

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7576 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
619-57-2370



Tu10a

July 19, 2001

RECORD PACKET COPY**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO
KERI AKERS, COASTAL PROGRAM ANALYST****SUBJECT: REVISED FINDINGS ON CITY OF CARLSBAD MAJOR LOCAL
COASTAL PROGRAM AMENDMENT NO. 1-2000D (ROESCH)
(For Public Hearing and Possible Commission Action at the August 6-10,
2001 Meeting)**

SYNOPSIS**SUMMARY OF COMMISSION ACTION**

At the Commission meeting of June 12, 2001, the Commission reviewed the City of Carlsbad LCP Amendment #1-2000D pertaining to the rezone of a 27.7-acre parcel (Roesch) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q) on 5.83 acres and Open Space (O-S) on 21.87 acres. In its action, the Commission denied as submitted, then approved the implementation plan with suggested modifications that address restrictions on use of the 21.87-acre open space area, revegetation and restoration to mitigate impacts to native vegetation, and maintenance and monitoring requirements for mitigation.

At the Commission meeting, revisions were made to the staff recommendation, thus requiring revised findings. The revisions include: restriction of uses within open space Lot 22 to habitat conservation, utilities within the existing utility easement, and existing passive recreation (public trail); requirements for mitigation of impacts from grading and/or development on native vegetation such as southern maritime chaparral, and requirements for a five-year maintenance and monitoring commitment to ensure that impacted vegetation is successfully restored to its original (or greater) habitat value within five years.

COMMISSION VOTES

City of Carlsbad LCPA 1-2000D, approve if modified:

Commissioners Voting "Yes": Allgood, Dettloff, Kruer, Leel, McCoy, Nava, Rose,
Weinstein, and Chairperson Wan

Commissioners Voting "No": None

SUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Carlsbad LCP Mello II Implementation Plan. The request rezones a 27.7-acre parcel (Roesch) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q) on 5.83 acres and Open Space (O-S) on 21.87 acres. The associated development proposal for 21 single-family lots would impact 1.37 acres of southern maritime chaparral (SMC) which has been determined to be an environmentally sensitive habitat area (ESHA) according to Section 30107.5 of the Coastal Act. However, the development proposal associated with the rezoning will result in clustering of development adjacent to existing facilities (roads, utilities, etc.), and will place into preservation the largest contiguous areas of native vegetation with the highest habitat value in the north and west portions of the site.

The appropriate resolutions and motions begin on page 4.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Keri Akers** 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. LCP HISTORY

Carlsbad Local Coastal Program (LCP)

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 certified LCP.

B. 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.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:** *I move that the Commission adopt the revised findings in support of the Commission's action on June 12, 2001 concerning City of Carlsbad LCPA 1-2000D.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote on the motion. Passage of this motion will result in the adoption of revised findings as set forth in this staff report. The motion requires a majority vote of the members from the prevailing side present at the June 12, 2001 hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings.

RESOLUTION TO ADOPT REVISED FINDINGS:

The Commission hereby adopts the findings set forth below for denial of the Local Coastal Program Amendment as submitted, and approval as modified on the ground that the findings support the Commission's decision made on June 12, 2001 and accurately reflect the reasons for it.

PART III. SUGGESTED MODIFICATIONS

Staff recommends that the following suggested revisions to the proposed LCP amendment be adopted. The underlined sections represent language that the Commission suggests be added:

The City should amend its rezone approval to incorporate a site-specific reference on the LCP zoning map which states the following, to apply to Open Space Lot 22 of the development proposal approved under CT 18-19/CDP 98-96:

A. Use of the 21.87-acre area in Lot 22 is restricted to habitat conservation, passive recreation (public trail), and utilities within the existing utility easement. No development of additional recreational facilities or associated amenities shall be allowed. Any subsequent modifications to the herein approved open space uses will require an LCP amendment.

B. Impacts from grading and/or development on native vegetation such as southern maritime chaparral within any portion of the site shall be mitigated by revegetating and restoring the affected areas to the maximum extent feasible, while retaining necessary brush management features for fire protection.

C. Replanting and/or restoration measures which are implemented to mitigate for native vegetation impacts shall be subject to a five-year maintenance and monitoring requirement to ensure that impacted vegetation is successfully restored to its original (or greater) habitat value within five years. If at any time during this period it is determined that the level of viability or successful integration of the mitigation measures is such that the impacted native vegetation will not be successfully restored, replanting or other additional restoration efforts shall be required to ensure adequate mitigation.

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF SAN DIEGO LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED AS RECOMMENDED.

A. AMENDMENT DESCRIPTION

The amendment changes the LCP implementation plan by rezoning a 27.7-acre parcel (Roesch) from Limited Control (L-C) to One-Family Residential (R-1-7,500-Q) on 5.83 acres and Open Space (O-S) on 21.87 acres. The amendment is associated with a specific project proposal which has been approved by the City to subdivide 5.83 acres of the site into 21 single-family lots which vary in size from 7,554 square feet to 16,274 square feet. The remainder of the site (21.87 acres) will be preserved as open space and become part of the habitat corridor proposed in the City's draft HMP. Central sewer service will be extended to the proposed lots along the project access road from an existing sewer main on Brigantine Drive, and will not cross or otherwise impact the proposed open space area. The project site is located on Brigantine Drive, north of Poinsettia Lane, between Aviara Parkway and Black Rail Road. The project is bordered to the north and east by the Mariano and Ocean Bluff

subdivisions, and to the west by the Sambi subdivision. A 150'-wide north-south power line easement also crosses the western portion of the property. An existing access road will function as a public trail through the property. Vehicular access to the property is from Brigantine Drive, which takes access from Poinsettia Lane.

Topographically, the site slopes downward from east to west, from approximately 316' to 180' along the northern boundary and from 290' to 230' along the southern boundary. The site drains to the north through a north-south natural drainage course created by steep slopes which form a canyon within the western portion of the site. Portions of the property have previously been used for agricultural purposes; the proposed single-family lots will be sited within the largest of the agriculturally-disturbed areas in the southeastern corner of the property. 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.

B. 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.

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.

C. MAJOR PROVISIONS OF THE ORDINANCE

The amendment provides for the change of zoning of the identified parcel from L-C to R-1 and O-S. 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.

The Roesch property is located within a proposed "standards area" of the HMP, which requires approximately 75% conservation of the site for biological open space, to enable the connection of habitat preserve areas to the east and north. The O-S 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.

D. ADEQUACY OF ORDINANCE TO IMPLEMENT THE CERTIFIED LUP/DENIAL 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 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 resource protection policies of the certified LUP 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. The amendment would change a portion of the parcel's LCP zoning designation to Open Space to reflect the fact that the specified area is intended to function as a habitat corridor linkage.

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 Mello II LUP designates the site as Residential Low Medium (RLM). The RLM designation allows single-family residential development at a range of zero to four dwelling units per acre (du/ac). The density of the proposed single-family subdivision is 1.34 dwelling units per acre. The surrounding properties are designated RM and RLM (0-4 du/ac). Therefore, the Commission finds the proposed zoning is consistent with the certified LUP land use designation.

The property contains numerous areas of steep slopes (25%+) and/or native vegetation. Although gnatcatchers have not been found to occur on the site, the onsite areas of coastal sage scrub (CSS) may provide foraging habitat. All of the onsite CSS will be preserved in the open space area, which is proposed to be integrated into the habitat corridor of the City's HMP. The LCP amendment would allow development of approximately 1.37 acres of SMC in the southeast corner of the property, which will be zoned for open space, to provide adequate grade slope for a central sewer.

Commission staff determined that the onsite SMC community met the criteria for an environmentally sensitive habitat area (ESHA). Pursuant to Section 30240 of the Coastal Act, ESHA shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas. The certified LCP allows up to 10% encroachment into sensitive vegetation on steep slopes and does not provide for the protection of vegetation on non-steep areas. However, the Commission must address protection of ESHA and other coastal resources where these resources are found. The Commission determined that the removal of 1.37 acres of SMC was potentially a significant disruption that conflicted with the requirements of Section 30240. The Commission also found that the open space zone designation (OS) as proposed did not provide sufficient assurance that uses in the OS area would be permanently restricted to habitat preservation and passive recreation. Therefore, the LCP amendment, as submitted, must be denied.

E. FINDINGS FOR APPROVAL, IF MODIFIED

1. Carlsbad Habitat Management Plan (HMP) and the HCP Process

The Roesch property is included within a proposed "standards area" of the draft Carlsbad HMP, which provides limitations on development and resource impacts within that area. The

HMP is being prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans will replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and will allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

The HCP process is a requirement of the Endangered Species Act, which prohibits the "take" of listed threatened and endangered species. As defined in Section 3(18) of the Federal Endangered Species Act, "the term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." The Act, however, allows the USFWS to permit take that is incidental to some otherwise lawful activity. As part of the application for an incidental take permit (ITPs), the applicant must prepare and submit an HCP to the USFWS.

In southern California, a regional approach has developed in which multiple local governments and large landowners apply for one or more ITPs to address overall regional geographical area. Mitigation measures include acquisition or other protections of replacement habitat, mitigation banks, mitigation credits, and enhancing, restoring or creating habitat. Regional management has generally involved establishing, acquiring and managing habitat preserves.

The Carlsbad HMP and the MHCP will meet criteria for the California Department of Fish and Game's (CDFG) Natural Communities Conservation Planning process (NCCP). The objectives of the southern California NCCP program include identification and protection of habitat in sufficient amounts and distributions to enable long-term conservation of the coastal sage community and the California gnatcatcher, as well as other sensitive habitat types. Generally, the purpose of the HCP and NCCP processes is to preserve natural habitat by identifying and implementing an interlinked natural communities preserve system. Through these processes, the resource agencies are pursuing a long-range approach to habitat management and preserve creation over the more traditional mitigation approach to habitat impacts.

Within the draft HMP, the City has identified approximately 4,459 acres of existing preserve area, which will be added to 1,437 acres of proposed hardline conservation areas, for a total of 5,896 acres. This hardline preserve is consistent with the area proposed in the MHCP. Other properties located along the habitat corridor (including the Roesch property) will have "standards" applied for a combination of development and preservation, and are expected to eventually contribute approximately 504 additional acres within the geographical area. Mitigation measures include acquisition or other protections of replacement habitat,

mitigation banks, mitigation credits, and enhancing, restoring or creating habitat. Regional management has generally involved establishing, acquiring and managing habitat preserves.

The standards areas involve several key undeveloped areas within the City that are located within the proposed habitat linkage corridors, but which do not yet have proposed development plans for individual properties within those areas. The City's standards are focused geographically, using the Local Facilities Management Zones identified in the City's growth management plan. These properties are proposed to have conservation goals and standards which would allow at least 25% development of the site, but which provide for minimum conservation of 67% of coastal sage scrub and 75% of gnatcatchers on each site. Several areas have significantly higher standards for greater protection of individual resource areas. Emphasis is placed upon creation of preservation corridors and linkage to the larger MHCP habitat areas. Projects proposed within the standards areas also will require additional consultation with the City and the wildlife agencies to determine whether the project complies with the relevant standards and is consistent with the HMP. Upon receiving approval of their development plans, these properties will receive take authorization.

Although the rezone would take place prior to approval of the Carlsbad HMP, this recommendation is not dependent on the HMP. The development proposal does not involve take of the California gnatcatcher or other listed wildlife, and therefore does not require approval of the HMP and issuance of an ITP. The rezone would place 21.87 of the 27.62-acre site into a permanent open space area (O-S), which will ultimately become part of the planned HMP habitat corridor. Rezoning the preserve area as open space (O-S), instead of placing it into a residentially-zoned easement, provides added assurance that the open space will be preserved even if the HMP is not approved.

2. Impacts to ESHA

The onsite southern maritime chaparral (SMC) vegetation community located in the southeastern corner of the parcel is an environmentally sensitive habitat area (ESHA). The LCP amendment would allow development of approximately 1.37 acres of southern maritime chaparral in the southeast corner of the property, to provide adequate grade slope for a central sewer. The proposed grading would result in direct impacts to raptor nesting and foraging habitat, and would result in indirect impacts to the foraging area of at least two pairs of coastal California gnatcatchers. Sensitive plants impacted by removal of the SMC include Nuttall's scrub oak (*Quercus chumosa*), wart-stemmed ceanothus (*Ceanothus verrucosus*) and western dichondra (*Dichondra occidentalis*).

Although gnatcatchers have not been found to occur on the site, the onsite areas of coastal sage scrub may provide foraging habitat for gnatcatchers located on neighboring properties. The property contains numerous areas of native vegetation and steep slopes (25%+) outside of the proposed development location which will be included in the open space area. As provided in the Mitigated Negative Declaration dated July 19, 1999, the applicant is required to dedicate an open space/conservation easement to the City of Carlsbad or other acceptable entity over the proposed open space area. To mitigate any potential disturbance to gnatcatchers, prior to commencing grading activities the applicant must have a survey for gnatcatcher nests conducted by a qualified biologist; if any nests are found, no grading or

removal of habitat may take place within 200 feet of active nesting sites during the nesting/breeding season (mid-February through mid-July.)

The Roesch rezone and development proposal will place 76% of the site in open space, with a minimum habitat corridor of 500 feet, and will conserve 100% of onsite CSS. The LCP amendment provides significantly more protection for coastal resources than would be provided by meeting the minimum standards of the certified LCP. The LCP amendment and associated development proposal will preserve the majority of the property and valuable habitat, cluster the proposed lots on the least sensitive portion of the site (previously used for agriculture), and will locate the access road and utilities in a manner that will not require crossing of the wildlife corridor. The proposed residential area is located next to existing roads and utilities which serve neighboring subdivisions, and will not require extension of services through the open space area.

As an alternative, the grading plan on the south side of the development proposal could be revised to avoid direct impact to the SMC. However, such a revision would likely prevent central sewer service from being provided to the majority of the southern and western portions of the proposed development area, and would result in a significant loss of lots. As a result, there would be little incentive to create an open space preserve instead of placing scattered lots on other, more remote areas of the site which would still be considered accessible and developable under the certified LUP. Although the development proposal would impact 1.37 acres of SMC, its density is greatly reduced from that allowed in the LUP, it promotes the concentration of development away from the proposed regional habitat preserve and linkage corridors, and establishes a larger, viable and unfragmented preservation area which will promote wildlife movement throughout this planning area.

Having taken into account a comprehensive review of the Roesch development proposal, including onsite resources, potential impacts, relationship to the HMP, and the provisions of the LCP, the Commission found that approval of the Roesch rezone and associated development proposal would result in clustered development and provide the greatest amount of protection for sensitive coastal resources. The rezoning and development proposal are consistent with the certified LCP, the HMP planning standards and the overall HMP goals.

However, the Commission found that the open space zone designation (O-S) as proposed did not provide sufficient assurance that uses in the OS area would be permanently restricted to habitat preservation and passive recreation. As previously noted, the OS zone allows several other uses, including public parks, playgrounds and other recreational amenities, agriculture, and transportation rights-of-way. In order to ensure that the OS zone, as it applies to this site in the LCP, preserves the area for the intended purposes, the Commission suggested a modification to the City's zoning map. The map must contain a note specifically addressing the open space on the subject site, i.e. Lot 22 of CT 98-19/CDP 98-96, and restricting use of this 21.87-acre area to habitat conservation, existing passive recreation, and utilities within the existing utility easement, with no development of additional recreational facilities or associated amenities. The note should also state that any subsequent modifications will be subject to an LCP amendment.

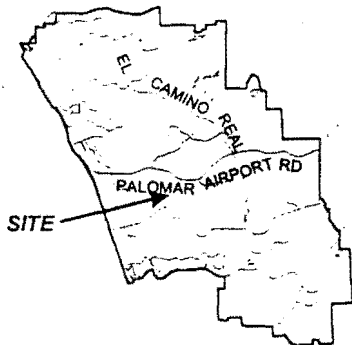
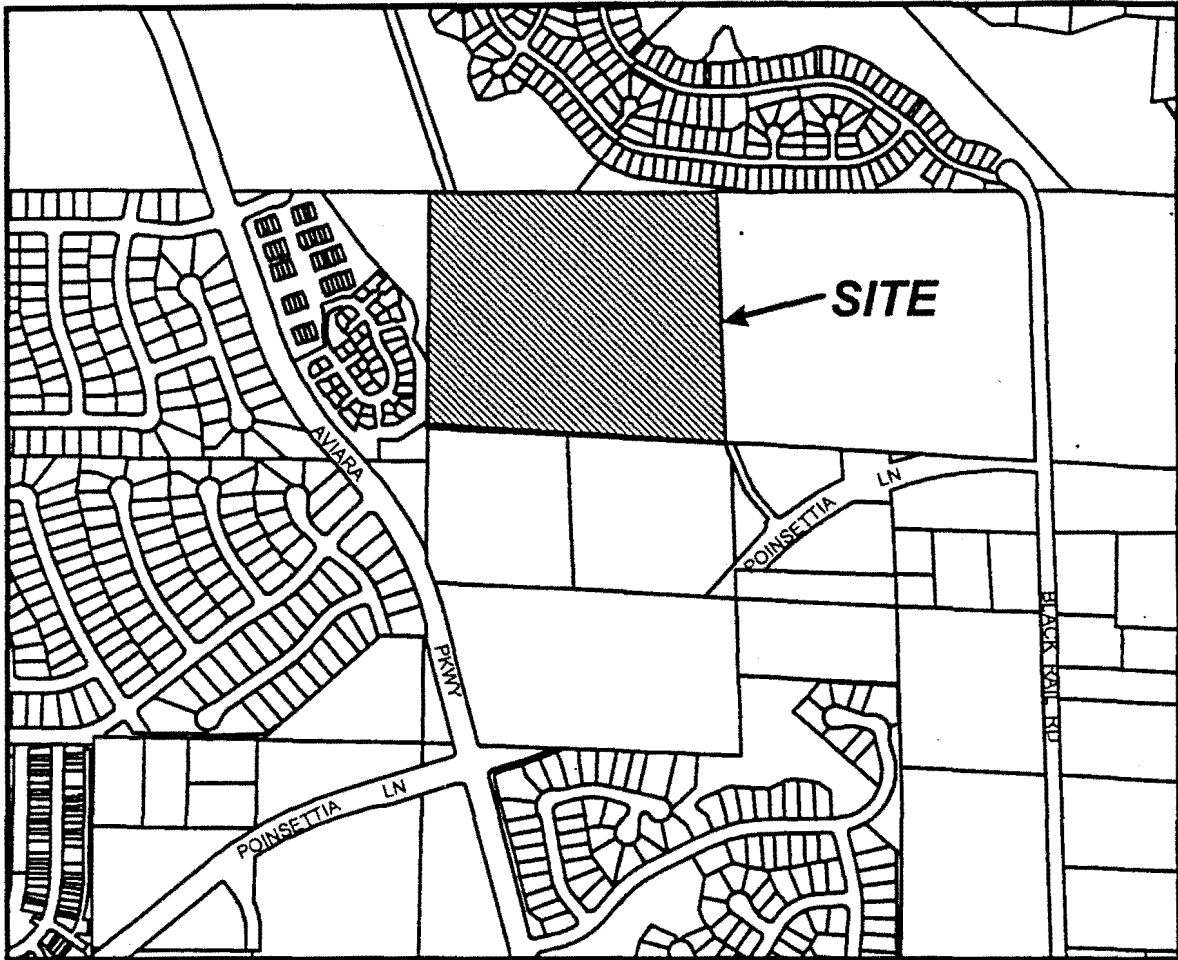
The LCP amendment also does not address mitigation for impacts to native vegetation. The development proposal associated with the rezone is expected to impact 1.37 acres of SMC.

Therefore, the Commission finds that it is necessary to revegetate and restore any areas of native vegetation which are impacted due to grading or development. To ensure that mitigation is adequately carried out and that mitigation efforts are successful, a five-year maintenance and monitoring program shall be implemented with the goal of restoring impacted vegetation to equal or greater habitat value within five years. These requirements must be part of the zoning applicable to the subject site to serve as the standards of review for future development. With such modifications, the certified LCP will ensure that the OS zone as applied to this site will carry out the habitat protection provisions of the certified land use plan.

**PART 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 Roesch rezone will not result in an intensity of land use incompatible with the surrounding development, and on balance will result in clustered development and maximized protection of coastal resources. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.



ROESCH PROPERTY RESIDENTIAL SUBDIVISION

ZC 98-12/LCPA 98-09/CT 98-19/
SDP 99-05/HDP 98-21/CDP 98-86

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PLANNING COMMISSION RESOLUTION NO. 4628

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM TO BRING THE DESIGNATIONS ON THE LOCAL COASTAL PROGRAM, GENERAL PLAN, AND ZONING MAP INTO CONFORMANCE ON PROPERTY LOCATED NORTH OF POINSETTIA LANE BETWEEN AVIARA PARKWAY AND BLACK RAIL ROAD IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: ROESCH PROPERTY SUBDIVISION
CASE NO: LCPA 98-09

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

WHEREAS, **Standard Pacific Corporation**, "Developer", has filed a verified application for an amendment to the Local Coastal Program designations regarding property owned by **Ronald L. Roesch**, "Owner", described as

That portion of Section 22, Township 12 South, Range 4 West, San Bernardino Base and Meridian, in the City of Carlsbad, County of San Diego, State of California, according to official plat thereof, as described in Certificate of Compliance record March 11, 1997 as File No. 1997-0106633 official

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit(s) "**LCPA 98-09**" attached to **Planning Commission Resolution 4627** 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 of the California Coastal Commission Administrative Regulations; and

WHEREAS, the Planning Commission did on the **6th** day of **October, 1999**, hold a duly noticed public hearing as prescribed by law to consider said request; and

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

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

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

- 9 A) That the foregoing recitations are true and correct.
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11 B) At the end of the State mandated six week review period, starting on **August 26,**
12 **1999** and ending on **October 6, 1999,** staff shall present to the City Council a
13 summary of the comments received.
14
15 C) **That a note be placed on the LCP zoning map: This property shall not be**
16 **subdivided to create more than 4 dwelling units/acre of net developable land.**
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18 D) That based on the evidence presented at the public hearing, the Commission
19 **RECOMMENDS APPROVAL** of **ROESCH PROPERTY SUBDIVISION,**
20 **LCPA 98-09** based on the following findings, and subject to the following
21 conditions:

22 **Findings:**

- 23 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
24 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
25 of the **Mello II** segment of the Carlsbad Local Coastal Program not being amended by
26 this amendment, in that **the project is consistent with applicable policies requiring the**
27 **preservation of steep slopes containing coastal sage scrub and chaparral habitats**
28 **and the reduction of storm water runoff to existing levels.**
29
30 2. That the proposed amendment to the **Mello II** segment of the Carlsbad Local Coastal
31 Program is required to **bring the designations of the City's General Plan Land Use**
32 **Map, Zoning Map (as amended), and Mello II Land Use Plan into conformance.**

33 **Conditions:**

- 34 1. This approval is granted subject to the approval of the **Mitigated Negative Declaration**
35 **and Mitigation Monitoring and Reporting Program and ZC 98-12.** LCPA 98-09 is
36 subject to all conditions contained in Planning Commission **Resolutions No. 4626 and**
37 **4627.**
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PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning
Commission of the City of Carlsbad, held on the 6th day of October, 1999, by the following
vote, to wit:

AYES: Vice Chairperson Compas, Commissioners L'Heureux, Nielsen,
Segall, Trigas, and Welshons

NOES:

ABSENT: Chairperson Heineman

ABSTAIN:

William Compas
WILLIAM COMPAS, Vice Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

Michael J. Holzmueller
MICHAEL J. HOLZMILLER
Planning Director