

**CALIFORNIA COASTAL COMMISSION**

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



July 20, 1999

**Th 7b**

**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  
SEGMENT MAJOR AMENDMENT NO. 2-99B (For Public Hearing and  
Possible Commission Action at the Meeting of August 10-13, 1999)**

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SYNOPSIS

SUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Mello I segment (Aviara Master Plan) in Planning Area 23 to reduce the maximum number of dwelling units from 142 to 61 and revise several development standards and design criteria.

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 as submitted. The attached suggested modification, requiring the adoption of more specific brush management measures to ensure that sensitive vegetation would be minimally impacted for fire safety, would bring the amendment into conformance with Coastal Act and LCP policies.

The appropriate resolutions and motions begin on page 3. The Suggested Modifications begin on page 6. The findings for denial of the Land Use Plan amendment begin on page 6; the findings for approval of the Land Use Plan Amendment begin on page 9. The findings for denial of the Implementation Plan Amendment begin on page 10; the findings for approval of the Implementation Plan Amendment begin on page 11.

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 the Mello I 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 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.

The standard for Commission review of the Implementation Plan is found in Section 30513 of the Coastal Act. It states:

Section 30513

The local government shall submit to the commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions, which are required pursuant to this chapter.

If within 60 days after receipt of the zoning ordinances, zoning district maps, and other implementing actions, the commission, after public hearing, has not rejected the zoning ordinances, zoning district maps, or other implementing actions, they shall be deemed approved. The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

The implementation program must therefore be consistent with and adequately detailed and structured to carry out the provisions of the certified land use plan segment

**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 I LCP Land Use Plan Amendment #2-99B[Aviara Master Plan], as submitted)**

### **MOTION I**

I move that the Commission certify the Mello I Land Use Plan Amendment #2-99B, 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 I**

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.

- B.     **RESOLUTION II**   **(Resolution to approve certification of the City of Carlsbad Mello I LCP Land Use Plan Amendment #2-99B [Aviara Master Plan], if modified)**

### **MOTION II**

I move that the Commission certify the Mello I Land Use Plan Amendment #2-99B, 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 II

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.

- C. **RESOLUTION III.** (Resolution to deny certification of the City of Carlsbad Mello I Implementation Plan Amendment 2-99B [Aviara Master Plan], as submitted)

MOTION III

I move that the Commission reject the City of Carlsbad's Implementation Plan Amendment 2-99B, 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 III

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.

- D. **RESOLUTION IV.** (Resolution to approve certification of City of Carlsbad Mello I Implementation Plan Amendment #2-99B [Aviara Master Plan], if modified)

MOTION IV

I move that the Commission approve the City of Carlsbad Mello I Implementation Plan Amendment 2-99B 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 IV

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 161, within Planning Area 23, 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.

### **PART IV. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD MELLO I LAND USE PLAN AMENDMENT #2-99B AS SUBMITTED**

#### **A. AMENDMENT DESCRIPTION**

The amendment request proposes to amend the City's certified Mello I Local Coastal Program (LCP). The Commission has found that the Aviara Master Plan serves as both the Land Use Plan and Implementation Plan. 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 23 are proposed for modification, including a reduction in the allowable number of dwelling units from 142 to 61 units, a change from multi-family to single family development and modification of specific design standards for the proposed planned development. Standards proposed for modification are maximum building height, and setbacks from the proposed internal street.

The amendment makes possible the construction of 61 single family detached units on two pre-graded lots (bisected by Black Rail Road) comprising 18.3 total acres within the Aviara Master Plan, Planning Area 23. The site is located on the north side of Aviara Parkway (formerly Alga Road), and is surrounded by an existing common RV parking lot and condominium development on the east, temporary greenhouses to the north, and open space and single family development on the west.

The proposed revisions to standards would permit:

- 1) A reduction in the total allowable residential unit allocation from 142 to 61 units. This would allow for development of lower density single family air space development, as opposed to the existing Master Plan requirement for multi family development.
- 2) A reduction in the allowable building height to 30 feet. The existing Master Plan allows up to 35-foot high residential structures.
- 3) An allowance for 10-foot minimum front yard setbacks from the proposed internal street, for habitable spaces and side loaded garages. The existing Master Plan standard is a 20-foot setback, which reflects the existing multi family land use designation design criteria.

The City of Carlsbad found that 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 approximately 3/4 mile from Batiquitos Lagoon and the above revisions would not adversely affect a future coastal access route through the site.

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 amendment does not affect the existing trail located along the eastern side of Planning Area 23. The master plan provides that construction of the trail shall be a condition of development for the planning area and that may occur upon buildout of the proposed multi-family project that has initiated this amendment. However, the trail is proposed within part of the approved open space system and its construction as shown in the master plan would impact slopes containing coastal sage scrub. For this reason, the master plan includes language providing that a revision to the trail alignment may occur in consultation with the resource agencies, to extend south to a connection with Alga Road and avoid environmentally sensitive areas. No modification to the alignment of the trail is proposed. As a result, the Commission finds the LUP amendment can be found consistent with Section 30212 of the Coastal Act.

The Commission finds that the land use allowed through the proposed amendment is lower in intensity than the presently allowable use, and that the steep slopes with native vegetation have already been preserved through the requirements of the Aviara Phase III coastal development permit. No agricultural lands exist on the site, and therefore no impacts to such lands will occur. No significant visual resources exist on or near the graded project site, and as a result, the Commission concurs with the City 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 is one concern with approval of Planning Area #23, as submitted, related to brush management standards, as identified below. 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.

#### **B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that a portion of the Land Use Plan as set forth in the preceding resolutions, is not 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.

### **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. The Aviara Master Plan was approved with an extensive open space system, approximately 250 acres, which contains coastal sage scrub within 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 23 is in a graded state as a result of previously approved Aviara Phase III grading. However, although no dual criteria slopes or sensitive plants or animals were identified within the proposed development area, coastal sage scrub is present adjacent to the development area which could be impacted through brush clearance requirements for fire safety. The Commission has previously found that fuel modification can go forward provided that no portion of the Zone 1 clearcut encroaches upon deed restricted open space areas required as part of the approval of the Master Plan.

The master plan text for PA #23 contains fire suppression guidelines that require a fuel modification zone be established around new development so that vegetation clearance will be

kept to the minimum necessary for fire safety. However, in its approval of past local coastal program amendments the Commission has updated the fire suppression provisions within other planning areas and phases of the Aviara Plan to be more specific. The current requirements contain more specificity regarding fuel modification provisions than those submitted with the amendment. As updated, 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. Any deviation from the "Fire Suppression Landscape Guidelines" shall be the subject of future local coastal program amendments. Therefore, because the most up-to-date 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.

**PART V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD**  
**MELLO I LAND USE PLAN AMENDMENT #2-99B 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 Plan 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 revisions to the master plan regarding brush management standards, the LUP amendment must be denied as being inconsistent with Chapter 3 policies of the Coastal Act.

As noted above, the "Fire Suppression Landscape Guidelines for Undisturbed and Revegetated Native Plant Communities" have been found by the Commission as the guidance document relating to minimizing the clearance of sensitive vegetation while providing for fire protection for residential development in the Aviara master plan area. The Commission has found in the Aviara master plan area and other locations that clear-cut associated with Zone 1 fuel management cannot occur within deed restricted open space areas to ensure that loss of sensitive vegetation will be kept to a minimum. With the addition of updated language that assures removal of sensitive vegetation will be minimized for fire safety, 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 modification, the proposed amendment 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 VI. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD**  
**MELLO I IMPLEMENTATION PLAN AMENDMENT 2-99B**  
**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 Plan 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, 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 Plan for the subject LCP segment.

**PART VII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO I IMPLEMENTATION PLAN AMENDMENT #2-99B, IF MODIFIED**

With the addition of updated language that assures removal of sensitive vegetation will be minimized for fire safety, 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 modification, the proposed amendment 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 Plan for the subject LCP segment.

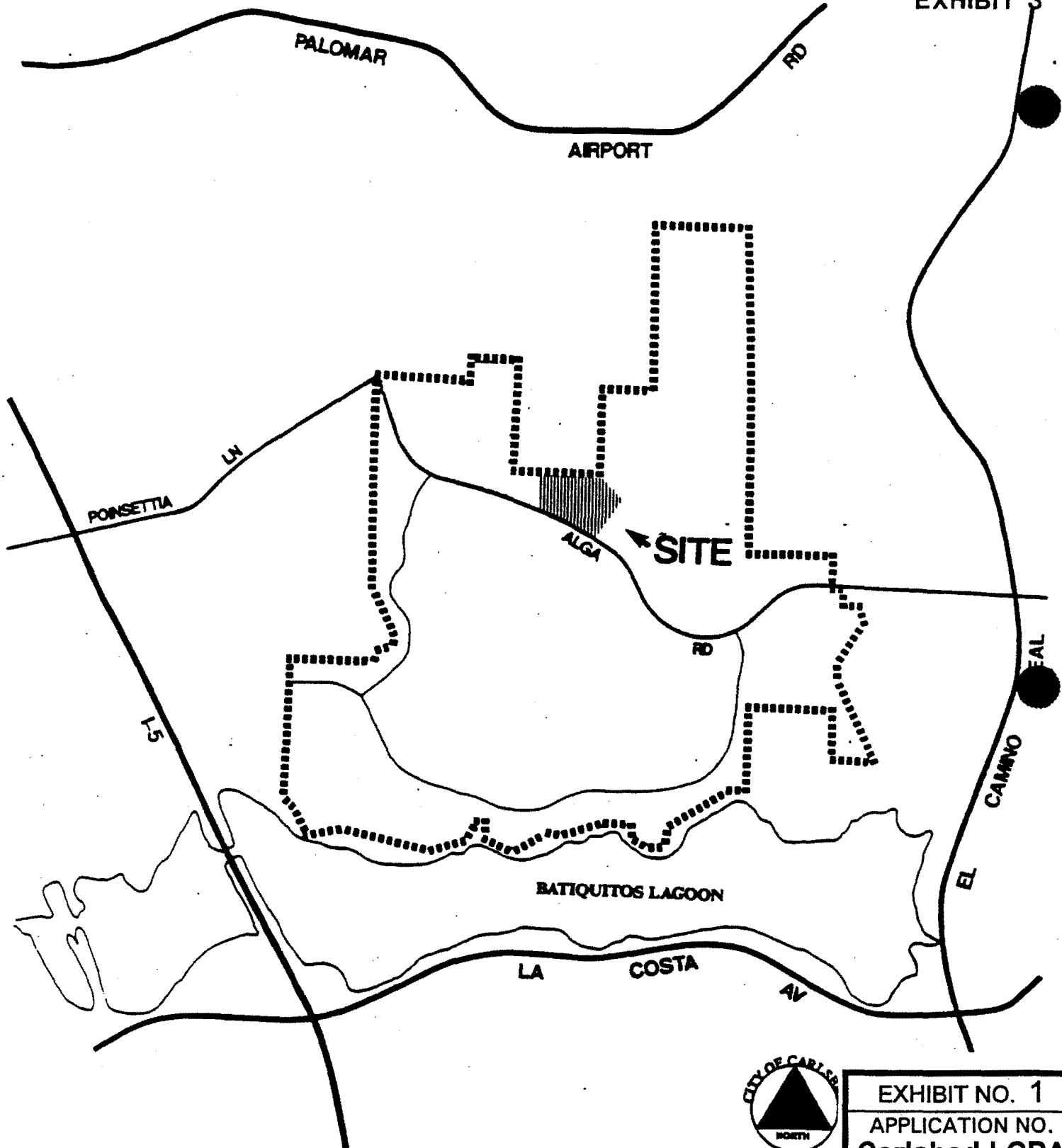
**PART VIII. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

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 segment of the City's LCP propose changes to the Aviara Master Plan within the City's coastal zone. The proposed Master Plan changes will not result in an intensity of land use incompatible with the surrounding development or have adverse impacts on coastal resources. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

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EXHIBIT 3



CRISTALLA - AVIARA P.A.  
MP 177(X)/LCPA 97-11/CT 97-  
PUD 97-17/CDP 97-51

EXHIBIT NO. 1  
APPLICATION NO.  
**Carlsbad LCPA**  
**#2-99B**

Map of Aviaara  
Master Plan  
Planning Area #23

RESOLUTION NO. 99-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MASTER PLAN AMENDMENT, LOCAL COASTAL PROGRAM AMENDMENT, TENTATIVE TRACT MAP, PLANNED UNIT DEVELOPMENT PERMIT AND COASTAL DEVELOPMENT PERMIT FOR THE CRISTALLA - AVIARA PA 23 DEVELOPMENT LOCATED NORTH OF AVIARA PARKWAY, EAST AND WEST OF BLACK RAIL ROAD IN LOCAL FACILITIES MANAGEMENT ZONE 19, IN THE SOUTHWEST QUADRANT.

CASE NAME: CRISTALLA - AVIARA PA 23

CASE NO.: MP 177(x)/LCPA 97-11/CT 97-20/PUD 97-17/  
CDP 97-51

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

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on March 17, 1999, hold a duly noticed public hearing as prescribed by law to consider a Master Plan Amendment, Local Coastal Program Amendment, Tentative Tract Map, Planned Unit Development Permit, and Coastal Development Permit; and

WHEREAS, the City Council of the City of Carlsbad, on the 20 th day of April, 1999, held a duly noticed public hearing to consider said matters and at that time received recommendations, objections, protests, comments of all persons interested in or opposed to MP 177(X)/LCPA 97-11/CT 97-20/PUD 97-17/CDP 97-51; and

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

1. That the above recitations are true and correct.
2. That the City Council **APPROVES** recommendations on MP 177(X)/LCPA 97-08/CT 97-20/PUD 97-17 findings and conditions of the Planning Commission as set forth in Resolutions No. 4470, 4471, 4472, 4473, and 4474, on file with the City of Carlsbad, hereof by reference, are the findings and conditions of the City.
3. This action is final the date this resolution is adopted. The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Review" shall apply:

"NOTICE TO APPLICANT"

"The time within which judicial review of this decision is sought is governed by Code of Civil Procedure, Section 1094.6,

EXHIBIT NO. 2
APPLICATION NO.
<b>Carlsbad LCPA</b>
<b>#2-99B</b>
Council Resolution
1 of 2

1 which has been made applicable in the City of Carlsbad by  
2 Carlsbad Municipal Code Chapter 1.16. Any petition or other paper  
3 seeking judicial review must be filed in the appropriate court not  
4 later than the nineteenth day following the date on which this  
5 decision becomes final; however, if within ten days after the  
6 decision becomes final a request for the record of the deposit in an  
7 amount sufficient to cover the estimated cost or preparation of such  
8 record, the time within which such petition may be filed in court is  
9 extended to not later than the thirtieth day following the date on  
10 which the record is either personally delivered or mailed to the  
11 party, or his attorney of record, if he has one. A written request for  
12 the preparation of the record of the proceedings shall be filed with  
13 the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive,  
14 Carlsbad, CA 92008."

15  
16 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
17 Carlsbad on the 20<sup>th</sup> day of April 1999, by the following vote, to wit:

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

19 NOES: None

20 ABSENT: Council Member Kulchin

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(SEAL)

## PLANNING AREA 23: ~~MULTI-FAMILY~~ SINGLE-FAMILY RESIDENTIAL

### DESCRIPTION:

This 18.3 acre planning area is located near the center of the Master Plan on the north side of Alga Road.

### DEVELOPMENT STANDARDS: PD

All development in Planning Area 23 shall conform to the development standards of the Planned Development Ordinance (Carlsbad Municipal Code, Chapter 21.45.090) unless otherwise noted in this Chapter.

### USE ALLOCATION:

Maximum of ~~142~~ 61 ~~multi-family detached single family~~ residential units (3.3 DU/AC). Private recreation facilities shall be required in conjunction with the residential units. A 2-acre community recreation vehicle storage facility.

### PERMITTED USES:

~~Multi-family~~ Single family airspace condominium residential housing.  
Recreational facilities.

### SITE DEVELOPMENT STANDARDS:

#### Height:

The maximum height in this planning area is ~~35~~ 30 feet as determined by Section 21.04.065 of the Carlsbad Municipal Code. ~~A minimum of 30 percent of all structures shall not exceed a height of 24 feet. Where three story structures are proposed, adequate structural relief and roofline variation shall be incorporated into the structures to reduce the mass.~~

#### Setbacks:

Minimum setback along Alga Road for structures shall be 50 feet. The minimum setback from the public utility easement shall be 30 feet. The minimum front yard setback shall be 20 feet for ~~street-facing garages and 10 feet for habitable spaces and side-loaded garages, all measured from the property line for buildings and 20 feet measured from property line for open parking or garages back of sidewalk, or in the case of no sidewalk, the back of the curb. A minimum building separation of 20 feet shall be maintained.~~ Setback compliance with the intent of City Council Policy No. 44 regarding small lot single family projects is required.

#### Parking:

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

### SPECIAL DESIGN CRITERIA:

#### Design:

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

EXHIBIT NO. 3  
APPLICATION NO  
**Carlsbad LCPA**  
**#2-99B**

Revisions to Master  
Plan Text for  
Planning Area #23

1 of 3

\* The architecture of all buildings in this planning area shall be compatible with that of the hotel.

~~\* Outdoor courtyards, patios and plazas shall be included.~~

\* A through public street shall be provided from Alga Road through PA 23 to the area north of PA 23.

\* The site layout for this Planning Area shall be coordinated to ensure compatibility with adjacent planning areas.

\* Strong architectural relief features shall be incorporated into all structures visible from Alga Road.

Entry Treatment:

A neighborhood entry may be located along each side of Black Rail Road.

Fencing:

If required as a result of a noise study, a noise attenuation structure, earthen berm, or combination of the two shall be required along Alga Road. The noise study shall be conducted prior to submittal of a Site Development Plan.

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.

\* The recreation vehicle storage facility shall be screened by a combination of fences and landscaping on all sides of the facility. **This screening shall be the responsibility of the Master HOA.**

\* 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 subject to the approval of the Planning Director.

\* All setbacks shall be heavily landscaped **except as constrained by Coastal Commission requirements.**

\* Landscaping shall be incorporated to screen all dwelling units from Alga Road and the golf course, **while preserving views from the units to the extent possible.**

\* The dominant unifying landscape elements for this planning area shall be preselected street trees. Common landscape areas and slopes shall be planted prior to homeowner occupation. Individual homeowner landscapes shall vary.

\* Views to and from the golf course and lagoon should be preserved.



Open Space:

The manufactured slopes of this planning area shall be maintained as open space by the community open space maintenance district.

Trails:

a portion of the community trail linking Alga Road and Poinsettia Lane is located along the easterly edge of the site. Construction of this trail shall be a condition of development for this planning area.

Revision to the trail alignment in this segment may occur, in consultation with the Dept. of Fish and Game and U.S. Fish and Wildlife Service, to extend south to a connection with Alga Road and avoid environmentally sensitive habitat areas.

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 Site Development Plan review.

Open Space:

The manufactured slopes of this planning area shall be maintained as open space by the community open space maintenance district.

Trails:

a portion of the community trail linking Alga Road and Poinsettia Lane is located along the easterly edge of the site. Construction of this trail shall be a condition of development for this planning area. Revision to the trail alignment in this segment may occur, in consultation with the Dept. of Fish and Game and U.S. Fish and Wildlife Service, to extend south to a connection with Alga Road and avoid environmentally sensitive habitat areas.

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 Site Development Plan review.