

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
619-237-2370

RECORD PACKET COPY

July 26, 2000

Mon 4.5a

TO: COMMISSIONERS AND INTERESTED PERSONS

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II
LCP SEGMENT MAJOR AMENDMENT NO. 1-2000A(Steiner) (For
Public Hearing and Possible Commission Action at the Meeting of
August 8-11, 2000)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject amendment request revises the certified Mello II Implementation Program. The request rezones a 3-acre parcel (Steiner) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q). On March 16, 2000, the City of Carlsbad's proposed Local Coastal Program Amendment (LCPA) #1-2000 was received in the San Diego District office. The amendment package contained four other LCPAs to amend the certified Carlsbad LCP implementation program. At the July, 2000 meeting, a time extension on the LCP amendment package was granted by the Commission at the request of Commission staff due to agenda workload. The Steiner amendment is going forward at the August, 2000 hearing at the request of the City of Carlsbad.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment as submitted. The Steiner rezone is consistent with the certified Mello II LUP in that the rezone would not allow a greater density on the site than the certified Residential Medium (RM 4-8 du/ac) land use designation would allow and no adverse impacts to sensitive resources would occur as a result of the amendment.

The appropriate resolutions and motions can be found on Page 3. The findings for approval of the implementation plan amendment begin on Page 4.

BACKGROUND

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. 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 West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. 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 II segment of the LCP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Bill Ponder** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

PART I. OVERVIEW

A. STANDARD OF REVIEW

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. 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 Implementation Plan Amendment #1-2000A [Steiner subdivision], as submitted)

MOTION I

I move that the Commission reject the City of Carlsbad Mello II Implementation Plan Amendment #1-2000A [Steiner subdivision], as submitted.

Staff Recommendation

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

Resolution I

The Commission hereby approves certification of the implementation amendment 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 **FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD**
MELLO II IMPLEMENTATION PLAN AMENDMENT #1-2000A,
AS SUBMITTED

1. AMENDMENT DESCRIPTION/ STEINER REZONE

The amendment changes the LCP implementation plan by rezoning a 3-acre parcel (Steiner) 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 nine single-family lots which vary in size from 9,180 square feet to 24,430 square feet. The project site is located on the north side of Poinsettia Lane, 200 feet west of El Camino Real, and east of proposed Skimmer Court. The project is bordered to the north by native habitat (Manzanita Partners), to the east by a single family residential home (Saska Residence), to the south by proposed Poinsettia Lane, and on the west by Skimmer Lane and proposed single family residential development as a part of the Lohf Subdivision. Access to the project site is via Skimmer Court from the adjacent Lohf Subdivision, which takes access from Poinsettia Lane.

Topographically, the site slopes gently downward to the southeast with elevations ranging from 290 feet to 260 feet above mean sea level. The site has a single family home and pool on the western portion of the property which will be removed for the development. The property has been disced and used for agricultural purposes in the past and has no habitat value. The site is not subject to the agricultural preservation policies of the Carlsbad LCP because it was not included in the certified agricultural overlay zone.

The subject site is located within the non-appealable area of the City's coastal development permit jurisdiction.

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 with a minimum lot size of 7,500 sq.ft.. The L-C zone designation is given to annexed properties and is an interim zone for areas where planning for future land uses has not been completed or plans of development have not been formalized. The proposed R-1 zone is also compatible with the existing adjacent residentially zoned properties and probable future residential zones of the adjacent L-C zoned properties.

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 has 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.

Policy 4-3 of the certified Mello II LCP states, in part:

(b) All Other Areas

Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toups maps. The slope mapping and analysis shall be prepared during CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

- (1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities: For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:

(a) Slopes of 25% grade and over shall be preserved in their natural state unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with all or nearly all of their area in slope area over 25% grade, encroachment may be permitted; however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Use of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

The property is void of steep slope (25%+) areas or native vegetation. However, the adjacent site to the north, Manzanita Partners, has been identified as having environmentally sensitive habitat in the form of sensitive plant and animal species. The City found that although direct impacts will not occur, indirect impacts to the California gnatcatcher due to construction activity on the Steiner site may occur to gnatcatchers on the Manzanita site. A mitigation measure was approved requiring a survey for the presence of the California gnatcatcher prior to grading operations.

The City also noted that the bulk of the Manzanita site was approved as open space and as such could cause a potential fire hazard to Lot 3 of the Steiner subdivision. Policy 4-3 of the certified Mello II and the certified Coastal Resource Protection Overlay Zone

requires that dual criteria slopes shall be protected through the reservation of an open space easement as a condition of development approval. The LCP provides that the purpose of the open space easement is to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community. The City approved only one fire suppression zone on Lot 3 so that vegetation removal within that zone would not extend beyond the Steiner property line onto the Manzanita property (i.e., neither any clearcutting or vegetation thinning would occur on the Manzanita property). Thus, because no impacts to sensitive vegetation would occur as a result of development occurring through the proposed zone change, the Commission finds the proposed implementation amendment consistent with the resource protection provisions of the certified Mello II land use plan.

The Mello II LUP designates the site as Residential Medium (RM). The RM designation allows single-family residential development at a range of four to eight dwelling units per acre (du/ac). The density of the proposed single-family subdivision is three dwelling units per acre. The surrounding properties are designated RM and RLM (0-4 du/ac). As designated in the certified LUP, up to 17 residential units would be permitted on the 3-acre site. This is determined by multiplying 5.8 du/ac (43,560 sq.ft. / 7,500 sq.ft.) by the number of developable acres (3 acres). The certified LUP designation would allow up to 24 units. Therefore, the Commission finds the proposed zoning is acceptable as it would not allow any more units on the entire property than the certified LUP land use designation would allow. Thus, the Commission finds the proposed proposed rezoning would implement the LUP designation. Based on the 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.

V. **CONSISTENCY WITH THE CALIFORNIA ENVIRONMENT QUALITY ACT (CEQA)**

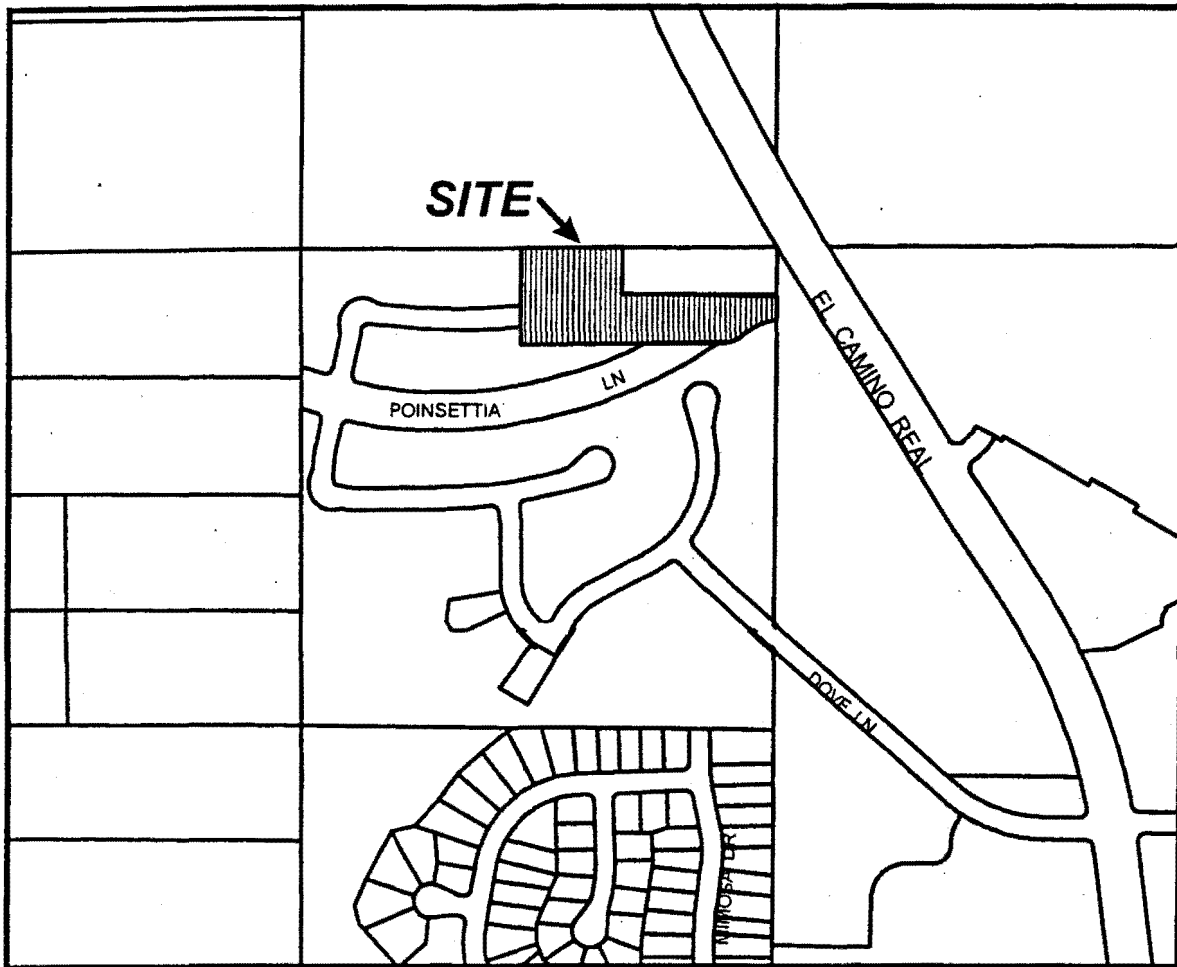
Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's 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 a LCP submittal or, as in this case, a LCP amendment submittal, to find that the LCP, or LCP, as amended, conforms to CEQA provisions. The proposed Steiner rezone 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.

PROPERTY ZONE CHANGE

ZC: 99-06/
LCPA 99-05

draft final



Project Name: STEINER PROPERTY	Related Case File No(s):
Legal Description(s): Being a subdivision of Parcel 1 of Parcel Map 2244, as filed in the Office of the County Recorder of San Diego County on January 10, 1974 as File No. 74-007317 of official records.	LCPA 99-05/ CT 99-13/ SDP 99-10/ CDP 99-26/ HDP 99-12

Zone Change			Approvals
Property:	From:	To:	Council Approval Date:
A. 215-050-58-00	L-C	R-1-7,500-Q	Ordinance No:
B.			Effective Date:
C.			Signature:
D.			
Attach additional pages if necessary			

EXHIBIT NO. 1

**Carlsbad LCPA
#1-2000A**

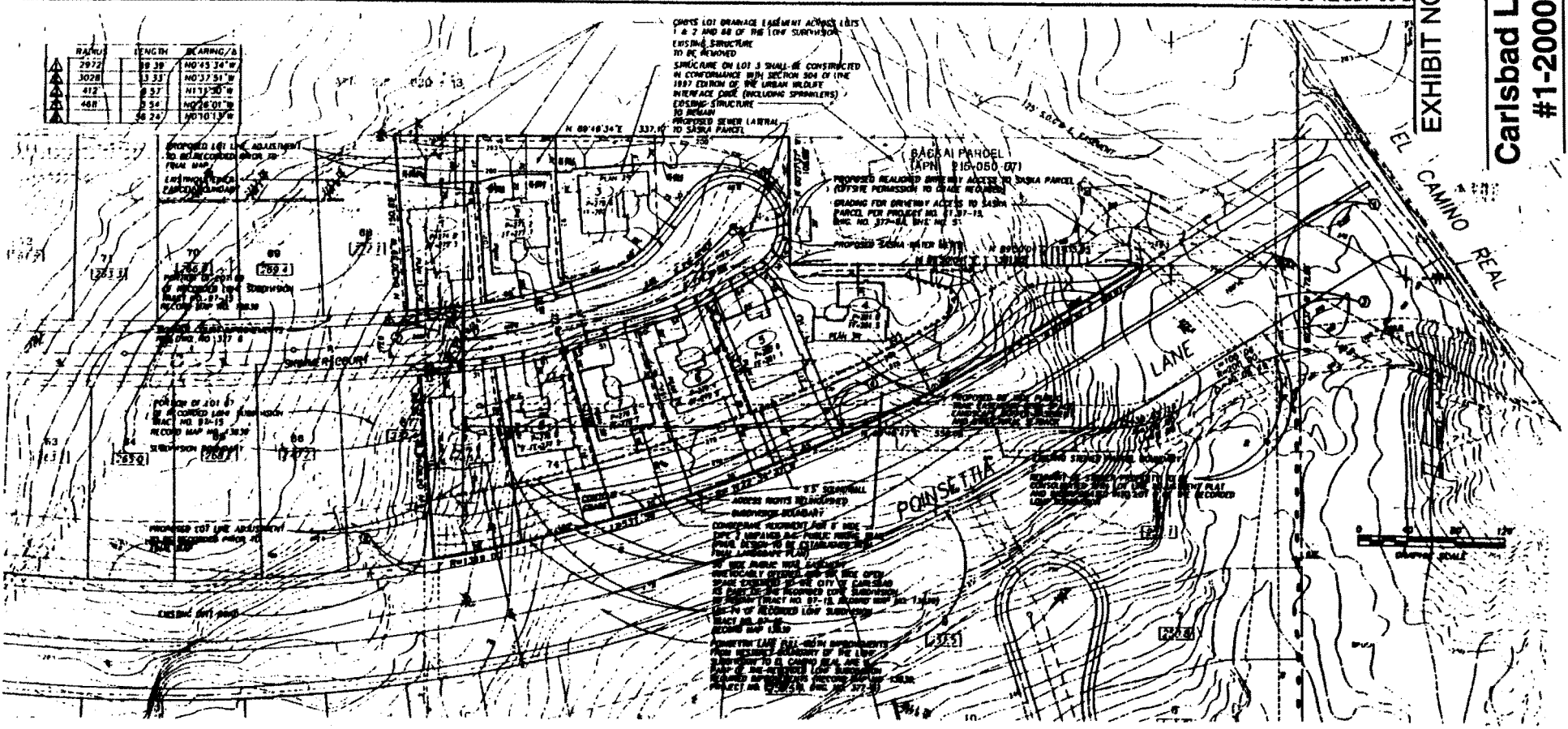
Location

California Coastal Commission

RAVINE	LENGTH	BEARING/A
2972	18.39	N045°34'W
3028	13.33	N037°54'W
412	8.57	N113°20'W
448	6.54	N026°01'W
	46.24	N010°13'W

EXISTING LOT DRAINAGE EASEMENT ACROSS LOTS 1 & 2 AND 88 OF THE LOW SURVEY SHOWN EXISTING STRUCTURE TO BE REMOVED
 STRUCTURE ON LOT 3 SHALL BE CONSTRUCTED IN CONFORMANCE WITH SECTION 504 OF THE 1987 EDITION OF THE URBAN HOUSING OVERLAP ZONE (INCLUDING SPRAWLERS) EXISTING STRUCTURE TO REMAIN
 PROPOSED SEWER LATERAL TO SAGBA PARCEL

SAGBA PARCEL (APN 210-060-071)
 PROPOSED REALIGNED DRIVEWAY ACCESS TO SAGBA PARCEL (OFF-RE PERMITS TO GRADE REQUIRED)
 GRADING FOR DRIVEWAY ACCESS TO SAGBA PARCEL FOR PROJECT NO. 97-7A (LIC. NO. 37-004) BYE NO. 51
 PROPOSED SEWER WATER MAIN

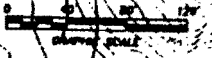


PROPOSED LOT 1 ABANDONMENT TO BE RECORDED PRIOR TO FOUR MAP
 EXISTING TRACT 1234567890
 RECORD MAP NO. 123456
 SECTION 504 OF THE 1987 EDITION OF THE URBAN HOUSING OVERLAP ZONE (INCLUDING SPRAWLERS)
 RECORD MAP NO. 123456

PORTION OF LOT 1 IN A CORDED LOW SURVEY TRACT NO. 99-15 RECORD MAP NO. 3839 SECTION 504 OF THE 1987 EDITION OF THE URBAN HOUSING OVERLAP ZONE (INCLUDING SPRAWLERS)
 RECORD MAP NO. 123456

PROPOSED LOT LINE ADJUSTMENT TO BE RECORDED PRIOR TO FOUR MAP

CONFORMANCE REQUIREMENT FOR 1/2" SIDE - TOP'S IMPAVED PUBLIC HIGHWAY FROM THIS ACTION TO BE CLEARANCE BY FOUR LANEWAY PLAN
 BY THE PUBLIC HIGHWAY DEPARTMENT
 UNDESIRABLE EASEMENTS ON THE CITY OF CARLSBAD TO BE REMOVED AND SUBMITTED TO THE CITY OF CARLSBAD FOR REVIEW AND APPROVAL
 SECTION 504 OF THE 1987 EDITION OF THE URBAN HOUSING OVERLAP ZONE (INCLUDING SPRAWLERS)
 RECORD MAP NO. 123456
 PONSSETTA LANE SHALL BE CONSTRUCTED IN CONFORMANCE WITH SECTION 504 OF THE 1987 EDITION OF THE URBAN HOUSING OVERLAP ZONE (INCLUDING SPRAWLERS)
 RECORD MAP NO. 123456



PREPARED BY
HUNSAKER & ASSOCIATES
 1234 5678
 CARLSBAD, CA 92008
 TEL: (760) 434-1234
 FAX: (760) 434-5678

SITE DEVELOPMENT PLAN
STEINER PROPERTY
 CITY OF CARLSBAD, CALIFORNIA

SHEET
 2
 OF
 2

67

RESOLUTION NO. 2000-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ZONE CHANGE, AND LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE LAND USE DESIGNATION ON THE SITE FROM L-C TO R-1-7,500-Q ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF POINSETTIA LANE, 200 FEET WEST OF EL CAMINO REAL, AND EAST OF PROPOSED SKIMMER COURT IN LOCAL FACILITIES MANAGEMENT ZONE 21

CASE NAME: STEINER PROPERTY
CASE NO. ZC 99-06/LCPA 99-05

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

WHEREAS, on January 5, 2000, the Carlsbad Planning Commission held a duly noticed public hearing to consider a proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change, and Local Coastal Program Amendment, to rezone 3.0 acres of land from Limited Control to Residential One-family, 7,500 square foot minimum lot size, Qualified Development Overlay (R-1-7,500-Q), and adopted Planning Commission Resolutions No. 4699, 4700, and 4701 recommending to the City Council that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change, and Local Coastal Program Amendment be approved; and

WHEREAS, the City Council of the City of Carlsbad, on the 25th day of January, 2000, held a duly noticed public hearing to consider the recommendation and heard all persons interested in or opposed to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change, and Local Coastal Program Amendment

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

1. That the above recitations are true and correct.
2. That the recommendation of the Planning Commission for approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change 99-06, and Local Coastal Program Amendment 99-05 is approved and that the findings and conditions of the Planning Commission contained in Planning Commission Resolutions No.

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad LCPA
#1-2000A
Council Resolution

1 4699, 4700, and 4701 on file with the City Clerk and incorporated herein by reference, are the findings and conditions of the City Council.

2
3 3. This action is final the date this resolution is adopted by the City Council.
4 The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

5 "NOTICE TO APPLICANT"

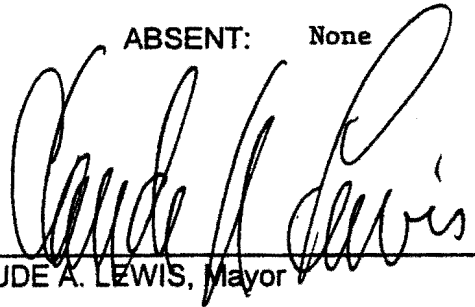
6 "The time within which judicial review of this decision must be sought is
7 governed by Code of Civil Procedure, Section 1094.6, which has been
8 made applicable in the City of Carlsbad by Carlsbad Municipal Code
9 Chapter 1.16. Any petition or other paper seeking judicial review must be
10 filed in the appropriate court no later than the ninetieth day following the
11 date on which this decision becomes final; however, if within ten days after
12 the decision becomes final a request for the record of proceedings
13 accompanied by the required deposit in an amount sufficient to cover the
14 estimated cost of preparation of such record, the time within which such
15 petition may be filed in court is extended to not later than the thirtieth day
16 following the date on which the record is either personally delivered or
17 mailed to the party, or his attorney of record, if he has one. A written
18 request for the preparation of the record of the proceedings shall be filed
19 with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive,
20 Carlsbad, California 92008."

21 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
22 Carlsbad on the 25th day of January, 2000, by the following vote, to wit:


23 AYES: Council Members Lewis, Hall, Finnilla, Nygaard and Kulchin

24 NOES: None

25 ABSENT: None

26
27
28 

CLAUDE A. LEWIS, Mayor

29 ATTEST:
30 

LORRAINE M. WOOD, City Clerk

(SEAL)