

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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TO: COMMISSIONERS AND INTERESTED PERSONS

Mon 26a

FROM: CHUCK DAMM, SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO DISTRICT
BILL PONDER, COASTAL PROGRAM ANALYST, SAN DIEGO DISTRICTSUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT 1-97B TO THE CITY OF CARLSBAD
LCP (For Public Hearing and Possible Commission Action at the Meeting
of January 12-16, 1998)SYNOPSISSUMMARY OF STAFF RECOMMENDATION

On July 21, 1997, the City of Carlsbad's proposed LCP Amendment #1-97 was received in the San Diego District office. The submittal was deemed complete, as submitted, pursuant to Section 30510(b) of the Coastal Act. The amendment package contained four separate amendment requests including both land use plan and implementation plan revisions. A separate staff report addressing all of the submitted items, except for one proposal, was prepared for Commission review at the October hearings. The Commission approved those items at the October hearing. Section 30517 of the Coastal Act and Section 13535(c) of the Regulations state that the Commission may extend for good cause the 90 day time limit for a period not to exceed one year. Pursuant to the above, the Commission also extended the 90 day time limit on the remaining item which is referred to as the Aviara Lot 308 Open Space Tradeoff and it was subsequently identified as Carlsbad LCP Amendment No. 1-97B.

The specific amendment involves a requested land use redesignation of a 1.2 acre site from Open Space to Residential on Aviara Lot 308 in Planning Area 13 and a related land use redesignation of a 14.4 acre site from Residential to Open Space on Aviara Lot 36 in Planning Area 25 (see attached City Exhibit "Y", dated May 21, 1997). The City's LCP amendment request would also modify the plan text and exhibits for Planning Area 13 to address future development on Lot 308. Under the Coastal Act, the standard of review for the land use plan redesignation is Chapter 3; and, while there are some inconsistencies between the original master plan adoption and subsequent subdivision permit on this site, conversion of the property from open space to residential use will not result in any significant coastal resource impacts. Therefore, staff is recommending that the land use plan amendment first be denied, as submitted, and then approved with suggested modifications addressing future subdivision, height restrictions, landscape buffering and brush management regulations.

The resolutions and motions approving the amendment if modified may be found on Pages 3-5. The suggested modifications begin on Page 7. The land use plan amendment findings begin on Page 6 and findings for certification of the implementation plan amendment begin on Page 13.

BACKGROUND

The Carlsbad Local Coastal Program consists of six geographic segments. Five of the segments have certified LCPs: the Carlsbad Mello I LCP segment contains about 2,000 acres; the Carlsbad Mello II LCP segment includes approximately 5,300 acres; the East Batiquitos Lagoon/Hunt Properties LCP segment has about 1,000 acres; the West Batiquitos Lagoon/Sammis Properties segment contains 200 acres and the Village Redevelopment Area has approximately 100 acres. The Agua Hedionda Lagoon LCP segment is comprised of approximately 1,100 acres and remains as a deferred certification area pending submittal of an implementation program.

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. This special legislation was unique in that the Commission was directed to prepare and certify the City's LCP. Pursuant to the legislation, the LCP was adopted under prescribed time limits. However, the final steps of approval ("Effective Certification") were not taken due to work constraints and subsequent disagreements over certain policies relating to preservation of environmentally sensitive areas and agricultural lands. That is, the City declined to adopt the Commission adopted land use plans and implementing ordinances for the LCP. However, again as a result of the special legislation, the LCP was deemed "effectively certified" but not in any real terms since the City was not administering it. In the intervening years, the four remaining LCP segments were created but, again, absent any effective certification. Thus, the Coastal Commission continued to issue coastal development permits based on the certified LCP.

In 1996, necessary actions were taken to finalize both City adoption of its LCP and complete the administrative steps necessary to assume permit authority. As a result of the effective certification review, the Commission concurred with the Executive Director's determination at the October, 1996 hearing, that the City would be assuming coastal development permit authority for the Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties and East Batiquitos Lagoon/Hunt Properties LCP segments. On October 21, 1996, the City began issuing coastal development permits for these segments. It has been issuing coastal development permits for the Village Redevelopment Area since its certification in 1988. The City has decided not to seek permit authority for one other LCP segment, the Agua Hedionda Lagoon Specific Plan area, as it is presently being considered for a land use plan update.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment #1-97B may be obtained from Bill Ponder, Coastal Planner, at (619) 521-8036.

PART I. OVERVIEW

A. 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.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the various components of 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.

A. RESOLUTION I (Resolution to deny certification of the City of Carlsbad Land Use Plan Amendment 1-97(B), as submitted)

MOTION I

I move that the Commission certify the land use plan amendment, identified as LCPA 96-13, to the City of Carlsbad's Local Coastal Program, as submitted.

Staff Recommendation

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

Resolution I

The Commission hereby denies certification of the amendment to the City of Carlsbad's Local Coastal Program and adopts the findings stated below on the grounds that the land use plan amendment does not meet the requirements of and is not in conformity 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 amendment will not 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 not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act as there would be feasible mitigation 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 Land Use Plan Amendment 1-97B, if modified)

MOTION II

I move that the Commission certify the land use plan amendment if it is modified in conformance with the suggested policy revisions set forth in the staff report.

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 II

The Commission hereby certifies the City of Carlsbad LUP amendment, subject to the following modifications, and adopts the findings stated below on the grounds that the land use plan amendment, if modified as suggested below, 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 amended Land Use Plan 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.

- C. RESOLUTION III (Resolution to deny certification of the City of Carlsbad LCP Implementation Plan Amendment No. 1-97B, as submitted)

MOTION III

I move that the Commission reject the Carlsbad LCP Implementation Plan Amendment No. 1-96B to the City of Carlsbad LCP, 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 III

The Commission hereby denies certification of the amendment to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does not conform with, and 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.

- D. RESOLUTION IV (Resolution to approve certification of the City of Carlsbad Implementation Plan Amendment 1-97B, if modified)

MOTION IV

I move that the Commission approve the City of Carlsbad Implementation Plan Amendment No. 1-97B to the City of Carlsbad LCP if it is modified in accordance with the suggested modifications set forth in this staff report.

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 IV

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. SUGGESTED MODIFICATIONS

The following are the suggested modifications for this amendment request and would be made to the Aviara Master Plan. The underlined sections represent additional language that the Commission would suggest be added, and the "crossed-out" sections represent the language which the Commission would suggest be deleted from the policy as originally submitted.

1) On page 121, within Planning Area 13, under "Permitted Uses", the following shall be added:

Single family detached residential structures are allowed in this planning area. No subdivision of Lot 308 is permitted.

2) On page 121, within Planning Area 13, under Site Development Standards "Height", the following shall be added:

The maximum height allowed on Lot 308 is 25 feet and not to exceed two stories.

3) On page 123, within Planning Area 13, under Special Design Criteria "Landscape", the following shall be added:

Landscape screening of structures shall be incorporated to soften the view of these structures from Alga Road, Pacific Rim Drive, the Aviara Golf Course and La Costa Avenue. Proposed development on Lot 308 shall be colored to blend into the surrounding hillside and natural open space areas. Building materials shall be of natural earthen tones, including deep shades of green, brown or grey with no white or light shades and no bright tones, except for minor accents.

A fire suppression zone subject to the approval of the Planning Director and Fire Marshal shall be established between native areas and structures. The fire suppression plan should incorporate structural setbacks from native areas in combination with a program of selective thinning of native vegetation as indicated in the "Fire Suppression Landscape Guidelines for Undisturbed and Revegetated Native Plant Communities" provided that no portion of Zone 1 as defined in the "Guidelines" shall encroach upon deed restricted open space areas required as part of the approval of the Master Plan. All elements of the fire suppression plan, including the location of zone boundaries and selective thinning programs shall be subject to the approval of the Planning Director. Any deviation from the "Fire Suppression Landscape Guidelines shall be the subject of future local coastal program amendments.

PART IV. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD LAND USE PLAN
AMENDMENT 1-97(B), AS SUBMITTED

A. AMENDMENT DESCRIPTION

The specific amendment involves a requested land use redesignation of a 1.2 acre site from Open Space to Residential on Aviara Lot 308 in Planning Area 13 and a related land use redesignation of a 14.4 acre site from Residential to Open Space on Aviara Lot 36 in Planning Area 25 (see attached City Exhibit "Y", dated May 21, 1997). Briefly, the subject amendment principally involves a requested land use redesignation for an isolated 1.2 acre site that lies between the 4th and 5th Holes of the Aviara Golf Course and deed restricted open space areas associated with two other residential planning areas. The certified Mello I LCP and Aviara Master Plan does not recognize Lot 308 as a residential lot within PA 13 and the amendment seeks that approval from the Commission. Alternatively, the property owner maintains that the subject lot was created in the original subdivision for the Aviara community, has been considered for eventual single-family development and was simply inadvertently overlooked with regard to development standards and design criteria in the master plan. The property owner was successful at the local level in advocating and receiving City approval for the requested land use change. The proposal raises substantive questions as to the appropriateness of development in this open space setting as well as potential biological and scenic resource impacts.

Aviara's Lot 308 is an isolated, gently sloping 1.2 acre site located in the north-south trending valley containing the 4th and 5th holes of the Aviara Golf Course. Uphill to the east lies the Sea Country homes multi-family development (PA 15) and the Aviara Point custom home development (PA 13) and immediately west is the golf course. While lot 308 has remained clear of habitat, the slopes between Lot 308 and the surrounding development contain native vegetation and are contained within lots deed-restricted as open space by the Commission and now covered by City open space easements.

Lot 308 was created by the original subdivision for the Aviara Master Plan (CT 85-35) which was approved by the Coastal Commission in 1987 (CDP #6-87-680). The approved grading plans also show it being graded to conform closely to the proposed contours of the fifth hole fairway of the Aviara golf course. While the subdivision and the grading plans were approved by the Commission, the approved subdivision map did not identify a land use designation for Lot 308 (i.e., did not identify it as either a residential, open space or golf course lot). Additionally, although the subdivision map approved by the City approved a private access easement to the site, according to a title report of the site, the only dedicated easement to Lot 308 is a general utility and access easement to the City. This latter easement would not permit private access to the site. Private access will still need to be extended to the site in some location.

According to the City of Carlsbad, during the processing of the original master plan and tentative map, Lot 308 was overlooked with regard to development standards and design criteria in the contents of the master plan

because it existed as a separate lot, surrounded by open space (i.e., natural open space or golf course) and was isolated from the principal portions of the surrounding residential planning areas. As a result, Lot 308 was inadvertently not assigned to any particular planning area nor were the permitted uses for the lot clearly described. The Aviara Master Plan is the certified LCP document for this area within the Mello I LCP segment. The existing text for PA 13 states that only ridgeline lots were permitted in this planning area. Thus, the certified LCP does not recognize Lot 308 as a residential lot within PA 13. The fact of the lot being surrounded by open space, its isolation from other residential lots, and the absence of a specific residential designation for this lot within the master plan, led to a redesignation of the lot to Open Space during the City's General Plan update in 1994. This amendment changes the LCP text to include Lot 308 as part of PA 13, the custom lot subdivision within Aviara and provides for its development as a single-family residential site.

Aviara Land Associates now desires to sell the 1.2 acre lot as a developable, single family parcel. Since the lot is now designated as Open Space in the LCP, an LCP amendment is necessary to designate the parcel for single family residential uses (RLM). To compensate for the loss of 1.2 acres of Open Space, 14.4 acres of RLM designated land located northwest of PA 25 is proposed to be placed into Open Space. In addition, the master plan requires a revision to delete a descriptive statement regarding the exclusive location of PA 13 lots on the ridgetop and clarify the planning area map to clearly indicate Lot 308 as a residential lot within PA 13.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the land use plan amendment, as set forth in the resolution for certification as submitted, is not 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. CHAPTER 3 CONSISTENCY

1. Environmentally Sensitive Habitat Areas. 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.

The proposal involves an amendment to establish permitted land uses and development standards to redesignate a 1.2 acre parcel (Lot 308) located adjacent to the Aviara Golf Course from Open Space (OS) to Residential Low Medium (RLM) (0-4 dwelling units per acre). The master plan requires a revision to delete a descriptive statement regarding the exclusive location of PA 13 lots on the ridgetop and clarifies the planning area map to clearly show Lot 308 as a residential lot within PA 13. Additionally, 14.4 acres of Planning Area (PA) 25 (Lot 36) is proposed by the City for redesignation from RLM to OS as mitigation for the loss of 1.2 acres of open space from Lot 308.

As noted, the certified LCP currently does not recognize the existence of Lot 308 as a residential lot. While the City proposes it as part of PA 13, the master plan states that all development within PA 13 must be confined to the ridgetop. Lot 308 lies in the valley below the ridgetop home sites in PA 13. Lot 308 is not clearly in any planning area as it is sandwiched between PA 1 (golf course) and the open space for PAs 13 and 15. Also, as noted, there are no clear definitions of permitted uses, design guidelines or development standards for Lot 308. Finally, notwithstanding a note on the City's final map of the subdivision that created Lot 308 indicating the lot had private access, a title report for the parcel identifies there is no private access to the lot, only a general utility and access easement in favor of the City of Carlsbad. Based on the above, development of Lot 308 was not clearly anticipated in the LCP.

On the other hand, the City and property owner state Lot 308 has always been planned as a single family residential lot. Aviara cites the subdivision map approvals by both the City and the Coastal Commission and the fact that CDP #6-87-680 required that Aviara preserve an open space system, approximately 250 acres, through recordation of open space deed restrictions and that Lot 308 was not placed under such restriction. In support of its claim that Lot

308 was created as a residential property, Aviara states all required utilities have been extended to the site to accommodate a residential structure, Lot 308 was graded (access to and the building pad) in 1990 to accommodate a future residential structure at the same time that the adjacent golf course and PA 13 was graded, erosion control and temporary landscaping was completed in 1991 and property taxes have been paid on Lot 308 as a residential site since 1990.

The Commission finds that based on its approval of the subdivision and subsequent grading of the site, it has recognized the site as a residential property. However, the Commission also finds that the property can not be legitimized as a residential site as proposed in the amendment. With respect to habitat impacts, as noted, the site is surrounded by designated open space, either that designated as golf course to the west or that designated as deed-restricted for habitat values to the east. The site has been graded and presently contains some temporary drought-resistant vegetation. While the Commission can accept the grading of the building pad that has occurred outside the deed-restricted open space in two relatively small areas on Lot 308, it cannot accept grading that has occurred to provide private access to the site. As mentioned, although the subdivision map approved by the City approved a private access easement to the site, according to a title report of the site, the only dedicated easement to Lot 308 is a general utility and access easement to the City. This 30' food wide easement is located within the approved open space system. The LCP allows encroachment of utility corridors into approved open space only for public purposes. Private access would have to be extended to the site in another location. Thus, the utility corridor has been inappropriately graded as private access and has destroyed habitat that was within the corridor. This apparent violation will be addressed as an enforcement item. Additionally, any future legal private access that is provided to the site will have to go through deed-restricted open space areas and the routing of such access and mitigation of any associated impacts will have to be reviewed as an amendment to the existing coastal development permit or as a new coastal development permit. The standard of review for such amendment will be the certified land use plan policies on dual criteria slopes and environmentally sensitive habitat areas.

The Commission is also concerned about future residential development at this location because it is basically an island surrounded in open space. The certified Mello I LUP states "all lands and intensity of use shall be compatible with the protection of sensitive coastal resources." Because the site is 1.2 acres and the master plan permits lots as small as 8,000 sq.ft. in PA 13, the potential exists for future subdivision of the site which would be inappropriate based on its location. For these reasons, the amendment must be denied.

The master plan text for PA 13 also contains fire suppression guidelines that require a fuel modification zone be established around new development so that vegetation clearance will be kept to the minimum necessary for fire safety. However, the Commission has updated the fire suppression provisions within other planning areas and phases of the Aviara development in the Aviara Master Plan to be more specific in more recent local coastal program amendments. The

current requirements specify that no clearcutting of sensitive vegetation is allowed within open space areas that are deed restricted as part of the approved open space system. Applying these standards to proposed residential development of Lot 308 would mean that a setback of at least 20 feet from deed restricted open space would have to be provided. In this way, any proposed residential use on Lot 308 would not adversely impact natural open space areas. However, because this current fire suppression language is not provided within the existing text, the Commission can not find that the amendment can be found consistent with Section 30240 of the Coastal Act and must be denied. Inclusion of the updated fire suppression language in the form of a suggested modification will be necessary to find the amendment consistent with Section 30240 of the Act.

The City characterizes the amendment as a proposed exchange of open space that would result in the protection of 14.4 acres of quality native habitat through a LCP open space designation while losing 1.2 acres of highly disturbed, gently sloping area from LCP open space. The City found the newly designated Open Space in Lot 36 is compatible with the adjacent residential uses in that it provides passive recreation through an open space trail and, as with Lot 308, the boundary between the uses is subject to the provisions of the Aviara fire suppression program.

The Commission finds there is no real exchange of open space involving Lot 36 in PA 25. Although there is no "Open Space" section within this planning area (as is within other planning areas within the master plan) that designates Lot 36 as "Open Space", the LCP provides that the existing trees and natural slopes in this portion of PA 25 are currently designated as "to be preserved" and as such can be classified as being open space. Thus, the amendment effectively proposes to put into open space what is currently "open space" in the plan already. Presently, there is a community trail segment within Lot 36 that provides upland public access through a number of planning areas ultimately to the North Shore Trail of Baticuitos Lagoon, a distance of approximately one mile. This trail was approved by the Commission in LCPA 3-95 (Aviara Trails) and that LCP amendment also recognized the area as community open space/public recreational area. Lot 308 is not seeking a change on any Coastal Commission deed-restricted areas so there is no need under the certified LUP to offset open space as is proposed with Lot 36. However, while the Commission does not agree with the City's characterization regarding Lot 36, it is for concerns relating to biological and visual impacts that the amendment must be denied and not the Lot 36 open space "exchange".

2. Visual Resources. Section 30251 of the Coastal 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....

Section 30251 of the Coastal Act provides that new development must be sited and designed to protect and preserve scenic resources. Aviara's Lot 308 is an isolated, gently sloping 1.2 acre site located in the north-south trending valley containing the 4th and 5th holes of the Aviara Golf Course. While lot 308 has remained clear of habitat, the slopes between Lot 308 and the surrounding development contain native vegetation and are contained within lots covered by City open space easements.

Because of the site's location adjacent to the golf course, any development at this location would also be seen from trails associated with the Aviara community trail system. Lot 308 could be seen from the above mentioned community trail from a distance at one overlook to the west. In addition, the site will be more clearly visible for golf course users, which is recognized as a public recreational facility. The Mello II LUP Policy 8-1 provides that a Scenic Preservation Overlay Zone will be applied to new development to assure the maintenance of existing views and panoramas and that building sites should undergo review to determine if proposed development will obstruct views or otherwise damage the visual beauty of the area. The policy notes the Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize any alterations to topography.

The City will be reviewing a specific project design against this policy when it considers a coastal development permit for the eventual development of the site. The City's resolution for the proposed amendment indicates that residential development of the site shall be restricted to a maximum building height of 25 feet to the peak of the roof. The Commission finds this provision should be incorporated within the development standards of PA 13. In addition, to further minimize the visual impact of new development occurring on Lot 308, the Commission finds that the development standards must be revised to reflect that proposed development will be colored to be consistent with the natural character of the surrounding hillsides and that landscape buffering should be provided. Because those requirements are not now in place in the master plan, the amendment must be denied as being inconsistent with Section 30251 of the Coastal Act.

PART V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT 1-97B, IF MODIFIED

A. AMENDMENT DESCRIPTION/SUMMARY FINDING/CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The proposed amendment is to the Aviara Master Plan, which serves as the Land Use Plan (LUP) and Implementation Plan (IP) for those portions of the Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segments that lie within its geographic limits. In its findings of denial for LCPA 1-97B, the Commission found that the proposed revisions to the Aviara Master Plan were inconsistent with applicable Chapter 3 policies of the Coastal Act. The Commission found that without certain, relatively minor revisions to the master plan, the LUP amendment must be denied.

In its findings, the Commission cited several modifications which would be necessary to bring the LCPA into compliance with Chapter 3 policies of the Coastal Act. These include adding provisions relating to future residential development on Lot 308 (i.e., no future subdivisions, limiting the height to 25 feet high, landscape buffering and conformance with setbacks to assure that biological resources will be preserved) so that the Commission could find the proposed amendment would have no adverse impacts to coastal resources. The Commission finds that, pursuant to Section 30512.2b of the Coastal Act, that the proposed land use plan amendment, as modified herein, is consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to meet the basic state goals specified in Section 30001.5 of the Coastal Act.

PART VI. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD LCP IMPLEMENTATION PLAN AMENDMENT 1-97B, AS SUBMITTED.

A. AMENDMENT DESCRIPTION

The proposed amendment is to the Aviara Master Plan, which serves as the Land Use Plan (LUP) and Implementation Plan (IP) for those portions of the Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segments that lie within its geographic limits. As such, the proposed amendment to the Implementation Program is identical to that of the LUP, as discussed above.

B. FINDINGS FOR REJECTION

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 master plan serves as both the LUP and Implementation Program for those portions of the Mello I segment that is subject to the master plan. Given that the identical document serves as both the planning and implementation documents, the Commission finds that the proposed amendment, as submitted, is not consistent with the corresponding certified land use plans, as modified.

As stated, the land use plan segment of the proposed LCP amendment could not be found consistent with the policies of Chapter 3 of the Coastal Act. Only with the suggested modifications identified in this report could the LUP amendment be found consistent with the applicable policies of the Act. Since, the implementation amendment, as submitted, does not incorporate the suggested modifications, the Commission finds that the proposed implementation plan amendment 1-97B to the City of Carlsbad Mello I segment is neither consistent with nor able to carry out the policies of the certified LUP.

PART VII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT 1-97B, AS MODIFIED

The proposed amendment to the Implementation Program, subject to the suggested modifications detailed above, contains a level of detail and specificity

corresponding to that previously approved by the Commission in its certification of the master plan and implementation program for the subject LCP segment. Therefore, the Commission finds that the subject amendment, as modified, to the Implementation Program is adequate to carry out the policies of the certified LUP.

PART VIII. 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.

Section 21080.5 (d)(2)(i) of the Public Resources Code requires that the Commission not approve an LCP or LCP amendment if there are feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact which the activity may have on the environment. In the case of the subject LCP amendment request, the Commission finds that impacts to visual and biological resources are mitigated as identified herein; thus, the Commission finds that there are no feasible alternatives and mitigation measures which would substantially lessen significant adverse impacts the amendment would have on the environment. The Commission further finds that no significant, unmitigable environmental impacts under the meaning of CEQA will result from approval of the proposed amendment.

(1953A)

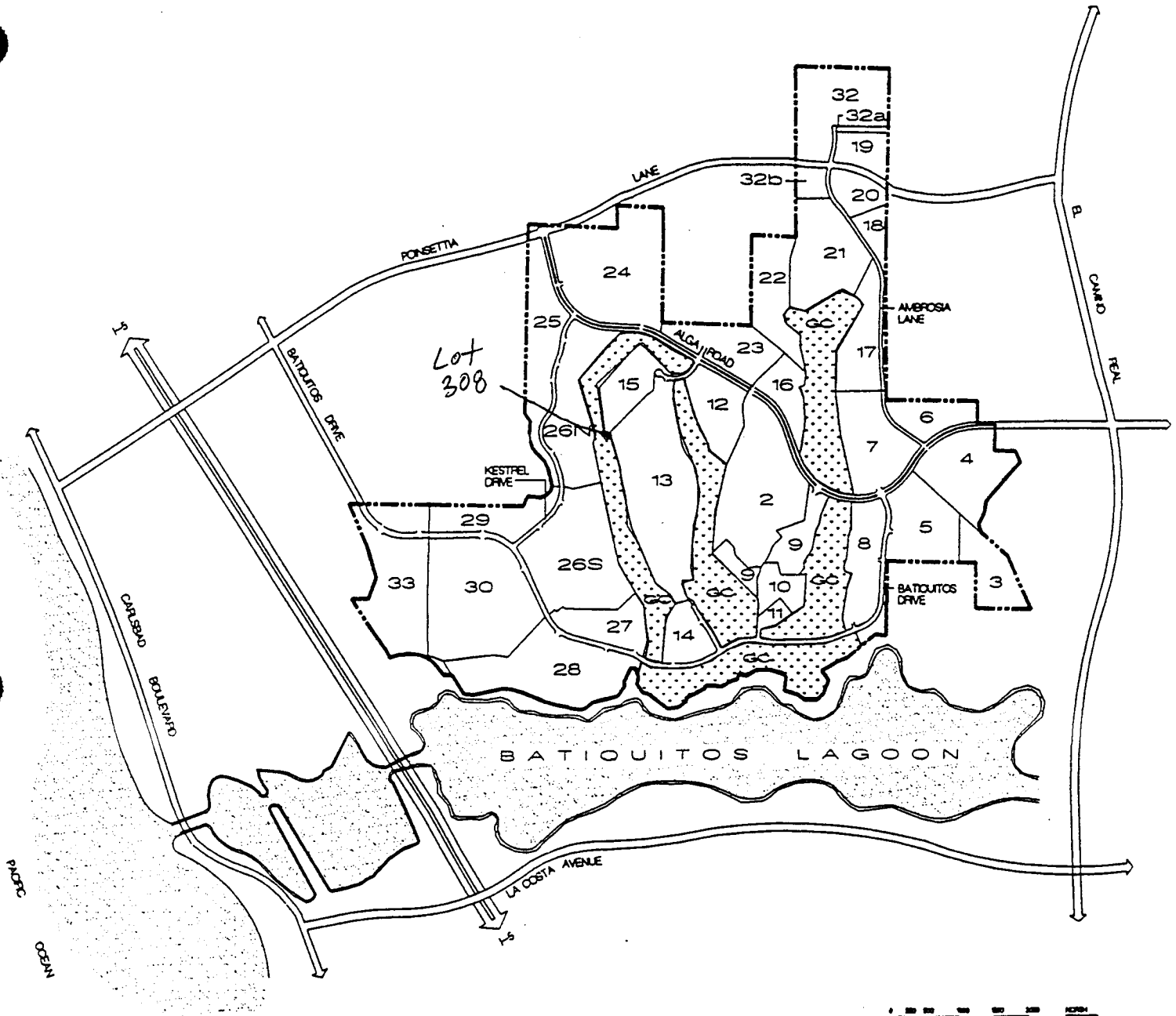


EXHIBIT NO. 1
Carlsbad LCPA 1-97B
Location Maps
California Coastal Commission

LOCATION MAP



PLANNING AREA 13: SINGLE FAMILY RESIDENTIAL

DESCRIPTION:

This 65.4 acre planning area consists of a private gated community of single family residential homes. The neighborhood in general is bounded by the golf course to the east and west. Access is provided to both Alga Road and Pacific Rim Drive. Home sites generally are located along the central ridge line. The remainder of the site will be reserved as open space.

DEVELOPMENT STANDARDS: R-1-8

All development in Planning Area 13 shall conform to the standards of the R-1 one-family residential zone (Carlsbad Municipal Code, Chapter 21.10) unless otherwise noted in this chapter.

USE ALLOCATION:

Maximum of 72 residential units. (1.1 DU/AC)

PERMITTED USES:

Single family detached residential units are allowed in this planning area.

SITE DEVELOPMENT STANDARDS:

Height:

The maximum height allowed in this planning area is 30 feet to the peak of the roof. All heights shall be determined per section 21.04.065 of the Carlsbad Municipal Code.

Lot Size:

The minimum lot size for Planning Area 13 shall be 8,000 square feet. The minimum lot width shall be 70 feet. At least 15% of the lot area shall be reserved for open space. This open space shall be located in the rear yard and shall not exceed a gradient of 5%.

Setbacks:

The minimum front yard setback for split-level lots shall be 20 feet. All other setbacks shall maintain a minimum 25 foot front yard setback. For units that include side loaded garages, a minimum 20 foot setback is allowed (for the garage) as long as the section of the garage within the 25 foot setback is no greater in width than 40% of the allowed building frontage (lot width minus side yard setbacks); and that the ground floor habitable portion of the building maintain a setback a minimum of 40 feet. This reduced front yard setback is allowable for side loaded garages only. No living area is allowed inside or above the structure within the reduced setback area. The minimum side yard setback shall be 10 feet. All other setbacks shall be per Chapter 21.10 of the Carlsbad Municipal Code.

Parking:

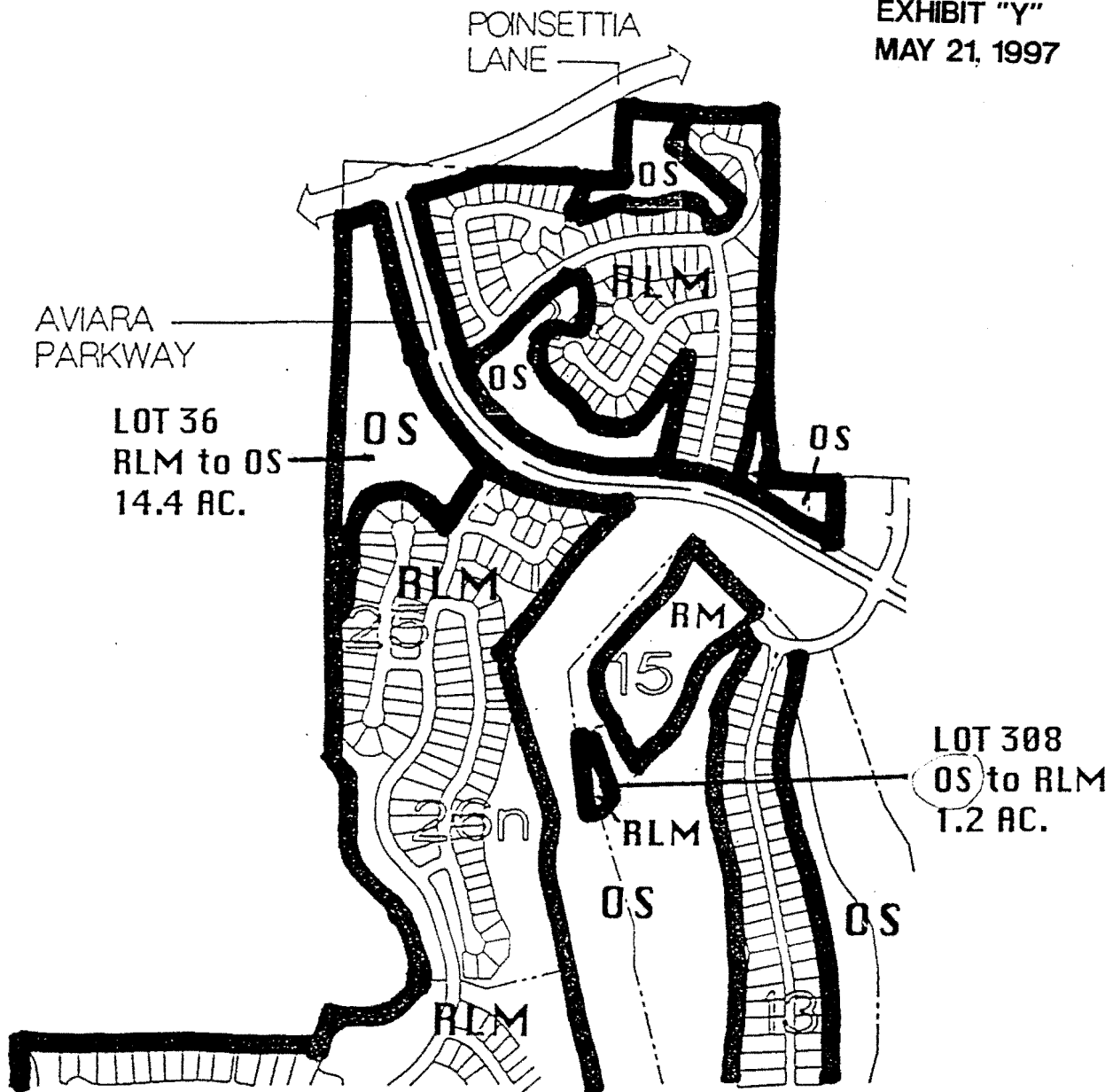
Parking shall conform to the standards of Chapter 21.44 of the Carlsbad Municipal Code.

SPECIAL DESIGN CRITERIA:

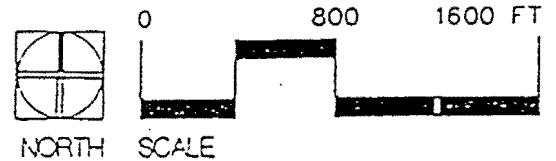
Design:

All community-wide design standards described in Section A of Chapter IV shall be embodied in the architecture of this planning area. The following specific guidelines shall also be included for this planning area:

* Development shall only be allowed along the ridgetop of this planning area except for Lot 308.



PROPOSED GENERAL PLAN



AVIARA

EXHIBIT NO. 3
Carlsbad LCPA 1-97
Aviara Master Plan changes
California Coastal Commission

LOT 308 OPEN SPACE TRADE-OFF

EXHIBIT NO. 4
Carlsbad LCPA 1-97B
Resolutions
California Coastal Commission

RESOLUTION NO. 97-535

A RESOLUTION OF THE CITY COUNCIL OF CARLSBAD, CALIFORNIA, APPROVING A M. AMENDMENT, GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT FOR THE AVIARA LOT 308 LAND USE CHANGE, LOCATED IN THE SOUTHWEST QUADRANT.

CASE NAME: AVIARA LOT 308
CASE NO.: MP 177(S)/GPA 96-06/LCPA 96-13

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on May 21, 1997, hold a duly noticed public hearing as prescribed by law to consider a Master Plan Amendment, General Plan Amendment and Local Coastal Program Amendment; and

WHEREAS, the City Council of the City of Carlsbad, on the 24th day of June, 1997, and the 15th day of July, 1997, held duly advertised public hearings to consider said Master Plan Amendment, General Plan Amendment and Local Coastal Program Amendment and at that time received recommendations, objections, protests, comments of all persons interested in or opposed to MP 177(S)/GPA 96-06/LCPA 96-13; and

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

1. That the above recitations are true and correct.
2. That the City Council **APPROVES** City Council Resolution No. 97-535 and that the findings and conditions of the Planning Commission as set forth in Planning Commission Resolutions No. 4096, 4097 and 4098 on file with the City Clerk and made a part hereof by reference are the findings and conditions of the City Council.
3. That an additional condition as stated at the City Council meeting be added to read as follows:

“Development of the single family homes on Lot 308 shall be restricted to a maximum building height of 25 feet to the peak of the roof, as determined by section 21.04.065 of the Carlsbad Municipal Code.”

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- 4. That the application for Master Plan Amendment (MP 177(S)) to establish permitted uses and development standards for a 1.2 acre lot in Aviara Planning Area 13 (Lot 308) for property located south of Aviara Parkway between Batiquitos Drive and Aviara Drive in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4096 on file with the City Clerk and incorporated herein by reference.

- 5. That the General Plan Amendment (GPA 96-06) to change a 1.2 acre parcel from Open Space to Residential Low Medium Density and to change a 14.4 acre parcel from Residential Low Medium Density to Open Space on property located south of Aviara Parkway between Poinsettia Lane and Black Rail Court in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4097 on file with the City Clerk and incorporated herein by reference.

- 6. That the Major Local Coastal Program Amendment (LCPA 96-13) to the implementing ordinance of the Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segment (Aviara Master Plan) to revise the permitted land use on property located south of Aviara Parkway between Batiquitos Drive and Aviara Drive in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4098 on file with the City Clerk and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Carlsbad on the 15th day of July, 1997, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CLAUDE A. LEWIS, Mayor

ATTEST:

ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

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ORDINANCE NO. NS 444

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA ADOPTING THE AVIARA MASTER PLAN AMENDMENT RELATIVE TO LOT 308 IN PLANNING AREA 13 ON PROPERTY GENERALLY LOCATED IN THE SOUTHWEST QUADRANT OF THE CITY IN LOCAL FACILITIES MANAGEMENT ZONE 19.

CASE NAME: AVIARA LOT 308

CASE NO.: MP 177(S)

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

WHEREAS, the City Council of the City of Carlsbad, California has reviewed and considered a Master Plan Amendment for future development of the site; and

WHEREAS, the Aviara Master Plan was adopted by City Council Ordinance No. 9839 on December 22, 1987 and constitutes the zoning for the subject property; and

WHEREAS, the Aviara Master Plan has been amended a total of sixteen times since original adoption, most recently for MP 177(Q) through City Council Ordinance NS-30 on July 16, 1996; and

WHEREAS, after procedures in accordance with requirements of law, the City Council has determined that the public interest indicates that said plan amendment be approved.

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

SECTION I: That the Aviara Master Plan MP 177 as amended to date is further amended by the Master Plan Amendment relative to Aviara Lot 308 in Planning Area 13, MP 177(S), dated May 21, 1997, attached herein and incorporated by reference herein, is approved. The Master Plan Amendment shall constitute the zoning for this property and all development of the property shall conform to the plan.

1 SECTION II: That the findings and conditions of the Planning Commission in
2 Planning Commission Resolution No. 4096 shall also constitute the findings and conditions of
3 the City Council.

4 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
5 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be
6 published at least once in a newspaper of general circulation in the City of Carlsbad within
7 fifteen days after adoption. Notwithstanding the preceding, this ordinance shall not be effective
8 until approved by the California Coastal Commission.
9

10 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
11 Council on the _____ day of _____ 1997, and thereafter.

12 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
13 Carlsbad on the _____ day of _____ 1997, by the following vote, to wit:
14

15 AYES:

16 NOES:

17 ABSENT:

18 ABSTAIN:
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22 _____
CLAUDE A. LEWIS, Mayor

23 ATTEST:
24

25 _____
26 ALETHA L. RAUTENKRANZ, City Clerk

27 (SEAL)
28

RESOLUTION NO. 97-516

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, LOCAL COASTAL PROGRAM AMENDMENT AND ZONE CHANGE FOR AVIARA LOT 308 AND THE AZURE COVE ANNEXATION, ALL LOCATED IN THE SOUTHWEST QUADRANT.

CASE NAME: AVIARA LOT 308/AZURE COVE ANNEXATION

CASE NO.: MP 177(S)/GPA 96-06/LCPA 96-13/ZC 97-03

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on May 21, 1997, hold a duly noticed public hearing as prescribed by law to consider a Master Plan Amendment, General Plan Amendment, Local Coastal Program Amendment and Zone Change; and

WHEREAS, the City Council of the City of Carlsbad, on the 24th day of June, 1997, held a duly advertised public hearing to consider said Master Plan Amendment, General Plan Amendment, Local Coastal Program Amendment and Zone Change and at that time received recommendations, objections, protests, comments of all persons interested in or opposed to MP 177(S)/GPA 96-06/LCPA 96-13/ZC 97-03; and

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

1. That the above recitations are true and correct.
2. That the City Council APPROVES City Council Resolution No. 97-516, and that the findings and conditions of the Planning Commission as set forth in Planning Commission Resolutions No. 4096, 4097, 4098 and 4117 on file with the City Clerk and made a part hereof by reference are the findings and conditions of the City Council.
3. That the application for Master Plan Amendment (MP 177(S)) to establish permitted uses and development standards for a 1.2 acre lot in Aviara Planning Area 13 (Lot 308) and annex Azure Cove as a new Aviara Planning Area for property located south of Aviara Parkway between Batiquitos Drive and Aviara Drive in LFMP Zone 19 is approved as shown in Planning Commission

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Resolution No. 4096 on file with the City Clerk and incorporated herein by reference.

4. That the General Plan Amendment (GPA 96-06) to change a 1.2 acre parcel from Open Space to Residential Low Medium Density and to change a 14.4 acre parcel from Residential Low Medium Density to Open Space on property located south of Aviara Parkway between Poinsettia Lane and Black Rail Court in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4097 on file with the City Clerk and incorporated herein by reference.

5. That the Major Local Coastal Program Amendment (LCPA 96-13) to the implementing ordinance of the Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segment (Aviara Master Plan) to revise the permitted land uses and expand the boundary of the Aviara Master Plan on property located south of Aviara Parkway between Batiquitos Drive and Aviara Drive in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4098 on file with the City Clerk and incorporated herein by reference.

6. That the Zone Change (ZC 97-03) to change the zoning of the Azure Cove development from Single Family Residential (R-1-7,500-Q) and Open Space (O-S) to Planned Community (P-C) on property located south of Aviara Parkway between Batiquitos Drive and Aviara Drive in LFMP Zone 19 is approved as shown in Planning Commission Resolution No. 4117 on file with the City Clerk and incorporated herein by reference.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Carlsbad on the 24th day of June 1997, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CLAUDE A. LEWIS, Mayor

ATTEST:

ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

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ORDINANCE NO. NS-412

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA ADOPTING THE AVIARA MASTER PLAN AMENDMENT RELATIVE TO LOT 308 IN PLANNING AREA 13 AND THE ANNEXATION OF AZURE COVE ON PROPERTY GENERALLY LOCATED IN THE SOUTHWEST QUADRANT OF THE CITY IN LOCAL FACILITIES MANAGEMENT ZONE 19.

CASE NAME: AVIARA LOT 308/AZURE COVE ANNEXATION
CASE NO.: MP 177(S)

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

WHEREAS, the City Council of the City of Carlsbad, California has reviewed and considered a Master Plan Amendment for future development of the site; and

WHEREAS, the Aviara Master Plan was adopted by City Council Ordinance No. 9839 on December 22, 1987 and constitutes the zoning for the subject property; and

WHEREAS, the Aviara Master Plan has been amended a total of sixteen times since original adoption, most recently for MP 177(Q) through City Council Ordinance NS-366 on July 16, 1996; and

WHEREAS, after procedures in accordance with requirements of law, the City Council has determined that the public interest indicates that said plan amendment be approved.

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

SECTION I: That the Aviara Master Plan MP 177 as amended to date is further amended by the Master Plan Amendment relative to Aviara Lot 308 in Planning Area 13 and the annexation of the Azure Cove development, MP 177(S), dated May 21, 1997, attached herein and incorporated by reference herein, is approved. The Master Plan Amendment shall constitute the zoning for this property and all development of the property shall conform to the plan.

1 SECTION II: That the findings and conditions of the Planning Commission in
2 Planning Commission Resolution No. 4096 shall also constitute the findings and conditions
3 the City Council.

4 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
5 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be
6 published at least once in a newspaper of general circulation in the City of Carlsbad within
7 fifteen days after adoption. Notwithstanding the preceding, this ordinance shall not be effective
8 until approved by the California Coastal Commission.

9 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City
10 Council on the 24th day of June 1997, and thereafter.

11 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
12 Carlsbad on the 24th day of June 1997, by the following vote, to wit:

13 AYES:

14 NOES:

15 ABSENT:

16 ABSTAIN:

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22 _____
CLAUDE A. LEWIS, Mayor

23 ATTEST:

24
25 _____
26 ALETHA L. RAUTENKRANZ, City Clerk

27 (SEAL)

LOT 308 ENCUMBRANCE EXHIBIT

SHEET 1 OF 1 SHEET

CITY OF CARLSBAD
TRACT NO. 85-35
AVIARA PHASE I UNIT 3
MAP NO. 12413

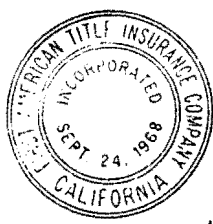
304
GOLF COURSE LOT

308

305

306
OPEN SPACE

307
OPEN SPACE



P&D



 INDICATES COASTAL DEED RESTRICTION (OPEN SPACE) AREA PER DOCUMENT RECORDED MARCH 22, 1989 AS FILE NO. 89-196176, OF O.R.

P&D P&D/CTE ENGINEER'S
401 WEST "A" STREET, SUITE 2500
SAN DIEGO, CALIFORNIA 92101
TELE: (619) 232-4466 FAX 234-3022

- (A) INDICATES GENERAL UTILITY AND ACCESS EASEMENT TO THE CITY OF CARLSBAD PER MAP NO. 12413
- (B) INDICATES 15' SEWER EASEMENT PER MAP NO. 12413
- (C) INDICATES 15' DRAINAGE EASEMENT PER MAP NO. 12413

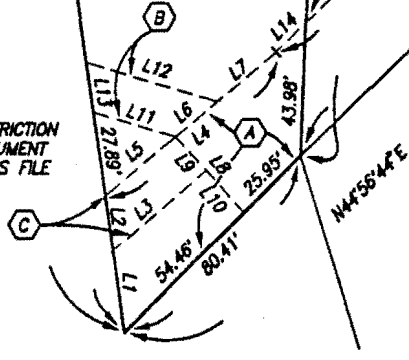


EXHIBIT NO. 5
Carlsbad LCPA 1-97B
CCC Deed-restricted
Open Space.

RECEIVED

OCT 31 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

October 30, 1997

Dear Mr. Ponder,

This letter is regarding lot 308 in Aviara, and the contemplated change in the zoning of said property. We would like to state that we are opposed to any change.

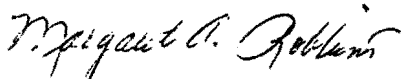
A zoning change will not affect us personally, but will affect several of our neighbors. They purchased their properties with the understanding that nothing was to be built on lot 308, - and they paid for that unobstructed view. To change it would be most unfair!

Please vote NO on any change in zoning.

Sincerely,



Paul A. Robbins



Margaret A. Robbins

7050 Rockrose Terrace
Carlsbad, California 92009

EXHIBIT NO. 6

Carlsbad LCPA
Letter of Opposition

Dr. Jerry Olivas and Carole Bloom
7067 Rockrose Terrace
Carlsbad, CA 92009-3955
Phone: 760/434-4345 work or 760/931-5920 home
E-mail: cbloom@adnc.com

November 3, 1997

RECEIVED

NOV 04 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
San Diego Coast Area
3111 Camino del Rio North
Room 200
San Diego, CA 92108-1725

Dear California Coastal Commission:

Attention: Bill Ponder/Carlsbad LCP Amendment 1-97B


I am writing this letter to strongly urge you not to approve the change of zoning for Lot 308 from open space to a buildable land site. If this site is approved as a building site it will destroy a very large portion of open space land, basically taking away from the natural beauty of the immediate area. Furthermore, by allowing building at this location will place a structure right up against a golf course which will stand out from everything else. In essence, building at this site takes away more open space and, quite simply, doesn't fit, not to mention the impact on wild life in the area, which is slowly but surely disappearing. The massive amount of development in Aviara is quickly strangling the natural beauty of the area. Please don't allow any more destruction of open space and wild life!

Sincerely,



Jerry Olivas and Carole Bloom
Residents of Aviara

/jo

EXHIBIT NO. 7
Carlsbad LCPA 1-97 Letter of Opposition
 California Coastal Commission

7047 Rockrose Terr.
Carlsbad, CA 92009

RECEIVED

OCT 31 1997

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 8
Carlsbad LCPC 1-97B Letter of Opposition
California Coastal Commission

October 23, 1997

Dear Neighbor,

The California Coastal Commission has not yet given its approval to the change of zoning for Lot 308 from open space to a buildable land site. Their staff was not able to complete its recommendation report in time for the commission meeting in October. As of today, it will not be on the November schedule but possibly December's.

There still is time to make a difference. Your comments, in writing, to the commission, will provide the staff with evidence of public opposition to the change. Without those comments, the commission may be persuaded that you are not concerned or that you are really in favor of the change.

The address to write to: California Coastal Commission
San Diego Coast Area
3111 Camino Del Rio North
Room 200
San Diego, CA 92108-1725

Attention: Bill Ponder/Carlsbad LCP Amendment 1-97B

Please write. Whether you object on general principles or have specific reasons to believe this change should not be allowed, you must speak up now.

Yours truly,

Alan Croll

Gentlemen,

In as much as I am in legal litigation I can not use my name but am very opposed to open space being used for buildable land sites. The ^{Warrington} ~~Warrington~~ Estate people told us in 5 or 10 years a condo area, very small would be built across from us and now we are facing Viaggi, a major project of large size. The Warrington agents were totally dishonest about that and I wonder where the next green spot will be built on, on the golf course? We paid a healthy bonus for a view lot and the view is disappearing more every day.

Please Count me as a NO!
Thank you,
Homeowner