

CALIFORNIA COASTAL COMMISSION

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

May 20, 1996



RECORD PACKET COPY

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHUCK DAMM, SOUTH COAST DISTRICT DIRECTOR
DEBORAH N. LEE, COASTAL PROGRAM MANAGER, SAN DIEGO AREA OFFICE
BILL PONDER, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE
LAURINDA R. OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT NO. 2-96A/B (OCEAN BLUFF, MAR VISTA AND EMERALD RIDGE REZONES) TO THE CITY OF CARLSBAD LOCAL COASTAL PROGRAM - MELLO II SEGMENT (For Public Hearing and Possible Final Action at the Coastal Commission Hearing of June 12-14, 1996)

SYNOPSISSUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Mello II LCP segment. The request includes two parts (A and B) affecting three property holdings. Part A comprises the Ocean Bluff amendment which involves rezoning a 31.2 acre property located at the northwest corner of future Poinsettia Lane/Black Rail Court from Exclusive Agriculture (E-A) to One-Family Residential (R-1). In Part B, the City is also requesting to amend the LCP Implementation Plan by rezoning the McReynolds property (aka "Mar Vista") from Planned Community (PC) to the One-family Residential Zone with the Qualified Development Overlay (R-1-7500-Q) and rezoning the MSP California L.L.C. property (aka "Emerald Ridge") from the Residential Density Multiple Zone with a Qualified Development Overlay (RDM-Q) to One-family Residential Zone with a Qualified Development Overlay (R-1-7500-Q). These two properties are situated south of Palomar Airport Road, north of Poinsettia Community Park and along the future extension of Hidden Valley Road.

SUMMARY OF STAFF RECOMMENDATION

For the Mar Vista and Emerald Ridge rezonings, those actions would be consistent with the certified land use plan and staff is therefore recommending approval of those rezonings as submitted. However, the proposed Ocean Bluff rezoning would potentially allow development of the site at a density which would exceed the certified land use plan designation and staff is recommending it first be rejected, then approved with a suggested modification to reinforce the land use plan density limits. The appropriate resolutions and motions may be found on Pages 4 and 5. The suggested modification may be found on Page 6. The findings for certification of the proposed Mar Vista and Emerald Ridge rezonings, as submitted, begin on Page 6. Findings for the denial of the Ocean Bluff rezoning, as submitted, begin on Page 8 and findings for approval of the rezoning, as modified, begin on Page 9.

AD/HT

BACKGROUND

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiqitos Lagoon/Sammis Properties and East Batiqitos Lagoon/Hunt Properties. 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's LCP. The subject amendment request only affects the Mello II segment of the LCP.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP amendment may be obtained at the above address or by contacting the following Coastal Planners: Bill Ponder - Ocean Bluff property/rezoning and Laurinda R. Owens - Mar Vista and Emerald Ridge properties/rezonings. Both planners may be reached by calling the Commission's office at (619) 521-8036.

PART I. OVERVIEW

A. LCP HISTORY

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.

Pursuant to Public Resources Code Sections 30170(f) and 30171, the Coastal Commission was required to prepare and approve an LCP for identified portions of the City. This resulted in the two Carlsbad LCP segments commonly referred to as the Mello I and Mello II segments. The Mello I and Mello II LCP segments were approved by the Coastal Commission in September 1980 and June 1981, respectively. The Agua Hedionda segment Land Use Plan was prepared by the City and approved by the Coastal Commission on July 1, 1982.

The Mello I, Mello II and Agua Hedionda segments of the Carlsbad LCP cover the majority of the City's coastal zone. They are also the segments of the LCP

which involve the greatest number of coastal resource issues and have been the subject of the most controversy over the past years. Among those issues involved in the review of the land use plans of these segments were preservation of agricultural lands, protection of steep-sloping hillsides and wetland habitats and the provision of adequate visitor-serving facilities. Preservation of the scenic resources of the area was another issue raised in the review of these land use plans. As mentioned, the City had found the policies of the certified Mello I and II segments regarding preservation of agriculture and steep-sloping hillsides to be unacceptable. The City therefore did not apply these provisions in the review of local projects.

In the summer of 1985, the City submitted two amendment requests to the Commission and, in October of 1985, the Commission certified amendments 1-85 and 2-85 to the Mello I and Mello II segments, respectively. These (major) amendments to the LCP involved changes to the agricultural preservation, steep slope protection and housing policies of the Mello I and II segments of the LCP. After certification of these amendments, the City adopted the Mello I and II LCP segments.

The West Batiquitos Lagoon/Sammis Properties segment and the East Batiquitos/Hunt Properties segment were certified in 1985. These LCP amendments paved the way for two large projects comprising the majority of each segment: the Batiquitos Lagoon Educational Park-Sammis project within the West Batiquitos segment and the Pacific Rim Master Plan (now known as the Aviara Master Plan) within the East Batiquitos Segment.

The plan area of the Village Area Redevelopment segment was formerly part of the Mello II segment of the LCP. In August of 1984, the Commission approved the segmentation of this 100-acre area from the remainder of the Mello II LCP segment and, at the same time, approved the submitted land use plan for the area. In March of 1988, the Commission approved the Implementation Program for the Village Area Redevelopment segment of the LCP. A review of the post-certification maps occurred in December and the City assumed permit authority for this LCP segment on December 14, 1988.

In addition to the review process for the six LCP segments mentioned, the City has also submitted at various times, packages of land use plan amendments to the certified LUP segments, including these segments, in an effort to resolve existing inconsistencies between the City's General Plan, Zoning Maps and the Local Coastal Program. After all such inconsistencies are resolved, the City plans to submit, for the Commission's review, the various ordinances and post-certification maps for implementation of the LCP. At that time, or perhaps earlier, the City should also prepare and submit a single LCP document that incorporates all of the LCP segments as certified by the Commission and any subsequent LCP amendments. After review and approval of these documents by the Commission, the City would gain "effective certification".

B. STANDARD OF REVIEW

The standard of review for implementation plans is Section 30513 of the Coastal Act. 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 both Planning Commission and City Council meetings with regard to the subject amendment request. Each 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 resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

- A. RESOLUTION I (Resolution to approve certification of the City of Carlsbad LCP Implementation Plan Amendment #2-96B - Mar Vista/Emerald Ridge rezones, as submitted)

MOTION I

I move that the Commission reject the City of Carlsbad's LCP Implementation Plan Amendment #2-96B, 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 I

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.

- B. RESOLUTION II (Resolution to deny certification of the City of Carlsbad LCP Implementation Plan Amendment #2-96A - Ocean Bluff, as submitted)

MOTION II

I move that the Commission reject the City of Carlsbad's LCP Implementation Plan Amendment #2-96A, 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 Commissioners present is needed to pass the motion.

Resolution II

The Commission hereby denies certification of the amendment to the City of Carlsbad's Local Coastal Program on the grounds that the amendment is inadequate to carry out the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

- C. RESOLUTION III (Resolution to approve certification of the City of Carlsbad LCP Implementation Plan Amendment #2-96A - Ocean Bluff, if modified)

MOTION III

I move that the Commission approve the City of Carlsbad's LCP Implementation Plan Amendment #2-96A, as modified.

Staff Recommendation

Staff recommends a YES 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 III

The Commission hereby approves certification of the amendment to the City of Carlsbad's Local Coastal Program on the grounds that the amendment, as modified, 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. SUGGESTED MODIFICATION

Carlsbad LCP Amendment #2-96A/Ocean Bluff Rezoning

1. The City of Carlsbad LCP Zoning Map shall be revised to indicate that the Qualified Development Overlay Zone shall be applied to the Ocean Bluff property. The Q designator applied to the site shall indicate that the property will be developed with no more than 4 dwelling units per acre.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LCP IMPLEMENTATION PLAN AMENDMENT NO. 2-96B/MAR VISTA AND EMERALD RIDGE REZONES, AS SUBMITTED

A. AMENDMENT DESCRIPTION - MAR VISTA AND EMERALD RIDGE REZONES

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-350 of the City's Municipal Code, which would change the zoning of the Mar Vista property from Planned Community (PC) to One-family Residential with a Qualified Development Overlay (R-1-7500-Q) and change the zoning on the Emerald Ridge property from Residential Density Multiple with a Qualified Development Overlay (RDM-Q) to the One-family Residential zone with a Qualified Development Overlay (R-1-7500-Q). No other changes to the implementation program are proposed.

The two properties are located south of Palomar Airport Road. The Emerald Ridge site is bisected by the northern extension of Hidden Valley Road from Camino de las Ondas to the south to Palomar Airport Road to the north, which is presently under construction. This roadway has been designated in the current LCP. The Mar Vista site lies west of this roadway. For the Emerald Ridge rezoning, the area to the west of Hidden Valley Road is known as Emerald Ridge West and the area to the east as Emerald Ridge East. Three future residential subdivisions are proposed on the two properties (Mar Vista, Emerald Ridge West and Emerald Ridge East). The sites are currently vacant. The Mar Vista and Emerald Ridge West sites are presently being used for agriculture (bean crops) while the Emerald Ridge East site has been cultivated and disced in the past.

The two properties contain gently sloping terrain and have large flat developable areas along with steep slopes and finger canyons along portions of the sites. While the properties, for the most part, consist of disturbed habitat, there are areas of native coastal sage scrub habitat on the steep slope areas of the properties as well as isolated patches of coastal sage scrub in finger canyons ranging from low to high quality.

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 PC (Planned Community) and RDM-Q (Residential Density Multiple with Qualified Development Overlay zone) to

R-1-7500-Q (Residential One-family zone with Qualified Development Overlay zone) on two parcels (Mar Vista/34.3 acres and Emerald Ridge/45.7 acres, respectively) south of Palomar Airport Road on both the west and east sides of the extension of Hidden Valley Road.

b) Major Provisions of the Ordinance. The major provisions of Ordinance NS-350 provides for the change of zoning of the identified parcels from PC and RDM-Q to R-1-7500-Q. The R-1/One-Family Residential zone permits one-family dwellings, accessory buildings and structures (i.e. garages, etc.), greenhouses and agricultural crops. In limited cases, a two-family dwelling may be permitted provided it is adjacent to specified zones as listed in the zoning ordinance. Also, home occupations, etc., are permitted in certain circumstances. The R-1 zone sets a 35 foot height limit and establishes development standards for setbacks, placement of building, minimum lot width and minimum lot area (7,500 sq.ft.), etc. Additional development standards for this zone include provisions for the type of garage required (i.e. two-car) and that each residence have a permanent foundation. Other requirements pertain to the composition of exterior siding of residences, specifications regarding roof pitches and minimum width of residences.

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, the R-1/One-family Residential zone permits one-family dwelling units with a minimum lot area of 7,500 sq.ft. The Qualified Development Overlay Zone provides additional regulations for development to ensure that development is compatible with surrounding development and that development is designed in a manner to protect visual resources, in this case, those views from Palomar Airport Road to the south, which is a designated scenic roadway in the City's General Plan. Other design measures associated with this overlay zone include review of site development plans in terms of building height, roof lines, colors of structures and building setbacks. This overlay provides additional assurance the policies of the LCP will be applied and enforced.

Both the Mar Vista and Emerald Ridge properties have the Residential Medium (RM) General Land Use Plan designation. The proposed rezones do not affect the General Plan residential land uses on the properties and only involve changing from one type of residential zoning (PC and RDM-Q) to another type of residential zoning (R-1-7500-Q) which affects the development standards that will be applied to future development on the subject properties. According to the City, the proposed rezones to R-1-7500-Q are more restrictive than the existing PC and RDM-Q zones in that more specific development criteria is required for development within this zone classification (i.e., more restrictions on the types of permitted uses, detailed specifications on side yards, placement of buildings, lot widths, etc.).

In addition, the proposed rezones will be consistent with the Residential Medium (RM) land use designation and density established in the General Plan.

The RM designation allows up to eight dwelling units per acre (8 dua) with a growth control point of six dwelling units per net acre (6 dua). The proposed R-1-7500-Q zone would equate to a density of 5.8 dwelling units per acre (rounded up to 6 dwelling units per acre) which is fully consistent with the Land Use Plan designation, as noted above.

Furthermore, through the review of future development on either parcel through a subsequent coastal development permit, issues associated with resource protection, etc., will be thoroughly assessed for consistency with the certified Mello II LCP segment. It should also be noted that both City and Commission staffs have considered future site development plans for both properties. With such consideration, the proposed zoning/density again appears appropriate in that future development of the properties at the proposed intensity of use and with application of the other zoning standards and certified LUP provisions is possible and reasonable. Therefore, since the proposed rezoning would implement the LUP designation cited above, the Commission finds that the subject amendment to the implementation plan is consistent with and adequate to carry out the policies of the certified LUP.

PART V. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD LCP IMPLEMENTATION PLAN AMENDMENT #2-96A/OCEAN BLUFF REZONE, AS SUBMITTED

A. AMENDMENT DESCRIPTION - OCEAN BLUFF REZONE

The proposed amendment request proposes to amend the City's implementation plan of its certified LCP by rezoning the 31.2 acre Ocean Bluff property from Exclusive Agriculture (E-A) to One-Family Residential (R-1). The amendment is associated with a specific project proposal currently under review by the Commission (CDP #6-96-57) to develop a 92 unit residential project and a 16 unit affordable housing project.

B. FINDINGS FOR REJECTION

a) Purpose and Intent of the Ordinance. The purpose and intent of the R-1 zone (One-Family Residential Zone) is to allow for single family detached homes and associated structures; however, the zone also allows multi-family affordable housing structures developed in accordance with the RD-M development standards to be located in the R-1 zone subject to site development plan approval. The E-A zone is a holding zone which only allows agricultural uses.

b) Major Provisions of the Ordinance. The amendment provides for the change of zoning of the identified parcel from E-A to R-1. The R-1 zone allows single family detached homes and associated structures, sets a 35 foot height limit, and establishes development standards for setbacks, placement of building, minimum lot area (7,500 sq.ft.), etc. In limited cases, a two-family dwelling may be permitted provided it is adjacent to specified zones as listed in the zoning ordinance. Also, home occupations, etc., are permitted in certain circumstances. Additional development standards for this zone include provisions for the type of garage required (i.e. two-car) and

that each residence have a permanent foundation. Other requirements pertain to the composition of exterior siding of residences, specifications regarding roof pitches and minimum width of residences.

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, R-1 is a zoning designation that requires a minimum lot area of 7,500 sq.ft. per acre. The Ocean Bluff property has been designated with the Residential Low Medium (RLM) land use designation which permits up to 4 du/ac with a growth control point of 3.2 dwelling units per net acre. Although the City found the proposed R-1 zone consistent with the RLM land use designation, the R-1 zoning could allow up to 5.8 du/ac based on the minimum lot size of 7,500 sq.ft. (43,560 sq.ft. divided by 7,500 sq.ft. = 5.8). Thus, the proposed R-1 zone could permit more dwelling units than the land use designation would allow which is inconsistent with the certified LUP. Increased residential density could result in adverse impacts area-wide to coastal resources by creating the need for more roads and infrastructure through sensitive areas (i.e., dual criteria slopes, wetland and riparian resources). Therefore, because the proposed zoning is not consistent with the certified land use designation, the amendment must be denied.

PART VI. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LCP IMPLEMENTATION PLAN AMENDMENT #2-96A/OCEAN BLUFF REZONE, IF MODIFIED

The standard of review for implementation plans is Section 30513 of the Coastal Act. 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. As identified above, the proposed implementation plan amendment cannot be found consistent with the density provisions of the certified Mello II LCP. Specifically, the proposed R-1 zone, allowing up to a maximum of 5.8 du/ac, cannot be found consistent with the Residential Low Medium (RLM) land use designation of the certified LUP which allows no more than 4 du/ac.

The Qualified Development Overlay Zone of the certified LCP provides additional regulations for development to ensure that development occurs with due regard to environmental factors. The overlay also promotes orderly, attractive and harmonious development, and promotes the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which could adversely impact their sites, surroundings, traffic circulation or environmental setting. Thus, this overlay provides additional assurance the policies of the LCP will be applied and enforced.

The Commission finds that, based on the above findings, the Qualified Development Overlay Zone must be applied to this property. The attached suggested modification applies the Q designator to the site to ensure that the

property will be developed with no more than 4 du/ac which is consistent with the certified RLM land use designation. In that way, the Commission can find the proposed zone change is consistent with the certified LUP.

Furthermore, through the review of future development on the site through a subsequent coastal development permit, issues associated with resource protection, etc., will be thoroughly assessed for consistency with the certified Mello II LCP segment. In this case, the Ocean Bluff project has been required by the City to extend Poinsettia Lane, an off-site major arterial and circulation element road, through a canyon that contains sensitive resources. Approximately 4 acres of dual criteria slopes would be impacted by the proposed road alignment. While the Mello II LCP allows impacts to sensitive resources for circulation element roads, the LCP provides that the least environmentally-damaging alternative must be analyzed before impacts can be accepted. Currently, this alternatives analysis is being prepared. It will be used in determining the ultimate alignment of Poinsettia Lane in association with the Ocean Bluff project. The companion permit to this local coastal program amendment will be reviewed at a future hearing.

It should also be noted that both City and Commission staffs have considered future site development plans for the site. With such consideration, the modified zoning appears appropriate in that future development of the property at the endorsed intensity of use and with application of the other zoning standards and certified LUP provisions is possible and reasonable. In summary, since the proposed rezoning, as modified, would implement the LUP designation cited above, the Commission finds that the subject amendment to the implementation plan is consistent with and adequate to carry out the policies of the certified LUP.

PART VII. 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, or LCP, as amended, does conform with CEQA provisions. The LCP amendment to the Mello II segment of the City's LCP deals with a change to the zoning of three properties within the City's coastal zone. Inasmuch as the proposed Mar Vista/Emerald Ridge rezones will implement the Residential Medium LUP designation, the Commission finds that approval of those rezones should accommodate an appropriate intensity of development consistent with the certified land use plan. For the Ocean Bluff site, the proposed rezone could have resulted in an inappropriate intensity of land use. However, as modified, the amendment provides

sufficient protection to coastal resources by limiting the permitted intensity of development. Therefore, the Commission finds that approval of the Mello II zoning amendment, as modified, will not result in any significant adverse environmental impacts.

In addition, individual projects to which the new LCP zone would apply will require a coastal development permit, as previously noted, which would require review for compliance with development standards which address, in part, steep slope encroachment, preservation of native habitat (coastal sage scrub, etc.), visual resource protection, conversion of agricultural land to urban uses and parking and traffic circulation. Any specific impacts associated with individual development projects would be assessed through the environmental review process; and, an individual project's compliance with CEQA would be assured. The Commission finds that approval of the subject LCP amendment, as modified, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act and that the proposed changes can be made.

(1095A)

"MAR VISTA/
EMERALD RIDGE"
SITES

"OCEAN BLUFF"
SITE



SITE MAP

CARLSBAD LCPA
2-96 A/B

RECEIVED

RESOLUTION NO. 96-117 MAY 10 1996

CALIFORNIA PLANNING COMMISSION
SOUTHERN COASTAL DISTRICT

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A LOCAL COASTAL PROGRAM AMENDMENT, A CHANGE TO THE CARLSBAD ZONING MAP TO CHANGE A PORTION OF THE MAP FROM LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1), A TENTATIVE MAP, AND A HILLSIDE DEVELOPMENT PERMIT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF FUTURE POINSETTIA LANE AND BLACKRAIL COURT IN THE ZONE 20 SPECIFIC PLAN AREA AND LOCAL FACILITIES MANAGEMENT ZONE.
CASE NAME: OCEAN BLUFF
CASE NO: LCPA 95-09/ZC 93-04/CT 93-09/HDP 93-09

WHEREAS, on December 20, 1995 the Planning Commission held a duly noticed public hearing to consider a Local Coastal Program Amendment (LCPA 95-09), Zone Change (ZC 93-04), Tentative Map (CT 93-09) and Hillside Development Permit (HDP 93-09) for project development on 31.2 acres of land and adopted Planning Commission Resolutions No. 3867, 3868, 3869, and 3871 respectively, recommending approval to the City Council; and

WHEREAS, the City Council of the City of Carlsbad, on the 2nd day of APRIL, 1996, held a public hearing to consider the recommendations and heard all persons interested in or opposed to LCPA 95-09, ZC 93-04, CT 93-09, and HDP 93-09; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad as follows:

1. That the above recitations are true and correct.
2. That the recommendation of the Planning Commission for the approval of the Local Coastal Program Amendment (LCPA 95-09) is approved and that the findings and conditions of the Planning Commission contained in Planning Commission Resolution No. 3867, on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

CARLSBAD LCPA # 2-96A
OCEAN BLUFF
(1 of 4)

- 1 3. That the recommendation of the Planning Commission for the approval
2 of the Zone Change (ZC 93-04) is approved and that the findings and
3 conditions of the Planning Commission contained in Planning
4 Commission Resolution No. 3868, on file with the City Clerk and
5 incorporated herein by reference, are the findings and conditions of the
6 City Council and Ordinance NS-354 shall be contemporaneously
7 adopted.
- 8 4. That the recommendation of the Planning Commission for the approval
9 of the Tentative Map (CT 93-09) is approved and that the findings and
10 conditions of the Planning Commission contained in Planning
11 Commission Resolution No. 3869, on file with the City Clerk and
12 incorporated herein by reference, are the findings and conditions of the
13 City Council.
- 14 5. That the recommendation of the Planning Commission for the approval
15 of the Hillside Development Permit (HDP 93-09) is approved and that the
16 findings and conditions of the Planning Commission contained in
17 Planning Commission Resolution No. 3871, on file with the City Clerk and
18 incorporated herein by reference, are the findings and conditions of the
19 City Council.
- 20 6. This action is final the date this resolution is adopted by the City Council.
21 The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time
22 Limits for Judicial Review" shall apply:

23 "NOTICE TO APPLICANT"

24 "The time within which judicial review of this decision must be
25 sought is governed by Code of Civil Procedure, Section 1094.6,
26 which has been made applicable in the City of Carlsbad by Carlsbad
27 Municipal Code Chapter 1.16. Any petition or other paper seeking
28 judicial review must be filed in the appropriate court not later than the
nineteenth day following the date on which this decision becomes
final; however, if within ten days after the decision becomes final a
request for the record of the deposit in an amount sufficient by the
required deposit in an amount sufficient to cover the estimated cost
of preparation of such record, the time within which such petition
may be filed in court is extended to not later than the thirtieth day
following the date on which the record is either personally delivered
or mailed to the party, or his attorney of record, if he has one. A
written request for the preparation of the record of the proceedings
shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad
Village Drive, Carlsbad, California 92008."

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CARLSBAD LCPA #2-96A
OCEAN BLUFF
(2 of 4)

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PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad, California, on the 2nd day of APRIL, 1996, by the following vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN: None



CLAUDE A. LEWIS, Mayor

ATTEST:



ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

CARLSBAD LCPA # 2-96A
OCEAN BLUFF
(3 of 4)

DECEMBER 20, 1995



EXISTING L-C
PROPOSED R-1



OCEANBLUFF
LCPA 95-09/ZC 93-04

CARLSBAD LCPA # 2-96A
OCEAN BLUFF
(4 of 4)

PLANNING COMMISSION RESOLUTION NO. 3867

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE MELLO II SEGMENT OF THE CARLSBAD LOCAL COASTAL PROGRAM TO BRING THE LAND USE DESIGNATIONS AND ZONING MAP INTO CONFORMANCE ON PROPERTY LOCATED AT THE NORTHWEST CORNER OF FUTURE POINSETTIA LANE AND BLACKRAIL COURT WITHIN THE ZONE 20 SPECIFIC PLAN BOUNDARIES .

CASE NAME: OCEAN BLUFF
CASE NO: LCPA 95-09

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

WHEREAS, Ocean Bluff Partnership has filed a verified application for certain property described as:

Lot 3 in Section 22, Township 12 south, range 4 west, San Bernadino base and meridian in the County of San Diego, State of California, excepting therefrom those portions thereof lying north of the south boundary line of Rancho Agua Hedionda, as said south line was established May 5, 1913, by decree of the Superior Court of the State of California, in and for San Diego County, in that certain action (No. 16830) entitled Kelly Investment Company, a corporation, vs. Clarence Dayton Hillman and Bessie Olive Hillman.

attached to Planning Commission Resolution No. 3868 and incorporated herein, which has been filed with the Planning Commission and;

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on the map dated December 20, 1995, attached to and incorporated by reference in the Draft City Council Ordinance, Exhibit "X", attached to Resolution No. 3868 as provided in Public Resources Code Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title 14 of the California Code of Regulations of

CARLSBAD LCPA # 2-96A
OCEAN BLUFF

1 the California Coastal Commission Administrative Regulations; and

2 WHEREAS, the Planning Commission did on the 20th day of December, 1995
3 hold a duly noticed public hearing as prescribed by law to consider the proposed Local
4 Coastal Plan Amendment 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
7 factors relating to the Local Coastal Program Amendment.
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9 WHEREAS, State Coastal Guidelines requires a six week public review period
10 for any amendment to the Local Coastal Program.

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

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- 14 A) That the foregoing recitations are true and correct.
 - 15 B) That based on the evidence presented at the public hearing, the Commission
16 RECOMMENDS APPROVAL of LCPA 95-09 as shown on Exhibit "X", dated
17 December 20, 1995, attached hereto and made a part hereof based on the
18 following findings:

19 Findings:

- 20 1. That the proposed amendment to the Mello II segment of the Carlsbad Local
21 Coastal Program is required to bring the designations of the City's Zoning Map (as
22 amended) and Mello II implementing zone into conformance, i.e. from L-C to R-1.

23 Conditions:

- 24 1. Approval of LCPA 95-09 is granted subject to the approval of ZC 93-04, CT 93-09,
25 SDP 93-07, and HDP 93-09. LCPA 95-09 is subject to all conditions contained in
26 Planning Commission Resolution Nos. 3868, 3869, 3870, and 3871 dated December
27 20, 1995.

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CARLSBAD LCPA #2-96A
OCEAN BLUFF


1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the
2 Planning Commission of the City of Carlsbad, held on the 20th day of December, 1995, by
3 the following vote, to wit:

4 AYES: Chairperson Welshons, Commissioners Compas, Erwin,
5 Monroy, Nielsen, Noble and Savary

6 NOES: None

7 ABSENT: None

8 ABSTAIN: None
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11 _____
12 KIM WELSHONS, Chairperson
13 CARLSBAD PLANNING COMMISSION

14 ATTEST:

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16 MICHAEL J. HOLZMILLER
17 Planning Director
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RESOLUTION NO. 96-77

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
3 OF CARLSBAD, CALIFORNIA, APPROVING A
4 MITIGATED NEGATIVE DECLARATION WITH A
5 MITIGATION MONITORING AND REPORTING
6 PROGRAM, LOCAL COASTAL PROGRAM
7 AMENDMENT, AND A CHANGE TO THE CARLSBAD
8 ZONING MAP TO CHANGE A PORTION OF THE MAP
9 FROM PLANNED COMMUNITY TO ONE-FAMILY
10 RESIDENTIAL WITH THE QUALIFIED DEVELOPMENT
11 OVERLAY ZONE, AND FROM RESIDENTIAL DENSITY
12 MULTIPLE WITH THE QUALIFIED DEVELOPMENT
13 OVERLAY ZONE TO ONE-FAMILY RESIDENTIAL
14 WITH THE QUALIFIED DEVELOPMENT OVERLAY
15 ZONE ON PROPERTY GENERALLY LOCATED EAST
16 OF PASEO DEL NORTE, SOUTH OF PALOMAR
17 AIRPORT ROAD, WITHIN SPECIFIC PLAN 203 IN
18 LOCAL FACILITIES MANAGEMENT PLAN ZONE 20.
19 CASE NAME: MAR VISTA
20 CASE NO: LCPA 94-04/ZC 94-04

14 WHEREAS, on January 3, 1996 the Planning Commission held a duly
15 noticed public hearing to consider a Mitigated Negative Declaration with a Mitigation
16 Monitoring and Reporting Program , Local Coastal Program Amendment (LCPA 94-04),
17 and Zone Change (ZC 94-04) for project development on 90.6 acres of land and adopted
18 Planning Commission Resolutions No. 3872, 3873, and 3874 respectively, recommending
19 approval to the City Council; and

21 WHEREAS, the City Council of the City of Carlsbad, on 5th day of
22 MARCH, 1996, held a public hearing to consider the recommendations and heard
23 all persons interested in or opposed to the Mitigated Negative Declaration, LCPA 94-04
24 and ZC 94-04; and

25 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
26 of Carlsbad as follows:

- 27 1. That the above recitations are true and correct.

28 EXHIBIT NO. 1
Carlsbad LCPA #2-96/B
Mar Vista/Emerald Ridge Rezones
Resolution of Approval

1 PASSED, APPROVED AND ADOPTED at a regular meeting of the City
2 Council of the City of Carlsbad, California, on the 5th day of MARCH, 1996, by
3 the following vote, to wit:

4 AYES: Council Members Lewis, Nygaard, Finnila, Hall

5 NOES: None

6 ABSENT: Council Member Kulchin

7 ABSTAIN: None

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9 _____
10 CLAUDE A. LEWIS, Mayor

11 ATTEST:

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13 _____
14 ALETHA L. RAUTENKRANZ, City Clerk

15 (SEAL)

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27 EXHIBIT NO. 1
28 Carlsbad LCPA #2-96B
(p. 3 of 3)

1 INTRODUCTION AND FIRST READ at a regular meeting of the Carlsbad
2 City Council on the 6th day of MARCH, 1996, and thereafter

3 PASSED AND ADOPTED at a regular meeting of the City Council of the
4 City of Carlsbad on the 12th day of MARCH, 1996, by the following vote, to wit:

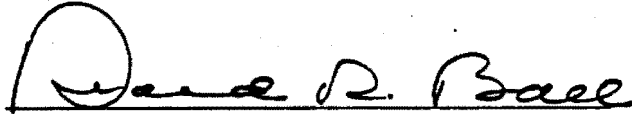
5 AYES: Council Members Lewis, Finnilla, Hall

6 NOES: None

7 ABSENT: Council Members Nygaard, Kulchin

8 ABSTAIN: None
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11 APPROVED AS TO FORM AND LEGALITY

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13 

14 RONALD R. BALL, City Attorney

15 3.13.96.

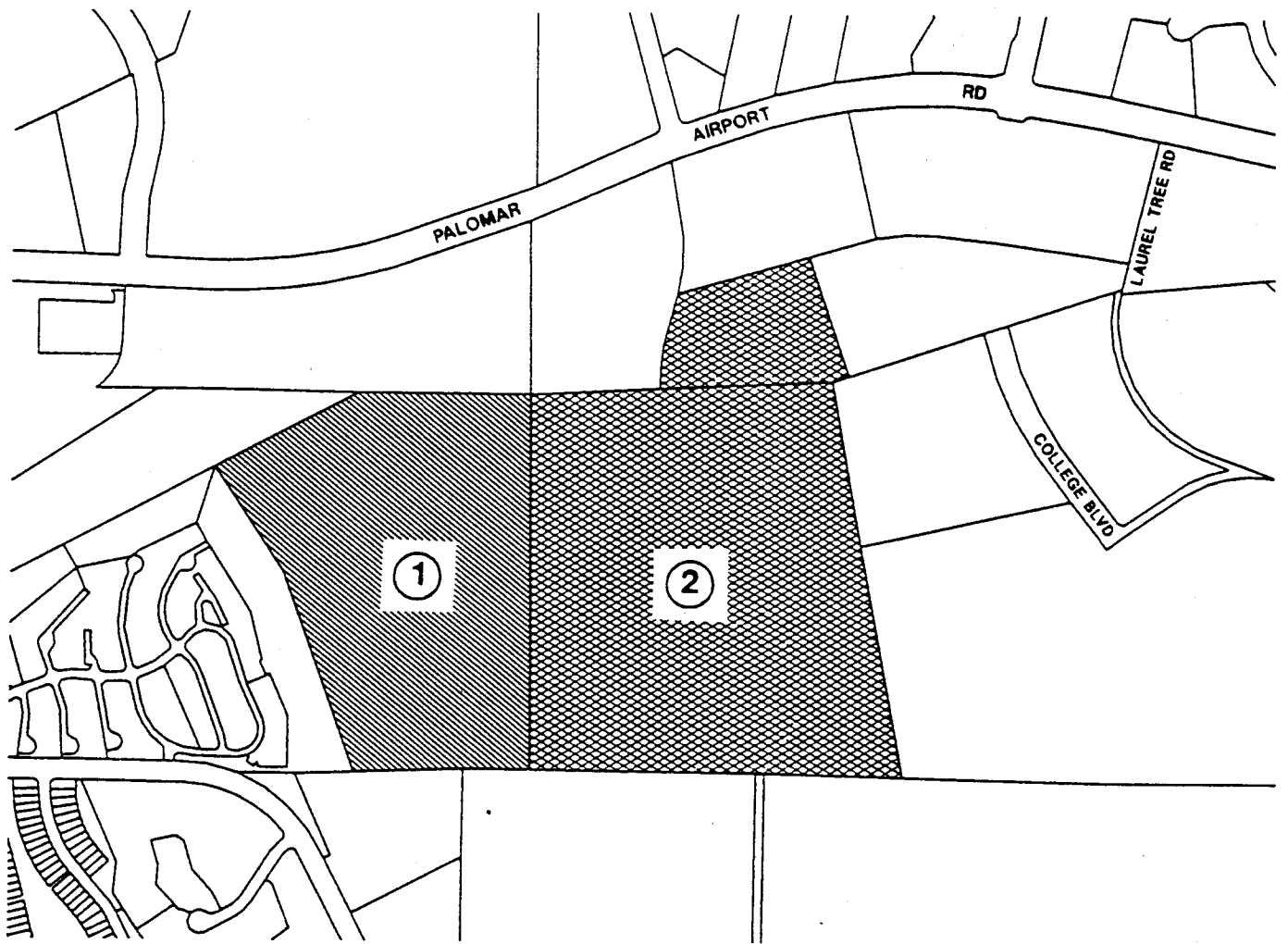
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17 
18 CLAUDE A. LEWIS, Mayor

19 ATTEST:

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22 ALETHA L. RAUTENKRANZ, City Clerk

23 (SEAL)
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27 EXHIBIT NO. 2
28 Carlsbad LCPA #2-96B
(p. 2 of 2)



"MAR VISTA"

- ① EXISTING P-C
PROPOSED R-1-7500-Q

"EMERALD RIDGE"

- ② EXISTING RD-M-Q
PROPOSED R-1-7500-Q



EXHIBIT NO. 3
 Carlsbad LCPA #2-96/B
 Mar Vista/Emerald Ridge Rezones
 Location Map

MAR VISTA

ZC 94-04/LCPA 94-04