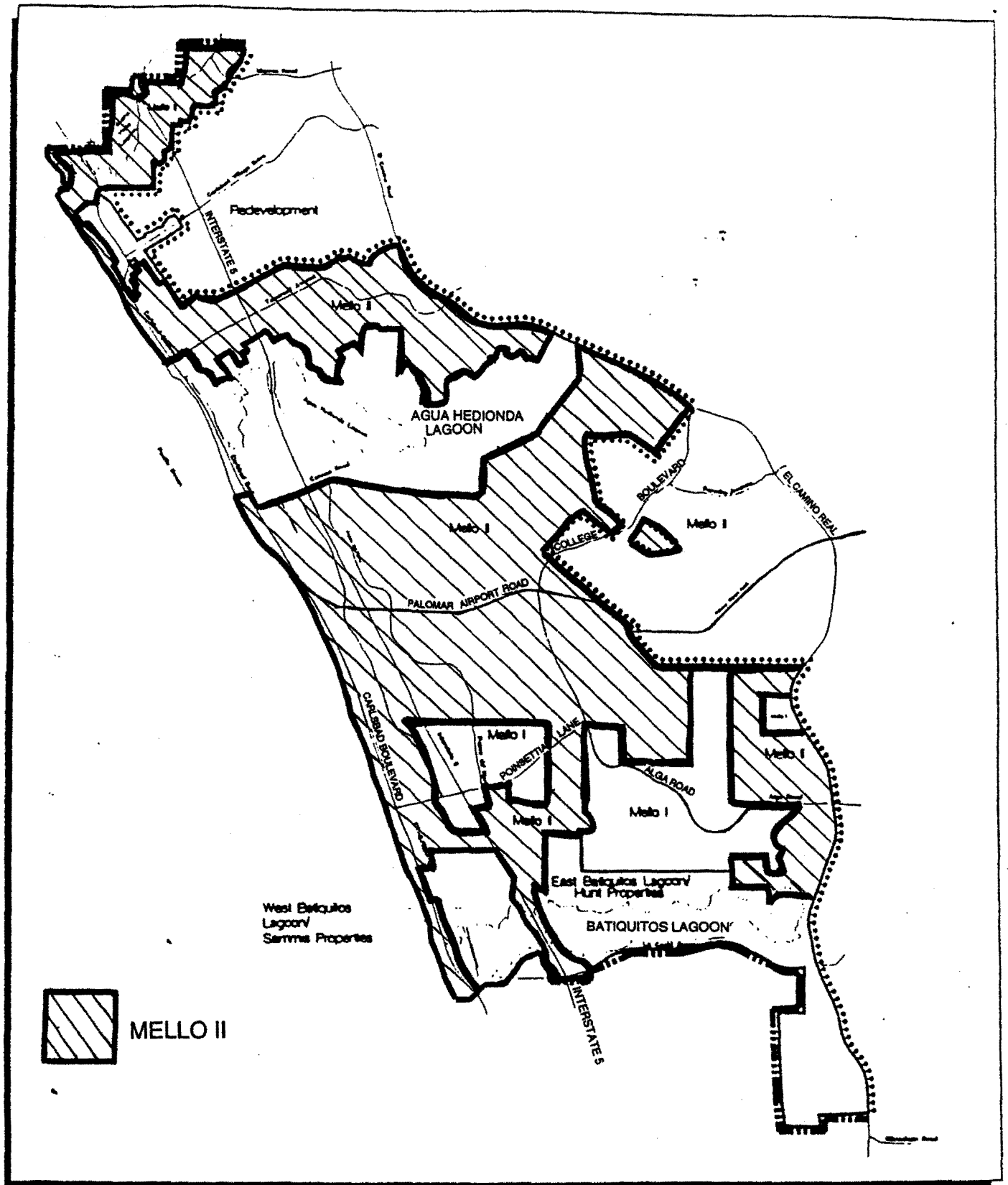
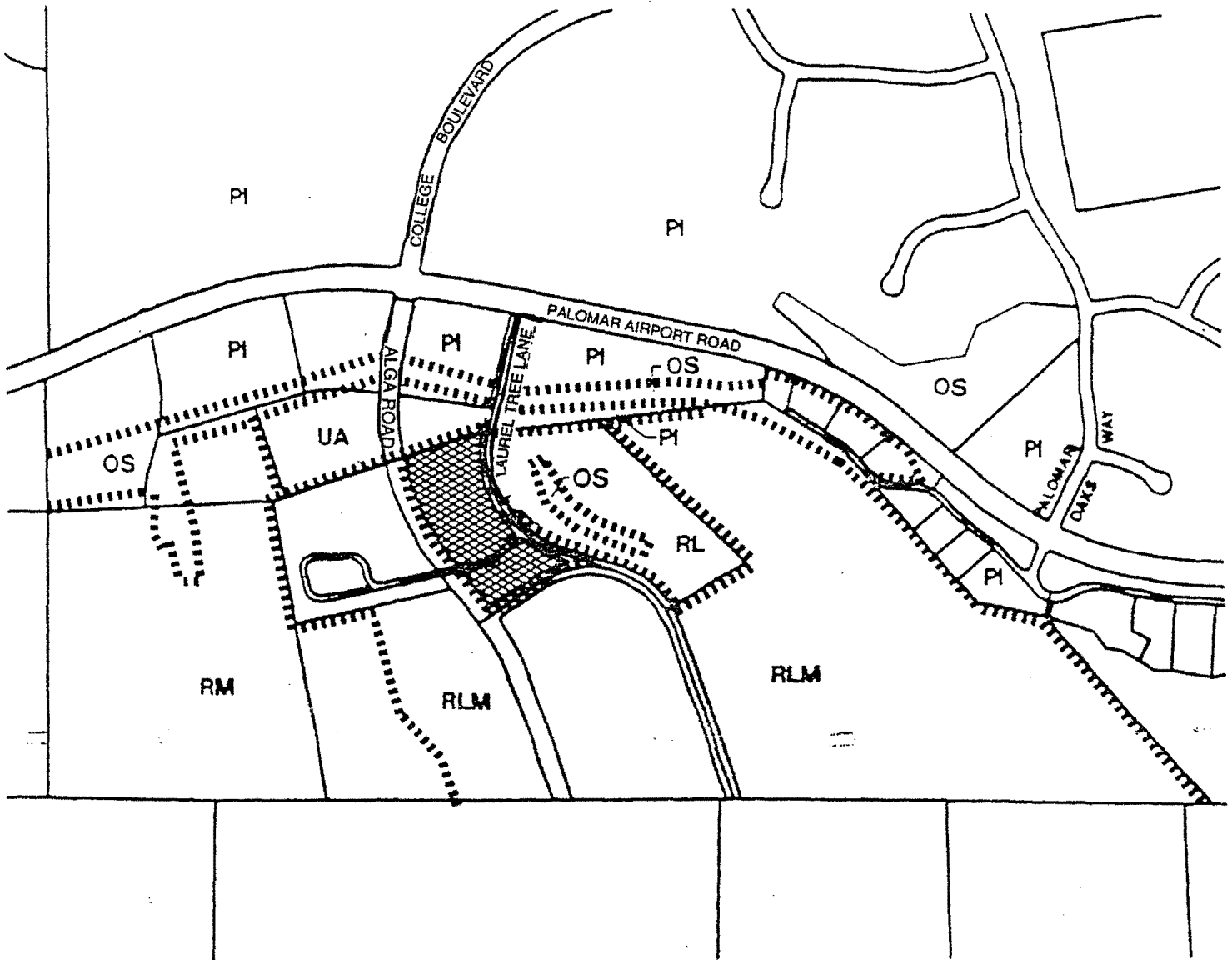


Exhibit - LCP Segment Boundaries  
Carlsbad LCPA 1-96 Local Coastal Program.  
Laurel Tree



EXISTING -- OFFICE

PROPOSED -- RESIDENTIAL HIGH



# LAUREL TREE APARTMENTS

## LCPA 1-96D

RESOLUTION NO. 95-319

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, LOCAL COASTAL PROGRAM AMENDMENT, LOCAL FACILITIES MANAGEMENT PLAN AMENDMENT, SITE DEVELOPMENT PLAN, AND HILLSIDE DEVELOPMENT PERMIT FOR A 138 UNIT APARTMENT PROJECT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF THE ALGA ROAD/COBBLESTONE ROAD INTERSECTION IN LOCAL FACILITIES MANAGEMENT PLAN ZONE 5.

CASE NAME: LAUREL TREE APARTMENTS

CASE NO: GPA 95-01/LCPA 95-02/

LFMP 87-05(B)/SDP 95-01/HDP 95-01

WHEREAS, verified applications for a General Plan Amendment, Local Coastal Program Amendment, Local Facilities Management Plan Amendment, Site Development Plan, and Hillside Development Permit for certain property to wit:

Parcel 1 of Parcel Map No. 15661, in the City of Carlsbad, County of San Diego, State of California, filed May 5, 1989 as File No. 89-23967 of Official Records;

has been filed with the City of Carlsbad and referred to the Planning Commission; and

WHEREAS, the Planning Commission did on September 20, 1995, hold a duly noticed public hearing as prescribed by law to consider said applications for a General Plan Amendment (GPA 95-01), Local Coastal Program Amendment (LCPA 95-02), Local Facilities Management Plan Amendment (LFMP 87-05(B)), Site Development Plan (SDP 95-01), and Hillside Development Permit (HDP 95-01); and

WHEREAS, the Planning Commission did on September 20, 1995, after hearing and considering all the evidence and testimony of all people desiring to be heard, adopt Planning Commission Resolution Nos. 3810 recommending approval of the Mitigated Negative Declaration and Planning Commission Resolution Nos. 3811, 3813, 3814, 3815, and 3816 recommending approval of a General Plan Amendment, Local

Carlsbad LCPA 1-96

Laurel Tree



1 Coastal Program Amendment, Local Facilities Management Plan Amendment, Site  
2 Development Plan, and Hillside Development Permit; and

3 WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, 1995, the City Council of the  
4 City of Carlsbad held a duly noticed public hearing as prescribed by law to consider the  
5 Commission's recommendations and all evidence, testimony, and argument of those  
6 persons present and desiring to be heard and approved the Mitigated Negative  
7 Declaration, General Plan Amendment, Local Coastal Program Amendment, Local  
8 Facilities Management Plan Amendment, Site Development Plan, and Hillside  
9 Development Permit; and

10  
11 WHEREAS, a Mitigated Negative Declaration was issued on July 7, 1995  
12 and submitted to the State Clearinghouse for a 30 day review period. All comments  
13 received from that review period are fully incorporated into the conditions of approval for  
14 the site development plan and other project approvals and these conditions will be  
15 reviewed through a monitoring program set up for the project.

16  
17 WHEREAS, the findings and conditions of the Planning Commission  
18 Resolution Nos. 3810, 3811, 3813, 3814, 3815 and 3816 approving the Mitigated Negative  
19 Declaration, General Plan Amendment, Local Coastal Program Amendment, Local  
20 Facilities Management Plan Amendment, Site Development Plan, and Hillside  
21 Development Permit constitute the findings and conditions of the City Council; and

22  
23 WHEREAS, the City Council on the \_\_\_\_ day of \_\_\_\_\_, 1995,  
24 approved a Mitigated Negative Declaration in compliance with the City of Carlsbad  
25 Environmental Protection Ordinance and the California Environmental Quality Act,

26 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City  
27 of Carlsbad, California, as follows:  
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1. That the above recitations are true and correct.

2. That the Mitigated Negative Declaration is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3810, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

3. That the General Plan Amendment, GPA 95-01 is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3811, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

4. That the Local Coastal Program Amendment, LCPA 95-02 is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3813, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

5. That the Site Development Plan, SDP 95-01 is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3815, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

6. That the Hillside Development Permit, HDP 95-01 is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3816, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

7. That the Local Facilities Management Plan Amendment, LFMP 87-05(B) is approved and that the findings and conditions of the Planning Commission contained in Resolution No. 3814, on file with the City Clerk and incorporated herein by



1 the proceedings accompanied by the required deposit in an  
2 amount sufficient to cover the estimated cost of preparation  
3 of such record, the time within which such petition may be  
4 filed in court is extended to not later than the thirtieth day  
5 following the date on which the record is either personally  
6 delivered or mailed to the party, or his attorney of record, if  
7 he has one. A written request for the preparation of the  
8 record of the proceedings shall be filed with the City Clerk,  
9 City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad,  
10 California 92008."

11 EFFECTIVE DATE: This resolution shall be effective upon its adoption,  
12 except as to the General Plan Amendment, which shall be effective (30) days following  
13 its adoption.


14 PASSED, APPROVED AND ADOPTED at a regular meeting of the City  
15 Council of the City of Carlsbad, California, on the 7th day of NOVEMBER, 1995,  
16 by the following vote, to wit:

17 AYES: Council Members Lewis, Nygaard, Kulchir, Finnila, Hall

18 NOES: None

19 ABSENT: None

20 ABSTAIN: None

  
CLAUDE A. LEWIS, Mayor

21 ATTEST:

22   
ALETHA L. RAUTENKRANZ, City Clerk



1 PASSED AND ADOPTED at a regular meeting of the City Council of the  
2 City of Carlsbad on the 14th day of NOVEMBER, 1995, by the following vote, to wit:

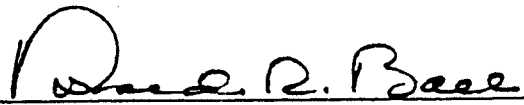
3 AYES: Council Members Lewis, Nygaard, Kulchin, Hall

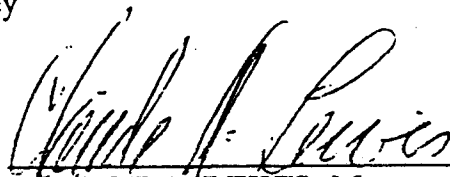
4 NOES: None

5 ABSENT: Council Member Finnila

6 ABSTAIN: None  
7

8  
9 APPROVED AS TO FORM AND LEGALITY

10  
11   
12 RONALD R. BALL, City Attorney  
13 11-15-95.

14   
15 CLAUDE A. LEWIS, Mayor

16 ATTEST:

17  
18   
19 ALETHA E. RAUPENKRANZ, City Clerk  
20 KAKEN R. KUNDTZ, Assistant City Clerk

21 (SEAL)  
22  
23  
24  
25  
26  
27  
28