

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
619-21-8036



Th 76

October 15, 1998

TO: COMMISSIONERS AND INTERESTED PERSONS

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

SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II SEGMENT
MAJOR AMENDMENT NO. 2-98 (For Public Hearing and Possible Commission
Action at the Meeting of November 3-6, 1998)

SYNOPSISSUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Mello II (LCP) segment. The request rezones a 4.67 acre split-zoned parcel located at the corner of Park Drive and Monroe Street from One-Family Residential (R-1-7,500 and R-1-15, 000) to R-1-10,000.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed rezoning as submitted. The certified Mello II LUP designates the site as Residential Low Medium (RLM) which permits up to 4 dwelling units per acre (dua). The proposed rezoning is consistent with the RLM land use designation and would not permit any greater density on the subject parcel than current zoning would allow.

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

BACKGROUND

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties and East Batiquitos 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. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997 the City assumed permit jurisdiction and has been issuing coastal development permits for all of its segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment remains as a deferred

certification area until an implementation plan is certified. The subject amendment request only affects the Mello II segment of the LCP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Bill Ponder at the San Diego Area Office of the Coastal Commission at 3111 Camino Del Rio North, Suite 200, San Diego, CA 92108, (619) 521-8036.

PART I. OVERVIEW

A. STANDARD OF REVIEW

The standard for Commission review of implementation plans is found in 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.

B. PUBLIC PARTICIPATION

The City has held both Planning Commission and City Council hearings 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 #2-98, as submitted)

MOTION I

I move that the Commission reject the City of Carlsbad LCP Implementation Plan Amendment #2-98, 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 request to the City of Carlsbad Local Coastal Program on the grounds that the amendment conforms with and is adequate to carry out the provisions of the certified land use plan. There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the approval would have on the environment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT #2-98 AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The amendment request proposes to amend the City's certified LCP implementation plan by rezoning the 4.67-acre May property from One-Family Residential (R-1-7,500 and R-1-15,000) to R-1-10,000. The amendment is associated with a specific project proposal currently under review by the City to subdivide the infill site into 14 single family lots with second dwelling units on two lots to comply with the project's affordable housing requirement. No other changes to the implementation plan are proposed. The subject site is located within the non-appealable area of the City's coastal development permit jurisdiction.

B. FINDINGS FOR APPROVAL

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. The R-1 zone is currently applied to the site. The proposed rezone would only allow 10,000 sq.ft. minimum lots where under current zoning 7,500 sq.ft. minimum lots are permitted on half the parcel (2,3 acres) and 15,000 sq.ft. minimum lots are permitted in the remaining area. No change in the R-1 zone other than changes to the minimum lot size are proposed.

b) Major Provisions of the Ordinance. The amendment provides for the change of zoning of the identified parcel. 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 and minimum lot area. 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 Land Use Plan (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. The subject property is designated with the Residential Low Medium (RLM) land use designation in the certified LUP which permits up to 4 du/ac; no change is proposed in the land use designation.

The certified implementation plan designates the property with a split R-1-7,500 and R-1-15,000 zoning. The proposed zone change is to a R-1-10,000 minimum lot size. The City found the proposed zone change is consistent with the RLM land use designation and would create a logical transition between the existing R-1-7,500 zoning to the north

and R-1-15,000 zoning to the south. The proposed R-1-10,000 zone would not permit more dwelling units than the current zoning designations in that both would allow the same number of dwelling units on the subject site, approximately 20.3 units. In its approval of the zoning map, the Commission found this zoning consistent with the RLM designation. The actual project that is coming forward proposes 14 single family residential units and two second units on two of the lots. The density of the project is 3.4 du/ac which is consistent with the RLM land use designation which allows up to 4 du/ac. Thus, the Commission finds the proposed zoning is adequate to carry out the Mello II Land Use Plan, as certified by the Commission.

PART VI. 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 to CEQA provisions. The LCP amendment to the Mello II segment of the City's LCP proposes a change to the zoning of a property within the City's coastal zone. The proposed May rezone will not result in an intensity of land use incompatible with the surrounding development. Therefore, the Commission finds that approval of the Mello II zoning amendment 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, 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 would not result in significant environmental impacts under the meaning of the California Environmental Quality Act and that the proposed changes can be made.

ATTACHMENT "A"

MAY SUBDIVISION



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|  California Coastal Commission | EXHIBIT NO. 1 |
| | APPLICATION NO. Carlsbad LCPA |
| | 2-98 |
| Location Map | |



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EXHIBIT 9

RESOLUTION NO. 98-300

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION, AN AMENDMENT TO THE LOCAL COASTAL PROGRAM TO AMEND THE ZONE MAP PORTION THEREOF, AND A CHANGE TO THE CITY'S ZONE MAP TO CHANGE A PORTION OF THE MAP FROM R-1 AND R-1-15000 TO R-1-10,000 ON PROPERTY GENERALLY LOCATED AT THE CORNER OF PARK DRIVE AND MONROE STREET IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: MAY SUBDIVISION
CASE NO.: LCPA 97-12

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


WHEREAS, on July 15, 1998, the Planning Commission held a duly noticed public hearing to consider a Mitigated Negative Declaration, Zone Change, and Local Coastal Program Amendment for project development of 4.67 acres of land and adopted Planning Commission Resolutions No. 4330, 4325 and 4326 respectively, recommending to the City Council that they be approved; and

WHEREAS, the City Council of the City of Carlsbad, on the 8th day of September, 1998, held a public hearing to consider the recommendations and heard all persons interested in or opposed to .

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 City Council adopts and incorporates the findings and conditions of Planning Commission Resolutions No. 4330, 4325, and 4326, on file with the City Clerk, in approving the Mitigated Negative Declaration, Zone Change (ZC 97-08) and Local Coastal Program Amendment (LCPA 97-12).

3. This action is final the date this resolution is adopted. The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Final Review" shall apply.

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| EXHIBIT NO. 2 |
| APPLICATION NO. Carlsbad LCPA 2-98 |
| Resolutions |
| Page 1 of 8 |
|  California Coastal Commission |

"NOTICE TO APPLICANT"

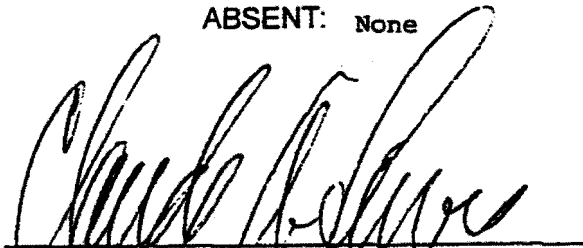
"The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking judicial review must be filed in the appropriate 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 to cover the estimated cost or 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, CA 92008."

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 8 th day of September , 1998 by the following vote, to wit:

AYES: Council Members Lewis, Kulchin, Nygaard & Finnila


NOES: Council Member Hall

ABSENT: None



CLAUDE A. LEWIS, Mayor

ATTEST:



ALETHA L. RAUTENKRANTZ, City Clerk
KAREN R. KUNDTZ, Assistant City Clerk
(SEAL)

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PLANNING COMMISSION RESOLUTION NO. 4325

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A ZONE CHANGE FROM R-1 AND R-1-15.000 TO R-1-10.000 ON PROPERTY LOCATED ON THE CORNER OF PARK DRIVE AND MONROE STREET IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: MAY SUBDIVISION

CASE NO: ZC 97-08

WHEREAS, **James & Patricia May**, "Developer", have filed a verified application with the City of Carlsbad regarding property owned by **James & Patricia May**, "Owner", described as

A portion of Lot "I" of Rancho Agua Hedionda in the County of San Diego, State of California, according to the map thereof No. 823, filed in the office of the County Recorder of San Diego County November 16, 1896.

("the Property"); and

WHEREAS, said application constitutes a request for a Zone Change as shown on the Exhibit ZC 97-08, attached to and incorporated by reference in the Draft City Council Ordinance, Exhibit "X" dated July 15, 1998, attached hereto for MAY SUBDIVISION, ZC 97-08 on file in the Planning Department as provided by Chapter 21.52 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did on the 1st day of July, 1998 and on the 15th day of July, 1998 hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Zone Change; and

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NOW. THEREFORE. BE IT HEREBY RESOLVED by the Planning

Commission as follows:

A) That the foregoing recitations are true and correct.

B) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS APPROVAL** of MAY SUBDIVISION, ZC 97-08 based on the following findings and subject to the following condition:

Findings:

1. That the proposed Zone Change from R-1 and R-1-15,000 to R-1-10,000 is consistent with the goals and policies of the various elements of the General Plan Land Use Element (Policy C.1). in that it will result in "the arrangement of land uses which preserve community identity and are orderly, functionally efficient, healthful and aesthetically pleasing". The rezoning to 10,000 square foot minimum lots will provide a logical transition between R-1 zoning (7,500 square foot lots) to the north and R-1-15,000 larger lots to the south.
2. That the Zone Change will provide consistency between the General Plan and Zoning as mandated by California State law and the City of Carlsbad General Plan Land Use Element. in that the property's underlying Residential Low Medium (RLM) density land use designation allows single family residential development as long as the overall density does not exceed 4 dwelling units per acre. Consistent with this policy, the overall density for the single family subdivision is 3.4 dwelling units per acre.

Conditions:

1. Approval of ZC 97-08 is granted subject to the approval of LCPA 97-12, CT 97-24, CDP 97-58, SDP 98-05.

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1 PASSED. APPROVED AND ADOPTED at a regular meeting of the Planning
2 Commission of the City of Carlsbad. held on the 15th day of July, 1998. by the following vote.

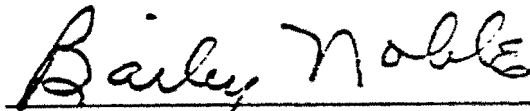
3 to wit:

4 AYES: Chairperson Noble. Commissioners Compas. Heineman.
5 Monroy. Nielsen. and Welshons

6 NOES:

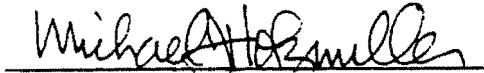
7 ABSENT: Commissioner Savary

8 ABSTAIN:

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12 BAILEY NOBLE, Chairperson
13 CARLSBAD PLANNING COMMISSION

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15 ATTEST:

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17 MICHAEL J. HOLZMILLER
18 Planning Director

1 PLANNING COMMISSION RESOLUTION NO. 4326

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA. RECOMMENDING
4 APPROVAL OF AN AMENDMENT TO THE CARLSBAD
5 LOCAL COASTAL PROGRAM TO AMEND THE ZONING
6 MAP PORTION THEREOF, BEING THE CITY ZONE MAP. AS
7 SHOWN ON THE ATTACHED EXHIBIT ON PROPERTY
8 LOCATED ON THE CORNER OF PARK DRIVE AND
9 MONROE STREET.

CASE NAME: MAY SUBDIVISION

CASE NO: LCPA 97-12

8 WHEREAS. California State law requires that the Local Coastal Program.
9 General Plan. and Zoning designations for properties in the Coastal Zone be in conformance: and
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11 WHEREAS. **James & Patricia May**, "Developer". have filed a verified
12 application for an amendment to the Local Coastal Program designations regarding property
13 owned by **James & Patricia May**, "Owner". described as

14 **A portion of Lot "I" of Rancho Agua Hedionda in the County of San Diego**
15 **State of California, according to the map thereof No. 823, filed in the office of**
16 **the County Recorder of San Diego County November 16, 1896**

17 ("the Property"): and

18 WHEREAS. said verified application constitutes a request for a Local Coastal
19 Program Amendment as shown on **Exhibit "LCPA 97-12" attached hereto and incorporated**
20 **by reference for MAY SUBDIVISION, LCPA 97-12** as provided in Public Resources Code
21 Section 30574 and Article 15 of Subchapter 8. Chapter 2. Division 5.5 of Title 14 of the
22 California Code of Regulations of the California Coastal Commission Administrative
23 Regulations: and

24 WHEREAS. the Planning Commission did on the **1st day of July, 1998** and on
25 the **15th day of July, 1998** hold a duly noticed public hearing as prescribed by law to consider
26 said request: and
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1 WHEREAS. at said public hearing. upon hearing and considering all testimony
2 and arguments. if any. of all persons desiring to be heard. said Commission considered all factors
3 relating to the Local Coastal Program Amendment.

4 WHEREAS. State Coastal Guidelines requires a six week public review period for
5 any amendment to the Local Coastal Program.

6 NOW. THEREFORE. BE IT HEREBY RESOLVED by the Planning
7 Commission of the City of Carlsbad. as follows:

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- 9 A) That the foregoing recitations are true and correct.
 - 10 B) At the end of the State mandated six week review period. starting on **May 21,**
11 **1998** and ending on **July 1, 1998** staff shall present to the City Council a
12 summary of the comments received.
 - 13 C) That based on the evidence presented at the public hearing. the Commission
14 **RECOMMENDS APPROVAL** of **MAY SUBDIVISION, LCPA 97-12**, as
15 shown on Exhibit "LCPA 97-12", based on the following finding:

16 **Findings:**

- 17 1. That the proposed Local Coastal Program Amendment is consistent with all applicable
18 policies of the **Mello II** segment of the Carlsbad Local Coastal Program. in that **it is**
19 **required to bring the designations of the City's Zoning Map (as amended) and**
20 **Mello II implementing zone into conformance.**

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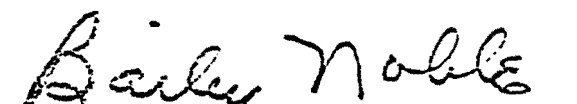
PASSED. APPROVED AND ADOPTED at a regular meeting to the Planning
Commission of the City of Carlsbad, held on the 15th day of July, 1998. by the following vote
to wit:

AYES: Chairperson Noble. Commissioners Compas. Heineman.
Monroy, Nielsen, and Welshons

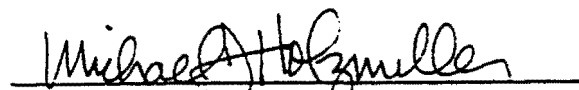
NOES:

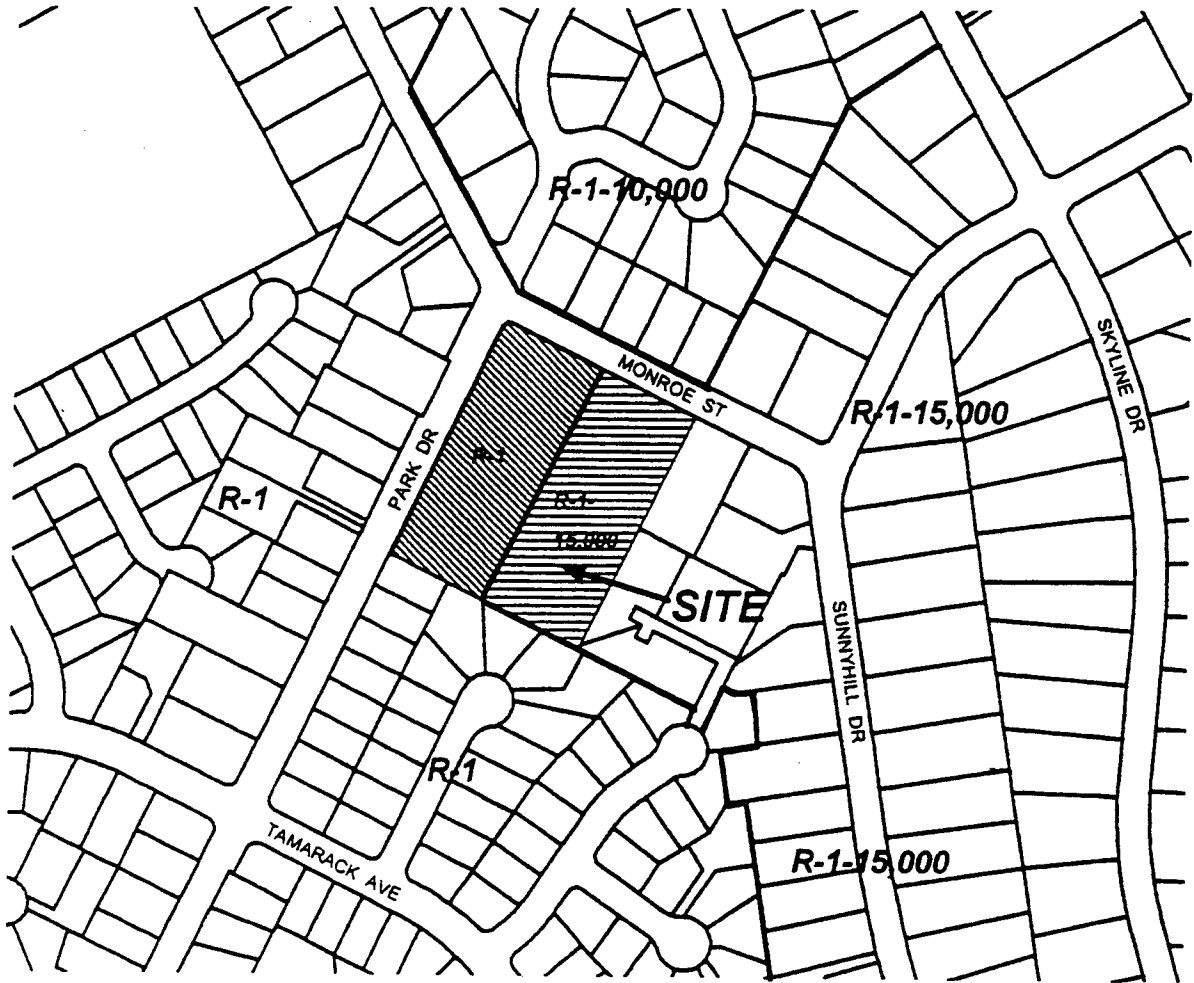
ABSENT: Commissioner Savary

ABSTAIN:


BAILEY NOBLE, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:


MICHAEL J. HOLZMILLER
Planning Director



EXISTING: R-1/R-1-15,000
 PROPOSED: R-1-10,000



MAY SUBDIVISION

LCPA 97-12

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| EXHIBIT NO. 3 |
| APPLICATION NO. |
| Carlsbad LCPA |
| 2-98 |
| Proposed Amendment |
| California Coastal Commission |

