

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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May 20, 1999

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 I AND MELLO II SEGMENTS MAJOR AMENDMENT NO. 1-99 (For Public Hearing and Possible Commission Action at the Meeting of June 8-11, 1999)

SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Mello I and Mello II (LCP) segments. The request changes 1) the land use and zoning designations on seven properties from "Residential" to "Open Space" (Mello II); 2) rezones a 36.7 acre parcel (Lohf) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q) (Mello II); and 3) changes the Aviara Master Plan in Planning Area 19 to reduce the maximum number of dwelling units from 109 to 90 and revise some development standards and design criteria (Mello I).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the proposed amendment as submitted and approval if modified as suggested in this report. The proposed changes to the Aviara Master Plan (Mello I) could result in adverse impacts to coastal resources and public access as submitted. The attached suggested modifications, requiring the adoption of more specific brush management measures to ensure that sensitive vegetation would be minimally impacted for fire safety, and language assuring that a coastal trail would be constructed in Planning Area 19, would bring the amendment into conformance with Coastal Act and LCP policies. The Lohf rezone is also inconsistent with the certified Mello II LUP in that the proposed R-1-7500 zone could allow a greater density on the site than the certified Residential Low Medium (RLM 0-4 du/ac) land use designation would allow. A suggested modification is attached which requires a zoning qualifier requiring that no more than 4 dwelling units per acre be allowed on the site. The open space redesignations can be found consistent with the certified Mello II LCP as submitted.

The appropriate resolutions and motions begin on page 3. The Suggested Modifications begin on page 8. The findings for approval of the Land Use Plan Amendments begin on page 8. The findings for approval of the Implementation Plan Amendments begin on page 14.

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 affects both the Mello I and Mello II segments 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 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 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 Mello II LCP Land Use Plan Amendment #1-99 [Open Space Redesignations], as submitted)**MOTION I**

I move that the Commission certify the Mello II Land Use Plan Amendment #1-99, as submitted.

Staff Recommendation

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

Resolution I

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

- B. RESOLUTION II (Resolution to approve certification of the City of Carlsbad Mello I LCP Land Use Plan Amendment #1-99 [Aviara Master Plan], as submitted)**

MOTION II

I move that the Commission certify the Mello I Land Use Plan Amendment #1-99, as submitted.

Staff Recommendation

Staff recommends a **NO** vote and 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 denies the amendment request to the Mello I Land Use Plans, as submitted, and adopts the findings stated below on the grounds that the amendment will not 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 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 measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- C. **RESOLUTION III** (Resolution to approve certification of the City of Carlsbad Mello I LCP Land Use Plan Amendment #1-99 [Aviara Master Plan], if modified)

MOTION III

I move that the Commission certify the Mello I Land Use Plan Amendment #1-99, if modified.

Staff Recommendation

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

Resolution III

The Commission hereby approves the amendment request to the Mello I Land Use Plans, as modified, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will 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 will 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.

- D. **RESOLUTION IV** (Resolution to approve certification of Mello II Implementation Plan Amendment #1-99 (Open Space Rezones), as submitted)

MOTION IV

I move that the Commission approve the City of Carlsbad Implementation Plan Mello II Amendment 1-99 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 IV

The Commission hereby approves certification of the Mello II implementation 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.

- E. RESOLUTION V (Resolution to deny certification of the City of Carlsbad Mello I Implementation Plan Amendment 1-99[Aviara Master Plan],, as submitted)

MOTION V

I move that the Commission reject the City of Carlsbad's Implementation Plan Amendment 1-99, affecting the Mello I segment, 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 V

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

- F. RESOLUTION VI. (Resolution to approve certification of City of Carlsbad Mello I Implementation Plan Amendment #1-99 [Aviara Master Plan], if modified)

MOTION VI

I move that the Commission approve the City of Carlsbad Mello I Implementation Plan Amendment 1-99 if it is modified in conformance with the suggestions 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 VI

The Commission hereby approves certification of the implementation amendment, as approved with suggested modifications, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does conform 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.

G. RESOLUTION VII. (Resolution to approve certification of the City of Carlsbad Mello II Implementation Plan Amendment #1-99 [Lohf Subdivision], if modified)

MOTION VII

I move that the Commission approve the City of Carlsbad Mello II Implementation Plan Amendment 1-99 (Lohf Subdivision) if it is modified in conformance with the suggestions 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 VII

The Commission hereby approves certification of the implementation amendment, as approved with suggested modifications, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does conform 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 revisions for this amendment request. Language to be added is underlined; language to be deleted is crossed out.

1. On Page 146, within Planning Area 19, under Special Design Criteria, "Landscape", the following shall be added:

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.

2. On Page 146, within Planning Area 19, under new category "Trails", the following shall be added:

Trails:

A portion of the major community trail system shall traverse the east side of Ambrosia Lane and connect with the trail on the adjacent Park Site (Planning Area #32). The trail shall be constructed as a condition of development for this planning area.

3. 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
MELLO II LAND USE PLAN AMENDMENT #1-99 [Open Space
Redesignations] AS SUBMITTED**

A. AMENDMENT DESCRIPTION/Open Space Redesignations

The amendment request proposes to amend the City's certified Mello II LUP. The request changes the land use and zoning designations on seven properties from residential designations to open space.

During the City's review of its land use plan maps, properties were identified as having inconsistent General Plan land use designations, Local Coastal Program land use designations and zoning map designations. To achieve consistency between the three in the coastal zone, the City amended its maps for seven (7) properties within the Mello II segment of the coastal zone. They are:

APN	COASTAL LAND USE MAP	COASTAL ZONING MAP	GENERAL PLAN MAP	ZONING MAP
207-390-35	RLM TO OS	RA-10 TO OS	OS	RA-10 TO OS
21-090-26	OS	R-1-Q TO OS	OS	R-1-Q TO OS
214-140-13, 39	RM TO OS	PC TO OS	OS	PC TO OS
214-390-33	RLM TO OS	R-1 TO OS	OS	R-1 TO OS
214-366-26	RLM TO OS	R-1 TO OS	OS	R-1 TO OS
214-368-01	OS	R-1 TO OS	OS	R-1 TO OS

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, is in conformance 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 or private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development 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.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan conforms with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to the proposed open space redesignations.

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.

Section 30240 of the Coastal Act requires that new development be sited and designed to not have an adverse impact on coastal resources. Generally, the above parcels were dedicated for parkland through the residential subdivision process or acquired for park purposes by the City. In some cases, these parcels contain land constrained by steep topography and, in all cases, they have an existing Open Space General Plan land use designation. As noted above, the amendment would change the above parcels' LCP land use and zoning designations to the appropriate Open Space designation to reflect the fact that the parcel is either dedicated park land or restricted by an open space easement to protect coastal resources. On all seven parcels in the coastal zone, the proposed changes ensure that the parcel's General Plan, Zoning and LCP designations are consistent with one another. Thus, the Commission finds the proposed amendment consistent with Section 30240 of the Coastal Act.

**PART V. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD MELLO I
LAND USE PLAN AMENDMENT 1-99 [Aviara Master Plan], AS SUBMITTED****A. AMENDMENT DESCRIPTION****Aviara Master Plan/Mello I-Planning Area 19**

The Commission has found that the Aviara Master Plan serves as both a Land Use Plan and Implementation document. Thus, this portion of the amendment is being reviewed for its consistency with Chapter 3 policies of the Coastal Act.

Several development standards for the Aviara Planning Area #19 are proposed for modification, including a reduction in the allowable number of dwelling units from 109 to 90 units and specific design standards for the proposed planned development. Design standards proposed for modification are maximum building height, setbacks from Poinsettia Lane, setbacks from the eastern boundary of the planning area, front yard

setbacks from interior streets, setbacks between structures on courtyards and solid fencing instead of open fencing along the park.

The amendment makes possible the construction of 90 multi-family condominiums units on two pre-graded lots comprising 8.2 acres within the Aviara Master Plan, Planning Area 19. The site is adjacent to 184 condominiums on the east with 288 apartments proposed to the south. A future park site that is proposed to include a driveway, parking lot and basketball courts bound the site on the north. The proposed revisions to standards would permit:

- 1) A setback of 40 feet from Poinsettia Lane: The existing Master Plan standard is a 50-foot setback. All proposed residential units are setback at least 40 feet from Poinsettia Lane, a major arterial. The proposed setback is consistent with the existing City requirement for a 40-foot setback from major arterials.
- 2) An average 40-foot setback from top of slope along the eastern boundary of the planning area. The existing Master Plan standard is a 50-foot setback. The proposed revision would be a 15 foot setback from top of eastern slope line (average distance from top of eastern slope is 21.5 feet, average distance from eastern property line is 40 feet). The average 40-foot distance between development will provide sufficient visual separation between the two multi-family projects.
- 3) Distance between structures on courtyard. The existing Master Plan standard for distance between structures on courtyards is 34 feet. The proposed revision would be 36.5 feet from garage door to garage door; 34 feet from livable space to livable space.
- 4) A varied front yard setback of 10 and 20 feet on the internal street. The existing Master Plan standard is a 20-foot setback. 49% of the structure adjacent to the private street must maintain a setback of 20 feet. The remaining 51% of structure may maintain a 10-foot setback if the garage unit is side loaded.
- 5) A building height reduction from 35 feet to 28.5 feet. The existing Master Plan standard is 35 feet except that structures may not exceed 28 feet within 50 feet of the park; also, 50% of structures may not exceed 28 feet within 50 feet of the park and 50% of structures must be no more than 2 stories. The proposed revision is a maximum height of 30 feet or two stories. All proposed units measure 28.5 feet in height. The proposed reduction creates better compatibility with surrounding land uses; the 6-inch increase near the park site will not be noticeable.
- 6) Solid fencing instead of open fencing along the park. The existing Master Plan standard is an open fence or wall along the northern property line near the park. The proposed park parking lot could adversely impact the privacy and security of residents.

The City found the revisions would permit a lower profile development that maintains an articulated street scene with varying setbacks while maintaining compatibility with surrounding development. No significant visual resources exist on or near the project site. The project site is located 1+ miles from Batiquitos Lagoon and the above revisions would not adversely affect a future coastal access route through the site. The Commission concurs that no adverse impact to coastal resources or public access would occur from the above proposed revisions. Thus, these portions of the amendment can be found consistent with Chapter 3 policies of the Coastal Act.

However, while the above revisions can be found consistent with the Coastal Act, there are two concerns with approval of Planning Area #19 as identified below and for those reasons the Master Plan revisions must be denied and the amendment cannot be found in conformance with Section 30001.5 of the Coastal Act cited above.

C. CHAPTER 3 WITH 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 Aviara Master Plan was approved with an extensive open space system, approximately 250 acres, which contains coastal sage scrub on many of the canyons that are located within the 1,402 acres of Aviara. Coastal sage scrub is considered environmentally sensitive habitat because it provides habitat to many plants and animals. Much of it has been displaced by development. Planning Area #19 is in a disturbed state as a result of previously approved grading; no dual criteria slopes or sensitive plants or animals were identified. A narrow strip of disturbed native vegetation was removed along the north side of the site adjacent to the proposed park. The loss of this vegetation was approved by the California Department of Fish and Game in a Habitat Loss Permit in its approval of the Aviara Phase III project. No offsite impacts to sensitive habitat is anticipated to occur as a result of development.

The master plan text for PA #19 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. 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 past local coastal program amendments. The current requirements contain more specificity regarding fuel modification provisions than those submitted with the amendment. Therefore, because this current fire suppression language is not provided within the

existing text, the Commission cannot find that the amendment is 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.

2. Public Access/Trails

Section 30212 of the Coastal Act provides that adequate public access must be provided by new development. In its approval of the Aviara Master Plan, the Commission found the trail system was necessary to find master plan development consistent with the public access and recreation requirements of the Coastal Act. The trail system provides the upland linkages to the lagoon and addresses the recreational demand of future residents and impacts on existing public recreational facilities. Relative to the subject planning area, the Aviara Phase III master subdivision design includes two major community trails, available to the general public, as well as to those residents of the Aviara community. The trails provide a segment of north/south pedestrian access from the community park and Poinsettia Lane located at the north end of Phase III to Aviara Parkway and ultimately the North Shore Trail of Batiquitos Lagoon located to the south. The North Shore Trail is an important local and regional visitor destination point for hikers, bicyclists and bird-watchers. The Commission has found both the upland community trails and the North Shore Trail are necessary public access and recreation components of the Aviara Master Plan

The current LCP shows a sidewalk trail within PA 19 along the east side of Ambrosia Lane which extends north along Ambrosia Lane through PA 19 to terminate at the park. However, the current text of the Master Plan does not identify any public trails within PA 19. The amendment does not propose any new text within the site development standards for PA 19 regarding trails. However, the illustrated graphic for PA 19 indicates a trail is to be provided along Ambrosia Lane until its termination at Aviara's park site (PA 32). The City indicates the trail is proposed. To acknowledge this trail, the Commission finds that a "Trail" category must be added to the text of the master plan in PA 19, consistent with all other development standards for planning areas containing trails. Therefore, as submitted, the amendment must be denied as it cannot be found consistent with the applicable Coastal Act sections.

PART VI. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO I LAND USE PLAN AMENDMENT #1-99[Aviara Master Plan], IF MODIFIED

The standard of review for LUP submittals or amendments is their consistency with and ability to carry out the provisions of the Coastal Act. In the case of the subject LCP amendment, the Aviara 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. In its findings of denial, the Commission found that the proposed revisions to the Aviara Master Plan were inconsistent with Section 30240 of the Coastal Act. The Commission found that without certain, relatively minor revisions to the master plan, the LUP amendment must be denied as being inconsistent with Chapter 3 policies of the Coastal Act.

With the addition of updated language that assures removal of sensitive vegetation will be minimized for fire safety and the addition of clarifying text to the master plan regarding the public trail within PA 19, the Commission finds the LUP amendment can be found consistent with the Section 30240 of the Coastal Act, as modified. As revised in the suggested modifications, the proposed amendments to the Aviara Master Plan contain a level of detail and specificity corresponding to that previously approved by the Commission in its certification of the Master Plan under Chapter 3 policies of the Coastal Act.

PART VII. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD
MELLO I IMPLEMENTATION PLAN AMENDMENT [Aviara Master Plan],
AS SUBMITTED

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 Aviara 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. In its findings of denial, 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. Since the Aviara LUP and IP texts are identical, the IP amendment as submitted, cannot be found consistent with the LUP language, as it now has been modified.

With the addition of updated language that assures removal of sensitive vegetation will be minimized for fire safety and the addition of clarifying text to the master plan regarding the public trail within PA 19, the Commission finds the implementation amendment can be found consistent with the applicable provisions of the certified LUP, as modified. As revised in the suggested modifications, the proposed amendments to the Aviara Master Plan contain a level of detail and specificity corresponding to that previously approved by the Commission in its certification of the Master Plan as the Implementation Program for the subject LCP segment.

PART VIII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO I
IMPLEMENTATION PLAN AMENDMENT #1-99 [Aviara Master
Plan], IF MODIFIED

With the addition of updated language that assures removal of sensitive vegetation will be minimized for fire safety and the addition of clarifying text to the master plan regarding the public trail within PA 19, the Commission finds the implementation amendment can be found consistent with the applicable provisions of the certified LUP, as modified. As revised in the suggested modifications, the proposed amendments to the Aviara Master Plan contain a level of detail and specificity corresponding to that previously approved by the Commission in its certification of the Master Plan as the Implementation Program for the subject LCP segment.

PART IX. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #1-99 [Open Space Rezones] AS SUBMITTED

A. AMENDMENT DESCRIPTION- Open Space Rezones

As noted, during the City's review of its land use plan maps, properties were identified as having inconsistent General Plan land use designations, Local Coastal Program land use designations and zoning map designations. To achieve consistency between the three in the coastal zone, the City amended its maps for seven (7) properties within the Mello II segment of the coastal zone.

B. FINDINGS FOR APPROVAL

a) Purpose and Intent of the Ordinance. The purpose and intent of the open space zone is to provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned property uses as parks, open space, recreation areas, civic centers and other public facilities of a similar nature. The zone also designates high priority resource areas at time of development that, when combined would create a logical open space system for the community.

b) Major Provisions of the Ordinance. The open space zone provides the following uses and structures: beaches and shoreline recreation, bicycle paths, horse trails, open space easements, public parks, City picnic areas and playgrounds, public access easements, scenic and slope easements, transportation rights-of-way, vista points, agricultural uses (field and seed crops, truck crops, horticultural crops, orchards and vineyards, pasture and rangeland, tree farms and fallow lands. Permitted accessory uses and structures include public restrooms, clubhouses, parking areas, barbecue and fire pits, playground equipment, stairways, patios, changing rooms, pool filtering equipment, fencing and other accessory uses required for the conduct of the permitted uses. Uses allowed by conditional use permit include group or organized camps, marinas, playfields and athletic fields, public facilities, recreational campgrounds, public stables and riding academies, golf courses, swimming pools, tennis courts, private playgrounds and picnic areas, other related cultural, entertainment and recreational activities and facilities and stands for the display and sale of aquaculture products grown on the premises. There is no minimum lot area established for the open space zone. No building or structure in the zone shall exceed thirty-five feet in height unless a higher elevation is approved as a conditional use permit by the Planning Commission.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP). In the case of the subject LCP amendment, the City's Zoning Code serves as the Implementation Program for the Mello II segment of the LCP. As noted in the

Commission's findings for approval for the land use plan amendment of the open space redesignations, the proposed redesignated sites were dedicated for parkland through the residential subdivision process or acquired for park purposes by the City. In some cases, these parcels contain land constrained by steep topography and, in all cases, they have an existing Open Space General Plan land use designation. The resource protection policies of the certified LUPs provide that coastal resources should be protected through open space dedications. For example, Policy 3-7 of the certified Mello II LUP provides that riparian and wetland resources be protected as open space as a condition of development. Policy 3-8 provides that buffer areas adjacent to resources protected as open space should also be reserved in open space. Other LUPs of the Carlsbad LCP have similar policies to protect coastal resources as open space. The amendment would change the above parcels' LCP zoning designations to the appropriate Open Space designation to reflect the fact that the parcel is either dedicated parkland or restricted by an open space easement to protect coastal resources. On all seven parcels in the coastal zone, the proposed changes ensure that the parcel's General Plan, Zoning and LCP designations are consistent with one another. Thus, the Commission finds the proposed implementation amendment consistent with the resource protection policies of the certified land use plans.

X. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #1-99 (Lohf subdivision), AS SUBMITTED

1. AMENDMENT DESCRIPTION/ LOHF SUBDIVISION

The amendment changes the LCP implementation plan by rezoning the 36.7-acre parcel (Lohf) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q). The amendment is associated with a specific project proposal currently under review by the City to subdivide the infill site into 73 single-family lots. The project site is located about 200 feet west of El Camino Real, between Cassia Road and Dove Lane. To the south of the project site are the Plaza Paseo shopping center and a single-family neighborhood. North of the property are two, individually owned single family lots, each containing one home, and west of the property is undeveloped, residentially designated property.

The project site has been mostly cleared of native vegetation by previous agricultural operations and contains three single-family homes, each with a dirt access. There is a large, relatively undisturbed native habitat area in the southwest portion of the site that includes the northern end of a riparian woodland. The area is to be placed in open space and would be maintained by a future homeowner's association. There is a mature oak tree in the middle of the site, which would be mitigated by the replanting of 10 oaks in the open space area. 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 REJECTION

a) Purpose and Intent of the Ordinance. The purpose and intent of the R-1-7500-Q zone (One-Family Residential Zone) is to allow for single family detached homes and associated structures. The Limited Control (L-C) zone is currently applied to the site; it is a holding zone which only allows agricultural uses. The Q designator supplements the underlying zoning by providing additional regulations for development within designated areas. No other changes to the R-1 zone are proposed.

b) Major Provisions of the Ordinance. The amendment provides for the change of zoning of the identified parcel from L-C 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 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 Municipal 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 and 0.5 acres of Residential Medium (RM) designated land which allows up to 8 du/ac; no change is proposed in the land use designations. R-1 is a zoning designation that requires a minimum lot area of 7,500 sq.ft.

Although the City found the proposed R-1 zone consistent with the RLM designation, the R-1 zoning could allow up to 5.8 du/ac based on the minimum lot size (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 impact areawide to coastal resources by creating the need for more roads and infrastructure through sensitive areas (i.e., dual criteria slopes, wetland and riparian resources).

The stated intent and purpose of the "Q" Qualified Development Overlay Zone in the certified LCP is to "supplement the underlying zoning by providing additional regulations for development within designated areas to: [in part] (1) Require that property development criteria are used to insure compliance with the general plan and any applicable specific plans; (2) Provide that development will be compatible with surrounding developments, both existing and proposed; (3) Insure that development occurs with due regard to environmental factors [...] The overlay zone therefore appears to be a suitable means to provide additional regulations for development to ensure that future development occurs consistent with a variety of concerns or environmental factors. Thus, this overlay provides additional assurance the policies of the LCP will be applied and enforced.

In LCPA 2-96A, the Commission addressed the above issue on another site (Ocean Bluff) in Carlsbad. The Commission found that the Qualified Development Overlay Zone should be applied to that property. The Commission approved a suggested modification that applied the "Q" designator to the site to ensure that the property would be developed with no more than 4 du/ac which was consistent with the certified RLM land use designation. As modified, the Commission found the proposed zone change was consistent with the certified LUP as application of the "Q" designator was one mechanism to address the density limit concerns; however, other options or alternatives would certainly be considered. However, to date, the City has not suggested any other alternatives or code provisions that could address the density issue for Commission consideration. The City submitted the currently proposed amendment with the Qualified Development Overlay Zone Q designator. However, the City applied the Q designator to the site as the site is highly visible from El Camino Real, designated in the LCP as a Scenic Highway. The Q designator ensures that the building locations and architectural styles are reviewed through a Site Development Plan discretionary approval process prior to issuing building permits. The amendment is silent with respect to the Q designator limiting the property so that it would not be developed with more than 4 dwelling units per acre. As with the previous action, the Commission can not find the amendment consistent with the certified LCP.

In summary, 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.

XI. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #1-99 (LOHF SUBDIVISION), IF MODIFIED .

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). Although the City found the proposed R-1 zone consistent with the certified RLM designation, the R-1 zoning could allow up to 5.8 du/ac based on the minimum lot size (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 areawide to coastal resources by creating the need for more roads and infrastructure through sensitive areas (i.e., dual criteria slopes, wetland and riparian resources).

As noted above, the City applied the Q designator to the site to assure that new development would be compatible with the visual resources in the area. However, in this case, no findings were made indicating the Q designator would limit the development potential of the site to be no more than 4 dwelling units per acre. Thus, the Commission rejected the proposed R-1-7500 zoning based on its potential to allow a grater intensity of development than the certified Mello II LUP would allow. However, based on its previous action, the Commission can find the amendment consistent with the certified LUP designation provided the City stipulates that the Q

designator limits the property so that it would not be developed with more than 4 dwelling units per acre. As modified, the Commission finds the proposed zone change can be found consistent with the certified LUP by implementing the LUP designation cited above. Thus, as modified, 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 XII. 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 amendments to the Mello I and Mello II segments of the City's LCP propose changes to the land use designations and zoning of properties within the City's coastal zone. The proposed Lohf rezone, open space redesignations and Aviara Master Plan changes will not result in an intensity of land use incompatible with the surrounding development or have adverse impacts on coastal resources as modified. Therefore, the Commission finds that approval of the LCP 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, 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.

Th 10a

RESOLUTION NO. 98-226

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A NEGATIVE DECLARATION, AN ADDENDUM TO MASTER EIR 93-01, A GENERAL PLAN AMENDMENT GPA 97-01, A ZONE CHANGE ZC 97-01, AND A LOCAL COASTAL PROGRAM AMENDMENT LCPA 97-04, TO CHANGE LAND USE DESIGNATIONS SHOWN ON THE GENERAL PLAN, ZONING, AND LOCAL COASTAL PROGRAM LAND USE MAPS SO THEY WILL BE CONSISTENT WITH ONE ANOTHER ON VARIOUS PARCELS LOCATED WITHIN THE CITY OF CARLSBAD.

CASE NAME: GENERAL PLAN, ZONING, & LOCAL COASTAL PROGRAM CONSISTENCY PROJECT PHASE I

CASE NO.: GPA 97-01//ZC 97-01/LCPA 97-04

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

WHEREAS, on April 1, 1998 the Planning Commission held a duly noticed public hearing to consider a Negative Declaration and Addendum to Master EIR 93-01, General Plan Amendment (GPA 97-01), Zone Change (ZC 97-01), and Local Coastal Program Amendment (LCPA 97-04), all relating to the General Plan, Zoning, and Local Coastal Program Consistency Project Phase I. At the conclusion of the hearing the Commission adopted Resolutions No. 4247, 4248, 4249 and 4250 recommending that the Negative Declaration and Addendum to Master EIR 93-01, GPA 97-01, ZC 97-01, and LCPA 97-04 be approved; and

WHEREAS, the City Council of the City of Carlsbad, on 6th day of October, 1998, held a public hearing to consider the Commission's recommendations and hear all persons interested in or opposed to the Negative Declaration, Addendum to Master EIR 93-01, General Plan Amendment (GPA 97-01), Zone Change (ZC 97-01), and Local Coastal Program Amendment (LCPA 97-04), relating to the General Plan, Zoning, and Local Coastal Program Consistency Project Phase I.

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 adopts and incorporates the findings of Plan Resolutions Nos. 4247, 4248, 4249 and 4250 approving the Negative

EXHIBIT NO. 1
APPLICATION NO. City of Carlsbad LCPA 1-99
Open Space Redesignatio Resolution
California Coastal Commissio

1 Addendum to Master EIR 93-01, General Plan Amendment (GPA 97-01), Zone Change (ZC 97-
2 01), and Local Coastal Program Amendment (LCPA 97-04).

3 a) The City Council finds that the Negative Declaration and the
4 Addendum to Master EIR 93-01 reflects the City Council's independent judgment.

5 b) Location and Custodian of Record of Proceedings. Pursuant to
6 Public Resources Code section 21081.6(d), all the materials that constitute the administrative
7 record in this proceeding are in the custody of and can be found in the offices of the City Clerk
8 and the Director of Planning in the City of Carlsbad. The administrative record includes, but is
9 not limited to: the Negative Declaration, Addendum to Master EIR 93-01 and all public
10 comments thereon received during the public review period and responses thereto, and the
11 proceedings of the Planning Commission and the City Council thereon.

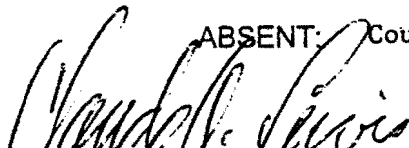
12 EFFECTIVE DATE: This resolution shall be effective upon its adoption, except
13 as to the General Plan Amendment, which shall be effective thirty (30) days following the
14 adoption of the resolution by the City Council approving the Third General Plan Amendment of
15 1998.

16 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
17 Carlsbad on the 6th day of October 1998, by the following vote, to wit:

18 AYES: Council Members Lewis, Finnilla, Nygaard, and Hall

19 NOES: None

20 ABSENT: Council Member Kulchin

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22 _____
23 CLAUDE A. LEWIS, Mayor

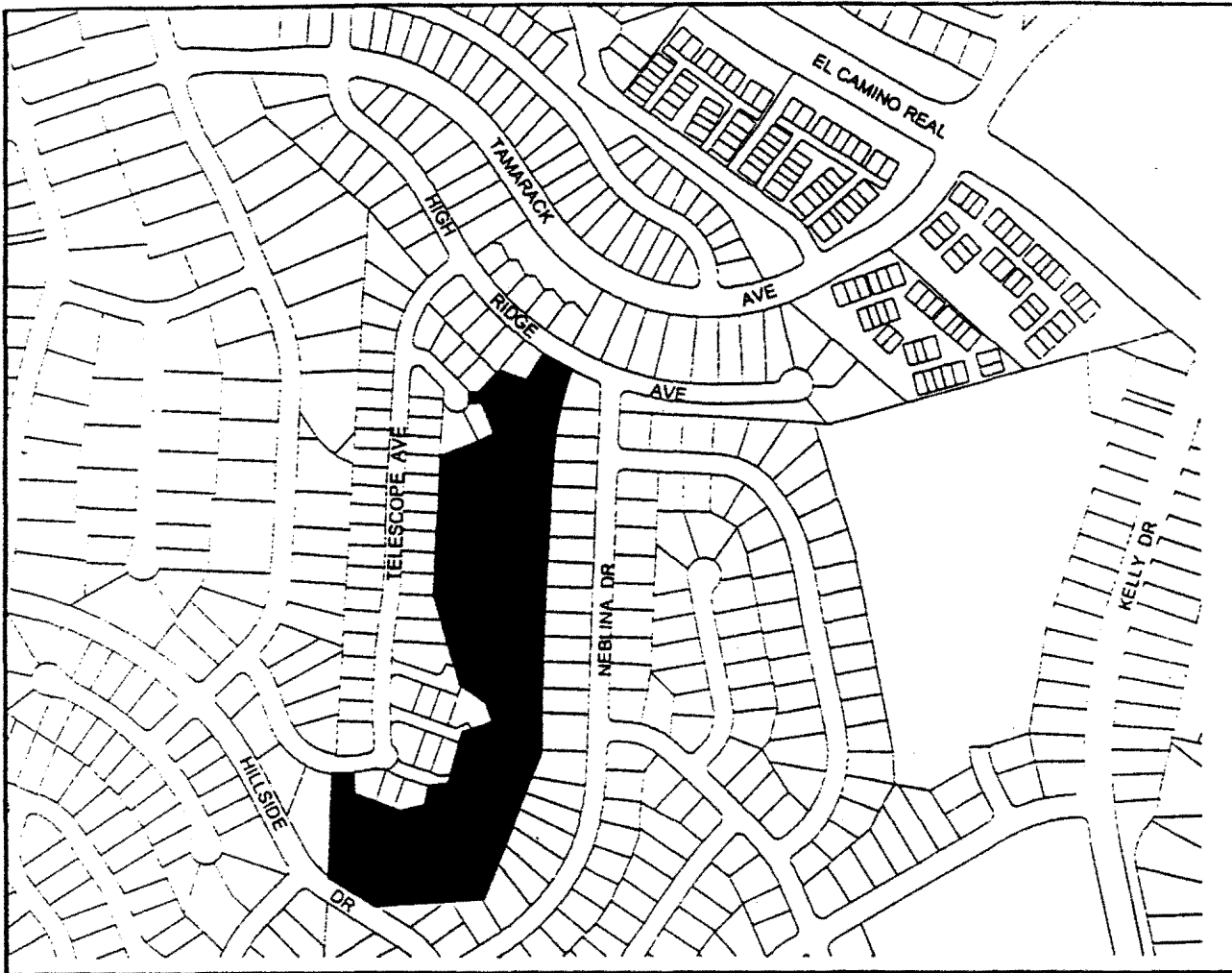
24 ATTEST:

25 
26 _____
27 ALETHA L. RAUTENKRANZ, City Clerk

28 (SEAL)

PROPERTY LOCAL COASTAL PROGRAM AMENDMENT LCPA

draft final



Project Name: General Plan, Zoning, & Local Coastal Program Consistency Project - Phase I			Related Case File No(s): GPA 97-01/ ZC 97-01/ LCPA 97-04
Legal Description(s): Map 10925 - Carlsbad Tract Map No. 82-5A - Telescope Point - Lot 67, in the City of Carlsbad, State of California, County of San Diego, on file in the Office of the County Recorder of San Diego, dated May 1st, 1984, File No. 84-160726.			
LCPA Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 207 - 390 - 35	RA-10/RLM	OS/OS	Ordinance No:
B.			Effective Date:
C.			Signature:
D.			
Attach additional pages if necessary			

EXHIBIT NO. 2
 APPLICATION
 City of Carlsbad
 LCPA 1-99
 Open Space Redesignator Sites
 Page 1 of 5
 California Coastal Commission

PROPERTY LOCAL COASTAL PROGRAM AMENDMENT LCPA

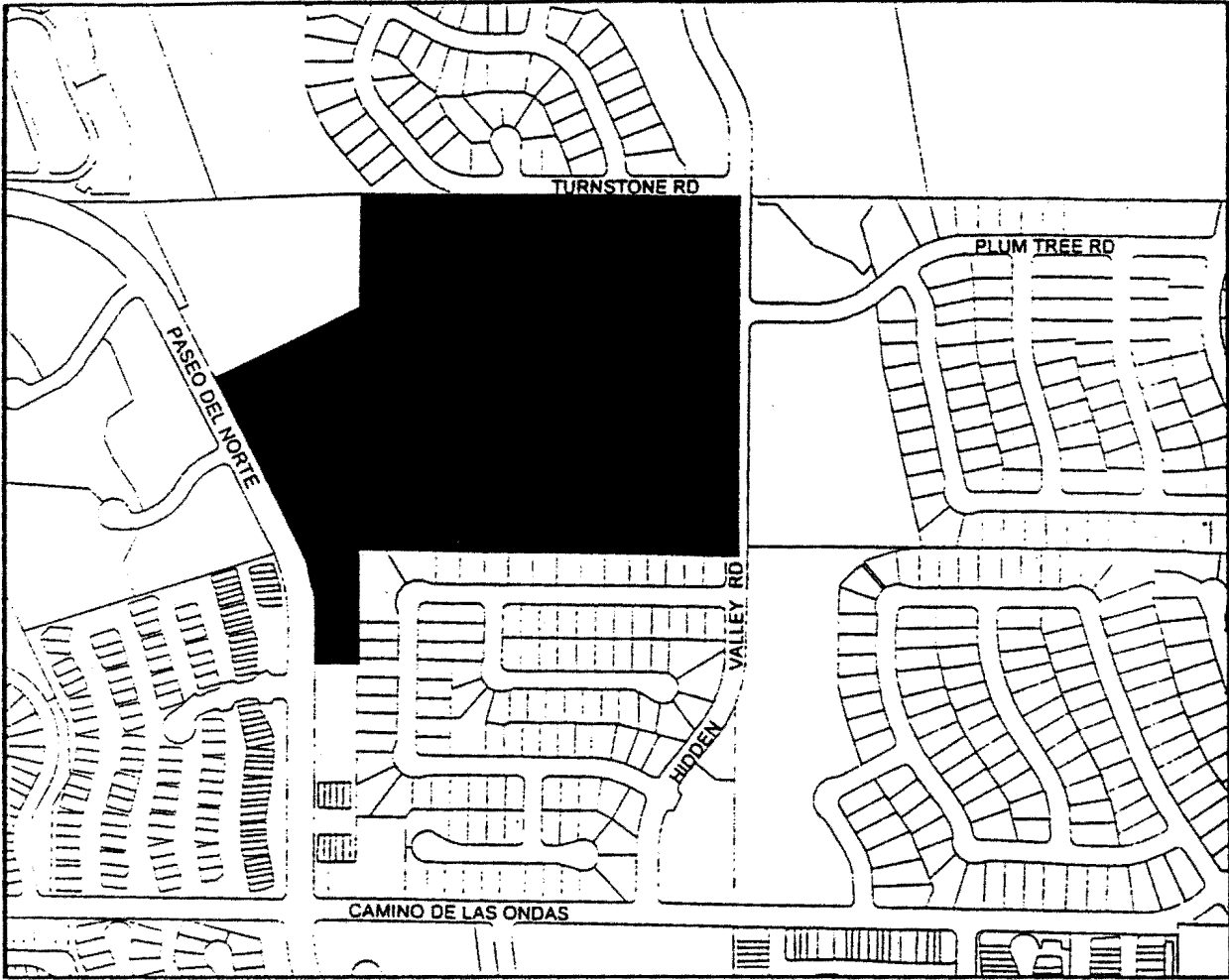
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Project Name: General Plan, Zoning, & Local Coastal Program Consistency Project - Phase I			Related Case File No(s):GPA 97-01/ ZC 97-01/ LCPA 97-04
Legal Description(s): Map 13404 - Carlsbad Tract - 94-11 - Mar Vista - Lot 1, in the City of Carlsbad, State of California, County of San Diego, on file in the Office of the County Recorder of San Diego, dated February 28, 1997 File No. 97-0091414.			
LCPA Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 211 - 090 - 26	R-1-Q	OS	Ordinance No:
B			Effective Date:
			Signature:
Attach additional pages if necessary			

PROPERTY LOCAL COASTAL PROGRAM AMENDMENT LCPA

draft final



Project Name: General Plan, Zoning, & Local Coastal Program Consistency Project - Phase I			Related Case File No(s): GPA 97-01/ ZC 97-01/ LCPA 97-04
Legal Description(s): A Portion of Section 21 - Township 12 South - Range 4 West in the City of Carlsbad, State of California, County of San Diego.			
LCPA Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 214 - 140 - 13	PC/RM	OS/OS	Ordinance No:
B. 214 - 140 - 39	PC/RM	OS/OS	Effective Date:
C.			Signature:
D.			
Attach additional pages if necessary			

PROPERTY LOCAL COASTAL PROGRAM AMENDMENT LCPA

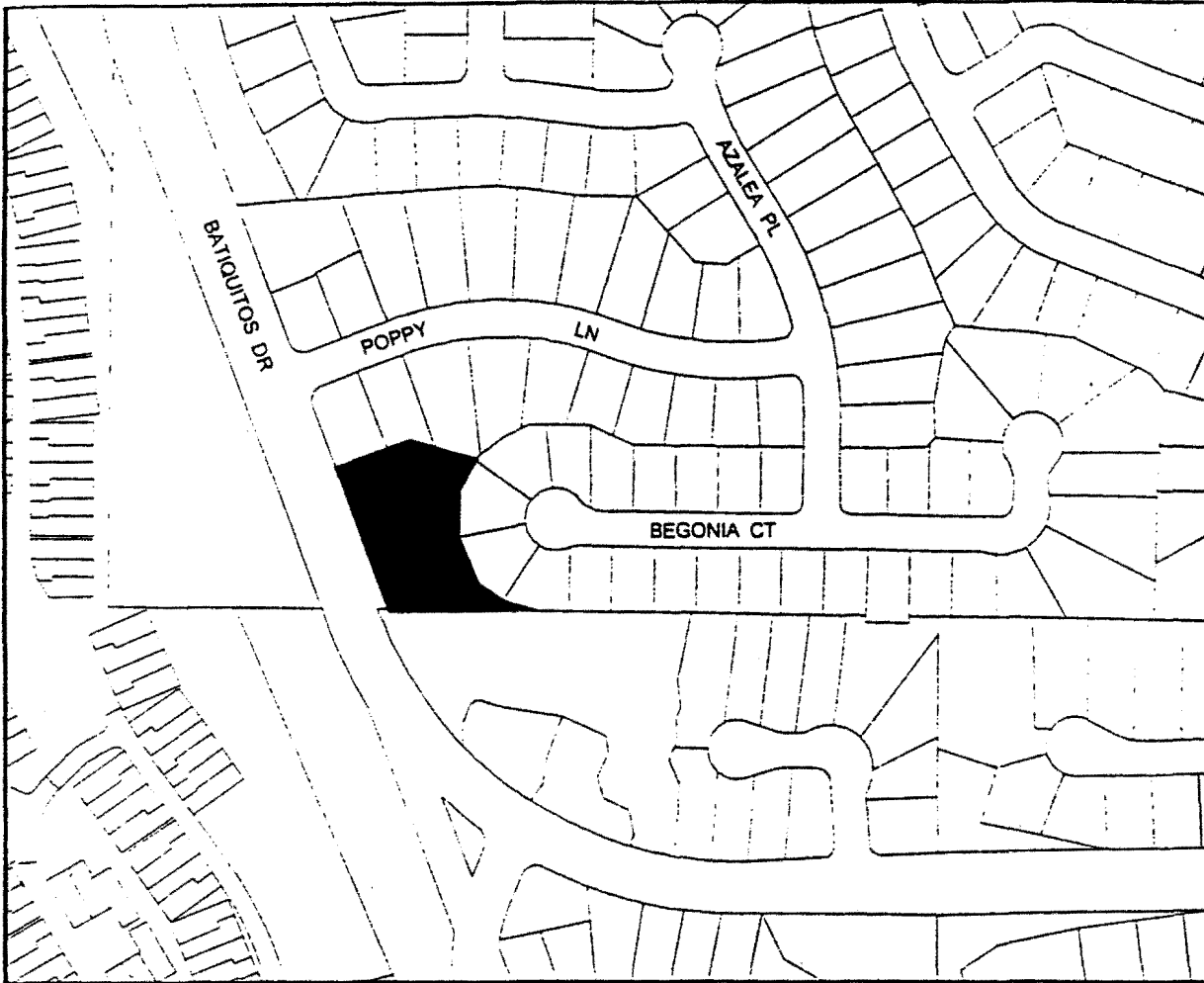
draft final



Project Name: General Plan, Zoning, & Local Coastal Program Consistency Project - Phase I			Related Case File No(s): GPA 97-01/ ZC 97-01/ LCPA 97-04
Legal Description(s): Map 8404 - Carlsbad Tract - 73-39 - Unit No. 1 - Lot No. 69 & 70, in the City of Carlsbad, State of California, County of San Diego, on file in the Office of the County Recorder of San Diego, dated November 5, 1976, File No. 76-371356.			
LCPA Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 214 - 366 - 26	R-1/RLM	OS/OS	Ordinance No:
B. 214 - 368 - 01	R-1	OS	Effective Date:
C.			Signature:
Attach additional pages if necessary			

PROPERTY LOCAL COASTAL PROGRAM AMENDMENT LCPA

draft final



Project Name: General Plan, Zoning, & Local Coastal Program Consistency Project - Phase I			Related Case File No(s): GPA 97-01/ ZC 97-01/ LCPA 97-04
Legal Description(s): Map 8405 - Carlsbad Tract - 73-39 - Unit No. 3 - Lot No. 124. in the City of Carlsbad, State of California, County of San Diego, on file in the Office of the County Recorder of San Diego, dated December 29, 1976. File No. 76-439297.			
LCPA Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 214 - 390 - 33	R-1/RLM	OS/OS	Ordinance No:
B.			Effective Date:
C.			Signature:
D.			
Attach additional pages if necessary			

ORDINANCE NO. NS-470

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA ADOPTING AN AMENDMENT TO THE AVIARA MASTER PLAN RELATIVE TO PLANNING AREA 19 TO CREATE 90 AIRSPACE CONDOMINIUM UNITS ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF POINSETTIA LANE AND AMBROSIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 19.

CASE NAME: BRINDISI

CASE NO.: MP 177(W)

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 twenty-two times since original adoption, most recently for MP 177(Z) through City Council Ordinance NS-453 on July 28, 1998; 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 Brindisi Planning Area 19, MP 177(W), Exhibit "Y" dated December 16, 1998, attached hereto 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.

SECTION II: That the findings and conditions of the Planning Commission Resolution No. 4437 shall also constitute the findings of the City Council.

EXHIBIT NO. 3
APPLICATION NO. City of Carlsbad LCPA 1-99
Mello I Resolution

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EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption. (Notwithstanding the preceding, this ordinance shall not be effective within the City's Coastal Zone until approved by the California Coastal Commission.)

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 16th day of February 1999, and thereafter.

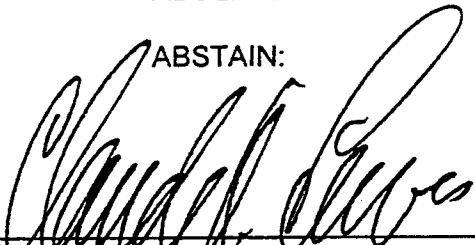
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 2nd day of March 1999, by the following vote, to wit:

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

NOES: None

ABSENT: None

ABSTAIN:



CLAUDE A. LEWIS, Mayor

ATTEST:

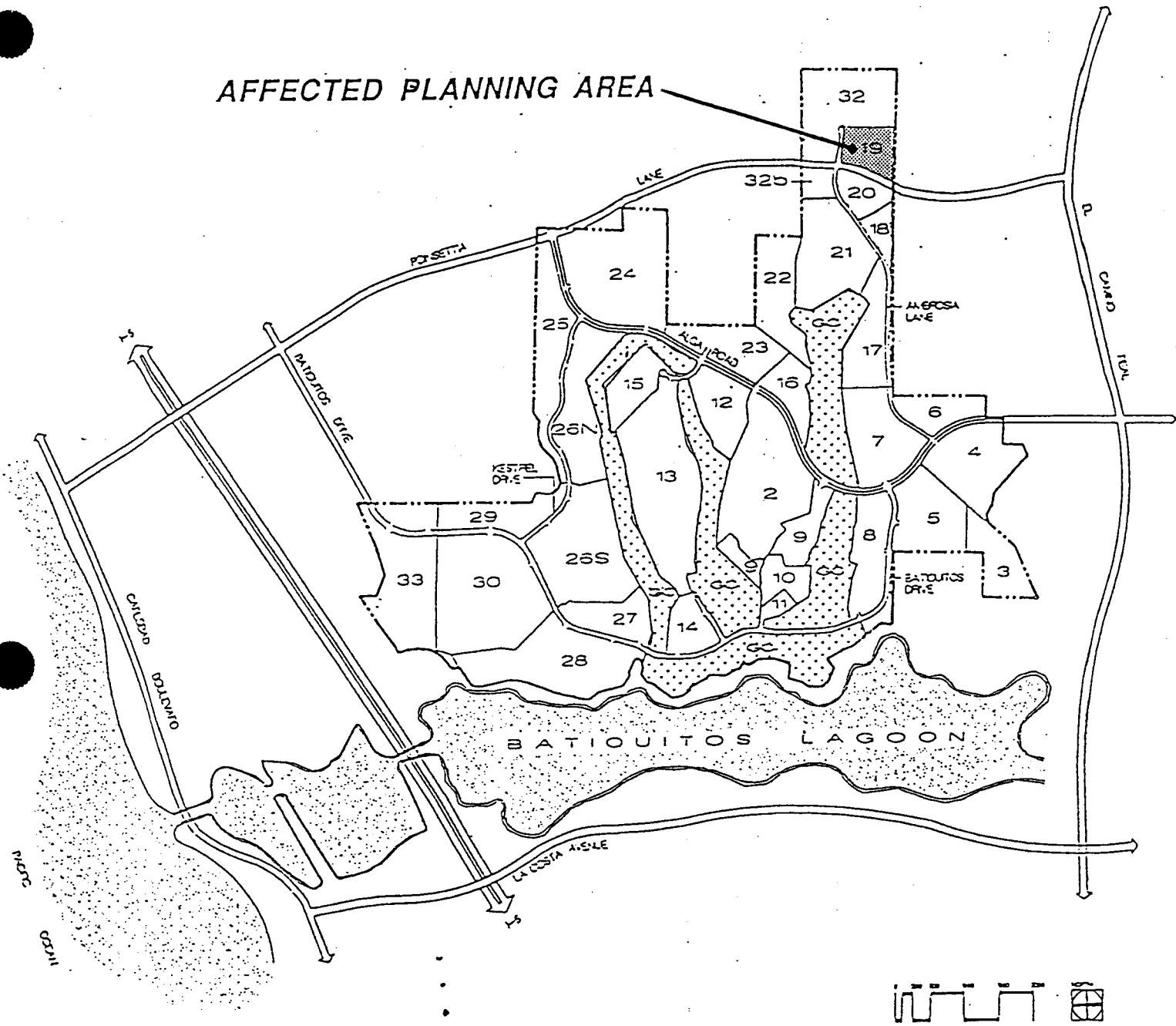


ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

68

AFFECTED PLANNING AREA



PLANNING AREA 19
LOCATION MAP



EXHIBIT NO. 4
APPLICATION NO. City of Carlsbad LCPA 1-99
Mello Aviara Master Plan Map
California Coastal Commission

PLANNING AREA 19: MULTI FAMILY RESIDENTIAL

DESCRIPTION:

This ~~9.3~~ 8.16 acre planning area includes multi-family attached residential units. The neighborhood is located on the northerly side of Poinsettia Lane along the easterly boundary of the Master Plan area. Pacific Rim Park of Planning Area 32 is adjacent to the west and north side of the planning area.

DEVELOPMENT STANDARDS: PD

All development in Planning Area 19 shall conform to the development standards of the PD Ordinance (Carlsbad Municipal Code, Chapter 21.45.090) unless otherwise stated in this chapter.

USE ALLOCATION:

109 multi-family residential units are allowed by the Growth Management Control Point (11.7 DU/AC). 90 units are permitted to be constructed within Planning Area 19. Private recreation facilities are required in conjunction with the residential units.

PERMITTED USES:

Multi-family residential housing
Recreational facilities.

SITE DEVELOPMENT STANDARDS:

Height:

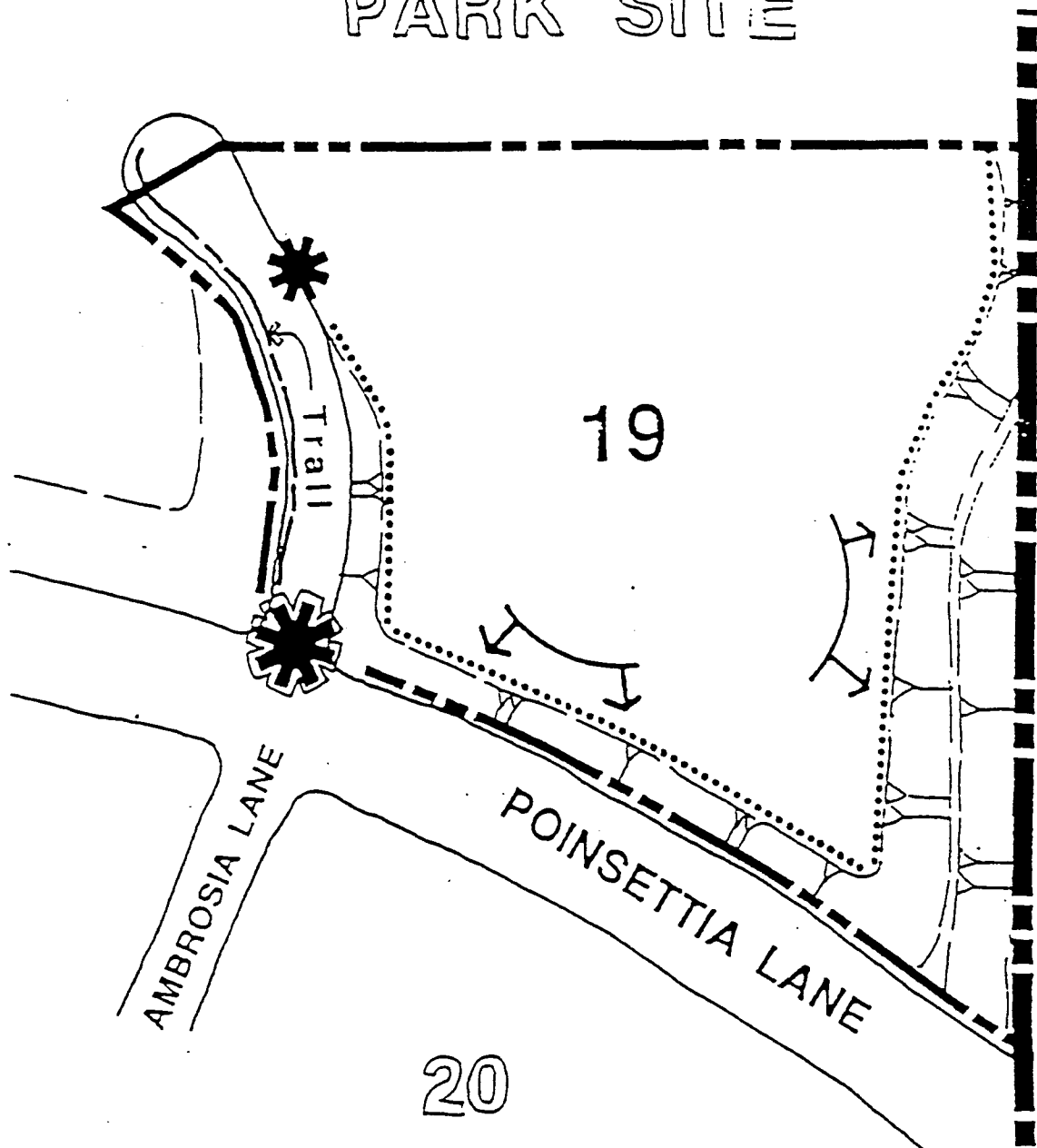
The maximum height in this planning area shall not exceed ~~35~~ 30 feet. All heights shall be determined per Section 21.04.065 of the Carlsbad Municipal Code. ~~Structures shall not exceed 28 feet in height within 50 feet of the park. At least 50%~~ All of the structures in this Planning Area shall be no more than two stories in height. ~~Where three story structures are proposed, no more than one half of the structure shall be three stories in height.~~

Setbacks:

The minimum setback from the Poinsettia Lane right-of-way shall be ~~50~~ 40 feet for structures and ~~30~~ feet for open parking. All open parking shall be fully screened from Poinsettia Lane. The minimum front yard setback along ~~2nd~~ Street Ambrosia Lane shall be 20 feet for structures and 15 feet for open parking. No direct garage access shall be taken from ~~2nd~~ Street Ambrosia Lane. Frontyard setbacks along the internal street are established as follows: 49% of the structure immediately adjacent to the street must maintain a minimum 20-foot front yard setback; the remaining 51% of the structure immediately adjacent to the street may have a 10-foot front yard setback if the garage is sideloaded per Exhibit V-20-A, dated 9/28/98. The setback off the courtyard driveway shall be a minimum 5-foot, also as demonstrated on Exhibit V-20-A. Garage court designs shall maintain a minimum 36-foot garage door to garage door separation. A minimum distance of 34 feet from livable space to livable space shall be maintained. ~~from other streets and drives shall be in conformance with Section 21.45.090(b) of the Carlsbad Municipal Code.~~ The minimum setback along the easterly planning area boundary shall be ~~50~~ 15 feet from the top of slope for structures and ~~40~~ feet for open parking. The minimum setback from the park shall be 30 feet undeveloped areas adjacent to the park shall be landscaped and w maintained. All open parking shall be screened from the park si Poinsettia Lane. The minimum building separation shall be 20 fe

EXHIBIT NO. 5
APPLICATION
City of Carlsbad
LCPA 1-99
Mello J Aviara
Master Plan Changes
Pages 1-4
California Coastal Commission

PARK SITE



Legend



Entry Treatment



Wall/Fencing



Trail



Scenic Point



View Orientation

Key Map



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:

- * ~~Buildings in this neighborhood shall relate strongly to the sloping site and shall avoid large flat pad areas by the incorporation of stepped building footprints.~~
- * Curvilinear streets shall be combined with varied building setbacks to strengthen the mediterranean hilltown appearance of the planning area.
- * Strong architectural relief features shall be incorporated into all structures visible from Poinsettia Lane and the adjacent parkland.
- * Outdoor courtyards, patios, decks and plazas shall be included.
- * Special attention shall be given to incorporate the adjacent park areas as an amenity to the neighborhood.

Entry Treatment:

A major entry way shall be located at the intersection of Poinsettia Ambrosia Lane and ~~"Z" Street~~ the private internal street.

Fencing:

Traffic noise along Poinsettia Lane shall be attenuated if required through the incorporation of a solid masonry or view-thru noise wall, earthen berm or combination of the two. An open solid fence or wall shall be located along the planning area boundary adjacent to the park site. A decorative solid fence or view-thru wall shall be located along the easterly planning area boundary.

Landscape:

All community-wide landscape standards described in Section A, Community Design Elements of Chapter IV shall be incorporated into this planning area. In addition, the following specific landscape concepts shall be included in the development of this planning area:

- * Common streetscape areas shall conform to community requirements. Street trees, landscape planting intensity zones, paving, entry monuments, irrigation systems, walls, fences, lighting, etc., have been pre-determined to provide consistency in design and quality.

- * Landscaping and berming shall be required to screen all structures and open parking from Poinsettia Lane, the adjacent park to the north and the adjacent property to the east.
- * Existing trees identified during Master Tentative Map review shall be preserved.
- * A fire suppression zone subject to the approval of the Planning Director and Fire Marshall shall be established between native/naturalized 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 subject to the approval of the Planning Director.
- ~~* Where parking lots are provided, a minimum 320 square foot landscaped island shall be provided for every ten parking spaces.~~

Street Trees:

The dominant street tree along Poinsettia Lane shall be London Plane Tree (*Platanus acerifolius*) and the support tree shall be the Southern Magnolia (*Magnolia grandiflora*) or an alternate selected by the developer.

Open Space:

Manufactured slope areas shall be maintained by the community open space district.

Grading:

Any development within this planning area shall comply with the City's Hillside Development Regulations and the slope and resource preservation policies of the underlying local coastal program and subsequent coastal permit. Any application for development within this planning area shall require a slope analysis/biological resource map during Tentative Map review.

Affordable Housing:

~~If Planning Area 19 is utilized to satisfy Aviana's obligation for Inclusionary Affordable Housing, the above development standards and Special Design criteria may be waived or modified as approved by the City.~~

1 PLANNING COMMISSION RESOLUTION NO. 4426

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING
4 APPROVAL OF AN AMENDMENT TO THE MELLO II
5 SEGMENT OF THE CARLSBAD LOCAL COASTAL
6 PROGRAM TO CHANGE THE ZONING DESIGNATION OF
7 36.7 ACRES FROM LIMITED CONTROL (L-C) TO ONE
8 FAMILY RESIDENTIAL WITH A QUALIFIED DEVELOP-
9 MENT OVERLAY (R-1-7,500-Q) TO BRING THE DESIGNA-
10 TIONS ON THE LOCAL COASTAL PROGRAM, GENERAL
11 PLAN, AND ZONING MAP INTO CONFORMANCE ON
12 PROPERTY LOCATED WEST OF EL CAMINO REAL,
13 BETWEEN CASSIA ROAD AND DOVE LANE
14 CASE NAME: LOHF SUBDIVISION
15 CASE NO: LCPA 97-08

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

18 WHEREAS, LAMCO Housing Inc., "Developer", has filed a verified
19 application for an amendment to the Local Coastal Program designations regarding property
20 owned by Lohf Trust and Alice M. Lamplugh Trust, "Owner", described as

21 **Parcel 2 of Map No. 2244, filed in the Office of the County
22 Recorder on January 10, 1974 and the southern half of the
23 northeast quarter of Section 26, Township 12 South, Range 4
24 West, San Bernardino Meridian, all in the City of Carlsbad,
25 County of San Diego, State of California.**

26 ("the Property"); and

27 WHEREAS, said verified application constitutes a request for a Local Coastal
28 Program Amendment as shown on Exhibit "X" dated December 2, 1998, attached to Planning
Commission Resolution No. 4425, and on file in the Planning Department, 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 (The California
Administrative Regulations); and

EXHIBIT NO. 6
APPLICATION NO. City of Carlsbad LCPA 1-99
Lohf Resolution
Page 1 of 3
California Coastal Commission

1 WHEREAS, the Planning Commission did on the 2nd day of December, 1998.
2 hold a duly noticed public hearing as prescribed by law to consider said request; and

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

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

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

- 11
- 12 A) That the foregoing recitations are true and correct.
 - 13 B) At the end of the State mandated six week review period, starting on October 9,
14 1998, and ending on November 20, 1998, staff shall present to the City Council a
15 summary of the comments received.
 - 16 C) That based on the evidence presented at the public hearing, the Commission
17 RECOMMENDS APPROVAL of LOHF SUBDIVISION - LCPA 97-08 based
18 on the following findings:

19 Findings:

- 20 1. That the proposed Local Coastal Program Amendment is consistent with all applicable
21 policies of the Mello II segment of the Carlsbad Local Coastal Program, in that it allows
22 for consistency between the residential land use designation and the implementing
23 ordinance and does not reduce the requirements for slope preservation, habitat
24 preservation and erosion control.
- 25 2. That the proposed amendment to the Mello II segment of the Carlsbad Local Coastal
26 Program is required to bring the land use designations in the Zoning Ordinance and
27 Implementing Ordinances of the Local Coastal Program into conformance with the
28 City's General Plan designation for Residential uses at a low-medium density (from
0.0 to 4.0 dwelling per acre).

29 Conditions:

- 30 1. Prior to certification of the Local Coastal Program Amendment, the proposed
31 amendment shall receive approval by the California Coastal Commission that
32 substantially conforms to this approval.

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2. Approval of LCPA 97-08 is granted subject to the approval of ZC 97-06. LCPA 97-08 is subject to all conditions contained in Planning Commission Resolution No. 4425 for ZC 97-06.

PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning Commission of the City of Carlsbad, held on the 2nd day of December, 1998. by the following vote, to wit:

AYES: Chairperson Noble, Commissioners Compas, Heineman, Nielsen, Savary, and Welshons

NOES:

ABSENT: Commissioner Monroy

ABSTAIN:

Bailey Noble

BAILEY NOBLE, Chairperson
CARLSBAD PLANNING COMMISSION

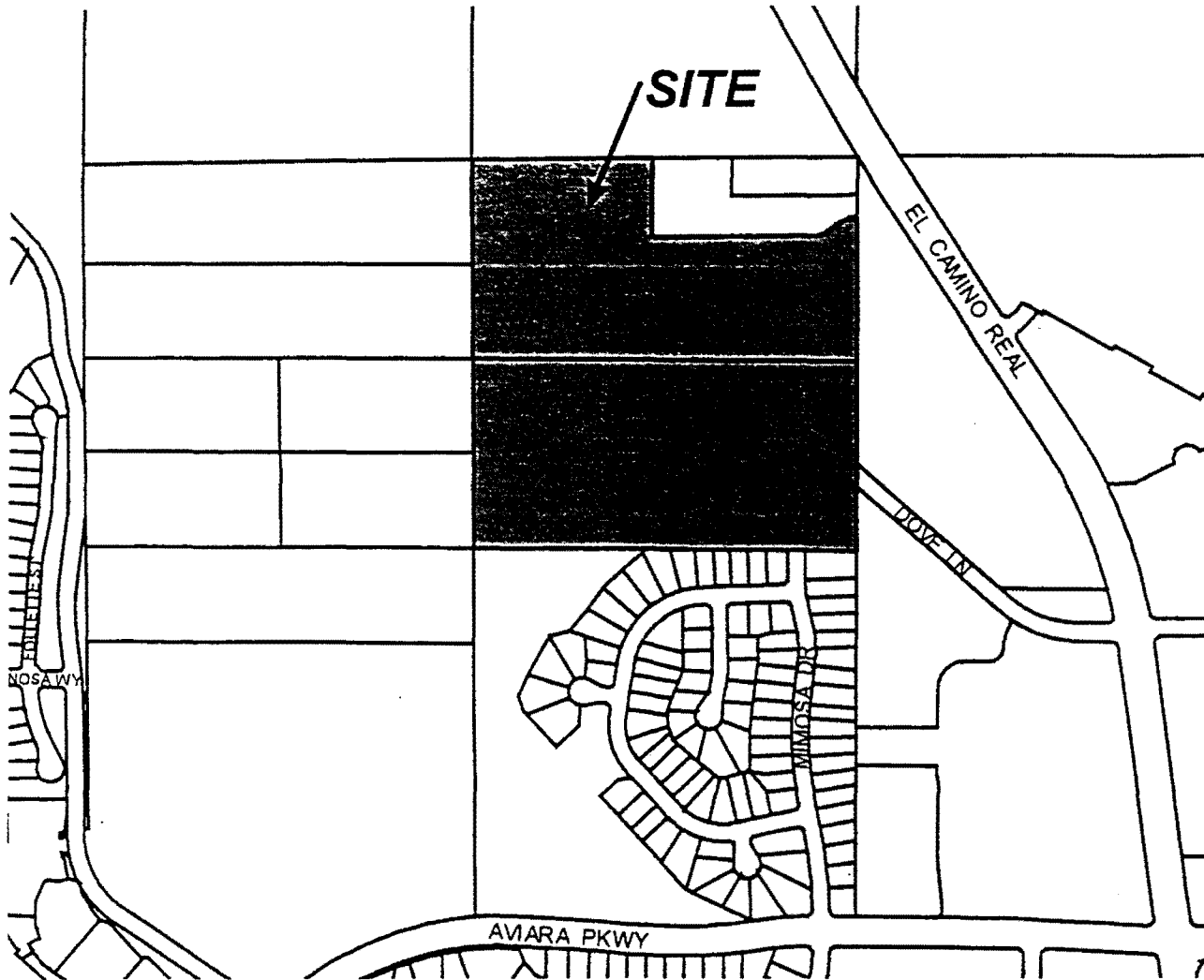
ATTEST:

Michael J. Holzmueller
MICHAEL J. HOLZMILLER
Planning Director

PROPERTY ZONE CHANGE

ZC: 97-06

draft final



Project Name: Lohf Subdivision			Related Case File No(s): ZC 97-06/LCPA 97-08	
Legal Description(s): Parcel 2 of Map No. 2244, filed in the office of the County Recorder on January 10, 1974 and the southern half of the northeast quarter of Section 26, Township 12 South, Range 4 West, San Bernardino Meridian, all in the City of Carlsbad, County of San Diego, State of California.				
Zone Change			Approvals	
Property:	From:	To:	Council Approval Date:	
A. 215-050-18, 59	L-C	R-1-7,500-Q	Ordinance No:	
B.			Effective Date:	
C.			Signature:	
D.				
Attach additional pages if necessary				

EXHIBIT NO. 7
APPLICATION NO.
 City of Carlsbad
 LCPA 1-99
 Lohf Site

