

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370

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June 26, 2002

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TO: COMMISSIONERS AND INTERESTED PERSONS

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENTS NO. 1-2002B & C (Carlsbad Promenade, Redeemer
by the Sea) (For Commission Consideration and Possible Action at the
Meeting of July 8-12, 2002)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The subject amendment request revises the certified Mello II Implementation Program. The request rezones a 30.9-acre site (Carlsbad Promenade) to Residential One-Family with a 7,500 square foot lot size and qualified development overlay (R-1-7,500-Q), and rezones a 10.26-acre parcel (Redeemer by the Sea) from Limited Control (L-C) to One-Family Residential (R-1). On April 22, 2002, the City of Carlsbad's proposed Local Coastal Program Amendment (LCPA) 1-2002 was received in the San Diego District office. The amendment package contained two other requests to amend the certified Carlsbad LCP implementation program. A time extension of up to one year was granted by the Commission at the June 2002 meeting. The Carlsbad Promenade and Redeemer by the Sea amendments are going forward at the July 2002 hearing at the request of the City of Carlsbad.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the proposed LCP amendments as submitted, and subsequent approval if modified. Both rezones are consistent with the certified Mello II LUP in that they would not allow a greater density on the site than the certified Residential Low Medium (RLM 0-4 dua) land use designation would allow.

The Carlsbad Promenade site is currently bisected into two different zones: Limited Control (L-C) and Residential One-Family with a 10,000 square foot minimum lot size and qualified development overlay (R-1-10,000-Q). The site contains several areas of rare native vegetation and other sensitive areas totalling approximately 10.34 acres, including coastal sage scrub (7.58 acres), southern maritime chaparral (1.49 acres), southern willow scrub (.67 acre), and wetland area (.60 acres). The Redeemer by the

Sea site contains several areas of rare native vegetation totalling approximately .37 acre, that are located in the south and southeast portions of the property.

The purpose of the L-C zone is to provide an interim zone for areas where planning for future land uses has not been completed, or plans for development have not been formalized. A number of L-C properties, which were formerly used for agriculture but are now becoming ready for development, exist within the coastal zone; several are included in the HMP as hardline and standards properties. Although it is anticipated that the L-C properties will be developed at urban intensities, the Mello II land use plan (LUP), which was originally certified in 1981, does not address this zoning designation or the projected urban transition and development of the L-C properties. In order to avoid piecemeal conversion of these properties from agriculture to urban uses, staff has recommended that the City should revise the LUP to address the L-C properties and provide a comprehensive plan for their development which will take into account the cumulative impacts of these conversions.

Additionally, the LCP, which was certified in 1981, has not been updated to adequately protect ESHA and species such as the gnatcatcher, which has been listed since the LCP's certification. The LUP protects sensitive native vegetation on steep slopes (>25%), but does not protect native vegetation in flatter areas. The dual-criteria slope policy preserves natural landforms and prevents erosion, but does not address the need to preserve rare native plant communities, especially those which have been determined by federal or state listing to be threatened or endangered. The gnatcatcher, which resides in the CSS community, was listed as threatened by the USFWS in 1993, and several species within the southern maritime chaparral community were listed as threatened or endangered in 1996. Currently, over 200 plant and animal species in the San Diego region are listed or proposed to be listed by federal or state governments as endangered, threatened, or rare. The LUP also does not include policies specifying how development in the L-C zone will be comprehensively planned in a manner consistent with the LCP.

When the LCP was certified, it was anticipated that the purpose of the L-C zone was to provide an interim zone for areas not yet ready for development and where plans for development had not been formalized. This purpose is stated in Section 21.39.010 of the City's zoning code (Title 21). This planning has not yet taken place. The City has submitted several LCP amendments to rezone individual L-C properties, based on individual site plans, but has not submitted an LCP amendment to revise and update the L-C zone designation and/or provide a comprehensive plan for the L-C zoned properties as a whole. The City has stated that it intends to provide a comprehensive update of the LUP in future, to address the HMP and other outstanding concerns. When the LUP is updated, a provision will be incorporated to require those areas that have been placed under open space easements for the purpose of habitat conservation, to be turned over to the management of an appropriate conservation agency with responsibility for the overall HMP preserve system.

These unresolved issues make it difficult to conclude that an amendment to the implementation plan of the LCP is sufficient to address the underlying deficiencies of the LCP, which affect not only this individual site but all of the undeveloped properties within the coastal zone. These deficiencies and the out-of-date scope of the plan make it

necessary for the City of Carlsbad to update and revise its plan to reflect current requirements for habitat and species protection, and to provide coordinated and comprehensive planning for the transition of agricultural lands, instead of addressing these areas solely through site-specific, individual rezones. However, in the absence of these updates, the Commission must consider the development pattern of these L-C zoned properties that will be enabled by the proposed rezones to allow residential development.

Staff is recommending that the City amend the proposed rezones through suggested modifications that will incorporate requirements specific to the subject sites onto the certified LCP zoning map. The modifications would prohibit disturbance of sensitive vegetation, provide buffers adjacent to sensitive vegetation, and permanently restrict the allowable uses in those areas to ensure habitat protection. Approval of the proposed rezones with suggested modifications is consistent with the draft HMP and will not jeopardize creation of a viable open space preserve system.

The appropriate resolutions and motions can be found on Page 5. The findings for approval of the amendments can be found on Page 7.

BACKGROUND

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 Zone 20 Specific Plan of the LCP's Mello II segment.

Carlsbad Habitat Management Plan (HMP)

The Carlsbad 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.

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. 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 requests. Each of these local hearings were duly noticed to the public. Notice of the subject amendments 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.

Implementation Plan Denial as Submitted:

- I. MOTION: *I move that the Commission reject the Implementation Program Amendments #1-2002B & C for the City of Carlsbad as submitted.***

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a YES vote. Passage of this motion will result in rejection of the Implementation Program Amendments and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY IMPLEMENTATION PROGRAM AMENDMENTS AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of Carlsbad and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan (LUP). Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.

Implementation Plan Certification with Suggested Modifications:

- II. **MOTION:** *I move that the Commission certify the Implementation Program Amendments #1-2002B& C for the City of Carlsbad if modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a YES vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendments for the City of Carlsbad and adopts the findings set forth on grounds that the Implementation Program with the suggested modifications conforms with and is adequate to carry out the provisions of the certified Land Use Plan. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

SUGGESTED MODIFICATION:

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

1. The City shall incorporate the following requirements onto the certified LCP Zoning Map, to apply to the subject parcels (APN # 215-070-13-00, 215-070-36-00, 214-550-01-00):
 - a. The onsite areas of native vegetated habitat (approximately 10.34 acres), including coastal sage scrub, southern maritime chaparral, southern willow scrub and wetland areas, shall be protected as a condition of development approval, and secured through recordation of an open space conservation easement in favor of the City of Carlsbad or other conservation agency, or other appropriate preservation method. Use of the open space areas containing native vegetation shall be restricted to habitat conservation, restoration and enhancement.
 - b. As a condition of development approval, a minimum 20-foot buffer area shall be required between structures and delineated native vegetation. The buffer area shall be secured through an easement or deed restriction that prohibits structures

and/or non-native plantings in the habitat buffer area. A reduction to the 20-foot habitat buffer requirement may be allowed in order to obtain access to the property from Camino de las Ondas, where the maximum feasible habitat buffer shall be provided. Zone 3 brush management for fire protection may extend up to 20 feet into the habitat buffer area..

2. The City shall incorporate the following requirements onto the certified LCP Zoning Map, to apply to the subject parcel (APN#215-080-22-00):
 - a. The onsite areas of native vegetated habitat (approximately .37 acre), including southern maritime chapparal, shall be protected as a condition of development approval, and secured through recordation of an open space conservation easement in favor of the City of Carlsbad or other conservation agency, or other appropriate preservation method. Use of the open space areas containing native vegetation shall be restricted to habitat conservation, restoration and enhancement, and operation and maintenance of existing storm water facilities as necessary to serve future development.
 - b. As a condition of development approval, a minimum 20-foot buffer area shall be required between structures and delineated native vegetation. The buffer area shall be secured through an easement or deed restriction that prohibits structures and/or non-native plantings in the habitat buffer area. Zone 3 brush management for fire protection may extend up to 20 feet into the habitat buffer area.

PART IV. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN (CARLSBAD PROMENADE AND REDEEMER BY THE SEA REZONES), AS SUBMITTED AND APPROVAL IF MODIFIED AS RECOMMENDED

A. AMENDMENT DESCRIPTIONS

The amendments change the LCP implementation plan by rezoning a 30.9-acre parcel (Carlsbad Promenade) to Residential One-Family with a 7,500 square foot lot size and qualified development overlay (R-1-7,500-Q), and by rezoning a 10.26-acre parcel (Redeemer by the Sea) from Limited Control (L-C) to Residential One-Family (R-1). The Carlsbad Promenade site is currently bisected into two different zones: Limited Control (L-C) and Residential One-Family with a 10,000 square foot minimum lot size and qualified development overlay (R-1-10,000-Q).

The amendments are associated with specific project proposals that have been approved by the City. The Carlsbad Promenade site has been approved for a 32-lot single-family residential subdivision. The Redeemer by the Sea site has been approved for a 12-lot single-family subdivision and a church campus.

The Carlsbad Promenade site contains several areas of rare native vegetation and other sensitive areas totalling approximately 10.34 acres, including coastal sage scrub (7.58

acres), southern maritime chapparal (1.49 acres), southern willow scrub (.67 acre), and wetland area (.60 acres), as shown on Exhibit 4. On the Redeemer by the Sea site, approximately .37 acre of southern maritime chapparal (SMC) is located in the south and southeast portions of the property. On the approved permits, all of these sensitive areas are proposed to remain undisturbed and will be preserved in open space lots. The preserved habitat will become part of the Zone 20 habitat corridor proposed in the City's draft Habitat Management Plan (HMP).

The Carlsbad Promenade site is located northeast of the intersection of Aviara Parkway and Poinsettia Lane; vehicular access to the property will be from Camino de las Ondas. Topographically, the site has a large flat area in the middle portion of the property that has previously been used for agriculture; areas of slight to moderate slopes are located on the northern parcel and the southeast portion of the site. A canyon area runs through the northern portion of the parcel. The Redeemer by the Sea site is located south of Poinsettia Lane; vehicular access to the property will be from the completed extension of Poinsettia Lane and Black Rail Road. Topographically, the site slopes from west to east, with areas of steep slopes in the south and east portions of the site. Most of the property has previously been used for agricultural purposes; the proposed development will be located within the existing disturbed areas. For both sites, development will be sited in existing disturbed areas, and steep slopes and native habitat areas will be preserved in open space lots.

B. PURPOSE AND INTENT OF THE ORDINANCE

The purpose and intent of the R-1 zone (One-Family Residential Zone) is to allow for single family detached homes and associated structures. The 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.

C. MAJOR PROVISIONS OF THE ORDINANCE

The amendment provides for the change of zoning of the Carlsbad Promenade site from R-1-10,000-Q and L-C to R-1-7,500-Q, and the Redeemer by the Sea site from L-C to R-1. Both properties are designated in the certified Mello II Land Use Plan as Residential Low Medium (0-4 dua). The R-1 zone allows single-family residential housing and associated amenities, sets a 35 foot height limit, establishes development standards for setbacks and placement of buildings, and provides other standards for construction design and exterior appearance. The R-1-7, 500-Q zone allows single-family residential housing and associated amenities, sets a minimum lot size of 7,500 sq ft and a minimum lot width of 60 ft, and establishes development standards for setbacks and placement of buildings. The purpose of rezoning the R-1 portion of the Carlsbad Promenade site to allow smaller lots (minimum of 7,500 sq ft instead of 10,000 sq ft) is to accommodate the development proposal for clustered single family residential development. If the rezones are approved, the certified LCP requires the proposed developments to obtain site development plans and coastal development permits from the City Planning Commission prior to building

permit issuance.

Chapter 21.06 of the City's zoning code provides, in part, the following requirements for the Q Qualified Overlay Zone:

21.06.10 Intent and Purpose

The intent and purpose of the Q qualified overlay zone is to supplement the underlying zoning by providing additional regulations for development within designated areas to:

- (1) Require that property development criteria are used to ensure compliance with the general plan and any applicable specific plans;
- ...
- (3) Ensure that development occurs with due regard to environmental factors;
- ...
- (6) Promote orderly, attractive and harmonious development, and promote the general welfare by preventing the establishment of uses or erection of structures which are not properly related to or which would adversely impact their sites, surroundings, traffic circulation or environmental setting.

Chapter 21.39 of the City's zoning code provides, in part, the following requirements for L-C zoning:

21.39.10 Intent and Purpose

The intent and purpose of the L-C zone is to provide an interim zone for areas where planning for future land uses has not been completed or plans for development have not been formalized. After proper planning or plan approval has been completed, property zoned L-C may be rezoned in accord with this title.

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 proposed rezones do not include open space zoning on the portions of the subject sites that contain environmentally sensitive habitat area. An LCP zoning designation to Open Space would

reflect the fact that the specified area is intended to function as a habitat corridor linkage. In these particular cases, the City did not rezone the open space portion of the sites but instead, through the coastal development permit approval, has required open space conservation easements over those portions of the properties containing sensitive habitat.

Policy 4-3 of the certified Mello II LUP 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 both sites as Residential Low Medium (RLM). The RLM designation allows single-family residential development at a range of zero to four dwelling units per acre (dua).

The proposed zoning for Carlsbad Promenade allows a residential density of 3.2 dua. The property is bordered to the north by the Seaside Heights and Roesch single-family developments, to the east by vacant land, and to the south by Poinsettia Lane and the Aviara development, with Aviara Parkway to the west. The proposed zoning for Redeemer by the Sea allows a residential density of 3.2 dua. The property is bordered to the south and west by single-family residences, and to the east and north by agricultural land. The residential densities are consistent with the land use designation in the certified LUP. The Commission finds the proposed zoning designations are consistent with the certified LUP land use designation and the zoning of surrounding properties.

Both properties contain areas of steep slopes (25%+) and/or native vegetation. Although gnatcatchers have not been found to occur on the Carlsbad Promenade site, the onsite areas of coastal sage scrub (CSS) may provide foraging habitat. Commission staff has determined that the onsite CSS, SMC, SWS and wetland areas contained on these properties meet the criteria for 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 purpose of the L-C zone is to provide an interim zone for areas where planning for future land uses has not been completed, or plans for development have not been formalized. A number of L-C properties, which were formerly used for agriculture but are now becoming ready for development, exist within the coastal zone; several are included in the HMP as hardline and standards properties. Although it is anticipated that the L-C properties will be developed at urban intensities, the Mello II land use plan (LUP), which was originally certified in 1981, does not address this zoning designation or the projected urban transition and development of the L-C properties. In order to avoid piecemeal conversion of these properties from agriculture to urban uses, staff has recommended that the City should revise the LUP to address the L-C properties and provide a comprehensive plan for their development which will take into account the cumulative impacts of these conversions.

Additionally, the LCP, which was certified in 1981, has not been updated to adequately protect ESHA and species such as the gnatcatcher, which has been listed since the LCP's certification. The LUP protects sensitive native vegetation on steep slopes (>25%), but does not protect native vegetation in flatter areas. The dual-criteria slope policy preserves natural landforms and prevents erosion, but does not address the need to preserve rare native plant communities, especially those which have been determined by federal or state listing to be threatened or endangered. The gnatcatcher, which resides in the CSS community, was listed as threatened by the USFWS in 1993, and several species within the southern maritime chaparral community were listed as threatened or endangered in 1996. Currently, over 200 plant and animal species in the San Diego region are listed or proposed to be listed by federal or state governments as endangered, threatened, or rare. The LUP also does not include policies specifying how development in the L-C zone will be comprehensively planned in a manner consistent with the LCP.

When the LCP was certified, it was anticipated that the purpose of the L-C zone was to provide an interim zone for areas not yet ready for development and where plans for development had not been formalized. This purpose is stated in Section 21.39.010 of the City's zoning code (Title 21). This planning has not yet taken place. The City has submitted several LCP amendments to rezone individual L-C properties, based on individual site plans, but has not submitted an LCP amendment to revise and update the L-C zone designation and/or provide a comprehensive plan for the L-C zoned properties

as a whole. The City has stated that it intends to provide a comprehensive update of the LUP in future, to address the HMP and other outstanding concerns. When the LUP is updated, a provision will be incorporated to require those areas that have been placed under open space easements for the purpose of habitat conservation, to be turned over to the management of an appropriate conservation agency with responsibility for the overall HMP preserve system.

These unresolved issues make it difficult to conclude that amendments to the implementation plan of the LCP is sufficient to address the underlying deficiencies of the LCP, which affect not only this individual site but all of the undeveloped properties within the coastal zone. These deficiencies and the out-of-date scope of the plan make it necessary for the City of Carlsbad to update and revise its plan to reflect current requirements for habitat and species protection, and to provide coordinated and comprehensive planning for the transition of agricultural lands, instead of addressing these areas solely through site-specific, individual rezones.

The Commission finds the proposed rezones do not acknowledge the open space potential of the sensitive habitat areas on the subject site, or contain policy standards for future development of the site which will adequately protect the habitat value consistent with the requirements of the LUP as interpreted in light of Section 30240 of the Coastal Act. Therefore, the LCP amendments, as submitted, must be denied.

E. FINDINGS FOR APPROVAL, IF MODIFIED

1. Habitat Protection

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 amendments, the City's Municipal Code serves as the Implementation Program for the Mello II segment of the LCP.

The Carlsbad Promenade and Redeemer by the Sea sites are located within the Mello II land use planning area. The Carlsbad Promenade site is currently zoned R-1 and L-C, and the Redeemer by the Sea site is zoned L-C. Both sites were formerly used for agriculture. The purpose of the L-C zone is to provide an interim zone for areas where planning for future land uses has not been completed, or plans for development have not been formalized. A number of L-C properties, which were formerly used for agriculture but are now becoming ready for development, exist within the coastal zone. Several of these properties are included in the HMP with specified areas of onsite development and preservation that will be approved ("hardline" properties, such as Carlsbad Promenade). Other properties are included in larger planning areas where general guidelines for preservation of habitat and wildlife corridor creation will apply ("standards areas" properties). Both sites lie within a "standards area" and within Local Facilities Management Zone 20 (Zone 20) as defined by the City's Growth Management Plan (GMP). The draft HMP provides that standards areas in Zone 20 that are located between Linkage F and Core Area #6 in the draft HMP are intended to support preservation of sensitive habitat and enhance wildlife movement between these areas.

Although it is anticipated that the L-C properties will be developed at urban intensities, the Mello II land use plan (LUP), which was originally certified in 1981, does not address this zoning designation or the projected urban transition and development of the L-C properties. In order to avoid piecemeal conversion of these properties from agriculture to urban uses, Commission staff has previously recommended that the City revise the LUP to address the L-C properties and provide a comprehensive plan for their development that will take into account the cumulative impacts of these conversions. The City has stated that it intends to provide a comprehensive update of the LUP in future, to address the HMP and other outstanding concerns.

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 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.

The standards areas involve several key undeveloped areas within the City that are located within the proposed habitat linkage corridors. 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.

Additionally, when the LCP is updated, a provision will be incorporated to require those areas that have been placed under open space easements, for the purpose of habitat conservation, to be turned over to the management of an appropriate conservation agency with responsibility for the overall HMP preserve system. In the absence of these updates, the Commission must consider the development pattern of this L-C zoned property that will be enabled by the proposed rezones without LCP development standards that address appropriate habitat buffers and open space linkages and corridors. Since the open space portions of the Carlsbad Promenade and Redeemer by the Sea sites will be included in the HMP preserve area, the the proposed rezones should conform to the draft HMP in order to avoid potential future conflicts between the LCP and the HMP. Staff is currently working with the City of Carlsbad to develop LCP and HMP standards which will apply to future development on sites containing environmentally sensitive habitat area, such as the subject site, to assure creation of a viable open space preserve system within the coastal zone and provision of adequate habitat buffers for new development. As submitted, the proposed LCP amendments address only the rezoning of the properties and do not include the LCP policy language necessary to coordinate the LCP and draft HMP.

In order to ensure preservation of the identified sensitive habitat areas, the Commission is suggesting a modification to the rezones to incorporate requirements into the City's certified LCP zoning map which would be applicable to approved development on the subject properties. The Commission suggests that the map should contain notes pertaining to each site that specifically address the proposed habitat conservation open space and appropriate buffer areas, and restrict use of these areas to habitat conservation. No development shall be permitted within the habitat or buffer areas except as explicitly provided by the notes on the certified Zoning Map. With such modifications, the certified IP will ensure that the native vegetation habitat on the Carlsbad Promenade and Redeemer by the Sea sites will be protected.

Based upon information provided by the Carlsbad Promenade applicant in a letter dated June 7, 2002 (Exhibit 5), the sole feasible access point for the project site is from an extension of Camino de Las Ondas from Aviara Parkway. Because of limited road frontage and the City's traffic engineering standards for public safety, site access is prohibited from Poinsettia Lane. In consideration of this constraint, and the limitations for project site access, for approximately 60 feet the proposed access road will come within 25 feet of the delineated riparian/SWS area. Policy 3-8 (Buffer Zones) of the certified Carlsbad Mello II LUP requires a 50-foot buffer from this area, unless the applicant has obtained the consent of the California Department of Fish and Game and the U.S. Fish and Wildlife Services, and can demonstrate that a reduced buffer will continue to protect identified resources. The Carlsbad Promenade site is a "hardline" property in the draft HMP, and the development/preservation locations were previously reviewed and approved by these agencies as part of the hardline approval process. It is not anticipated that any adverse impacts will result from the reduced buffer in order to obtain access to the Carlsbad Promenade site. Therefore, the reduced buffer for the

purposes of site access is consistent with the certified LUP. The necessity of reduced buffer for site access has been addressed in the suggested modification for Carlsbad Promenade.

Therefore, the Commission finds, in these particular cases, that the Carlsbad Promenade and Redeemer by the Sea rezones can be approved with suggested modifications ahead of a comprehensive LCP update because the suggested modifications will protect the onsite environmentally sensitive habitat. The preserved open space is also consistent with the habitat core and linkage areas identified in the draft HMP. The City's approval of the associated development proposals will require preservation of 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 impact the open space area. The proposed residential areas are located next to existing roads and utilities that serve neighboring subdivisions, and will not require extension of services through the open space areas. Based upon a comprehensive review of the Carlsbad Promenade and Redeemer by the Sea development proposals, onsite resources, potential impacts, habitat buffers, relationship to the HMP, and the provisions of the LCP, the Commission finds that, as modified, the Carlsbad Promenade and Redeemer by the Sea rezones would be consistent with and adequate to carry out the resource protection policies of the certified Mello II LUP.

2. Preservation of Agricultural Lands

Preservation of agricultural use has been addressed in the Mello II LUP as follows:

Section 30240 of the Coastal Act states:

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Amendments to the Carlsbad LCP certified by the Commission in 1985 essentially allow conversion of all of the agriculturally-designated lands within the City's Mello I and II segments. Such conversion is allowed pursuant to either (1) a determination of infeasibility of continued agricultural use based on area-wide studies, or (2) participation in a mitigation program designed to offset the loss of agricultural lands, or (3) payment of an agricultural mitigation fee.

The Carlsbad Promenade and Redeemer by the Sea sites are not designated in the Mello II LUP as either Prime or Non-Prime Agricultural Land. Since the properties are within the Coastal Agricultural Overlay Zone, the City's approval has been conditioned to ensure payment of an agricultural mitigation fee, which will mitigate the loss of agricultural resources by preserving or enhancing other coastal resources. The proposed rezones are consistent with above stated policy of the certified LUP pertaining to agricultural conversion, and are consistent with the certified LUP.

**PART IV. 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 Carlsbad Promenade and Redeemer by the Sea rezones will not result in an intensity of land use incompatible with the surrounding development, and on balance will result in clustered development and enhanced 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 that the LCP amendments may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendments will not result in any significant adverse environmental impacts.

RECEIVED

MAR 3 2002

COASTAL AREA COMMISSION
SAN DIEGO COAST DISTRICT

ORDINANCE NO. NS-620

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP TO GRANT A ZONE CHANGE, ZC 00-06, FROM R-1-10,000-Q AND L-C TO R-1-7,500-Q ON PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF POINSETTIA LANE AND AVIARA PARKWAY IN LOCAL FACILITIES MANAGEMENT PLAN ZONE 20.

CASE NAME: CARLSBAD PROMENADE
CASE NO: ZC 00-06

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

SECTION 1: That section 21.050.030 of the Carlsbad Municipal Code, being the zoning map, is amended as shown on the map marked Exhibit "ZC 00-06" attached hereto and made a part hereof.

SECTION 2: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution No. 5135 constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify the adoption of this ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 19th day of February, 2002, and thereafter

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///

LCPA 1-2002B
EXHIBIT 1

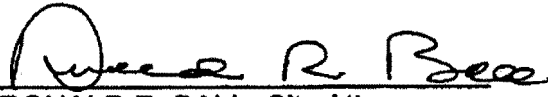
RONALD R. BALL
CITY ATTORNEY - CITY OF CARLSBAD
1200 CARLSBAD VILLAGE DRIVE
CARLSBAD, CALIFORNIA 92008-1989

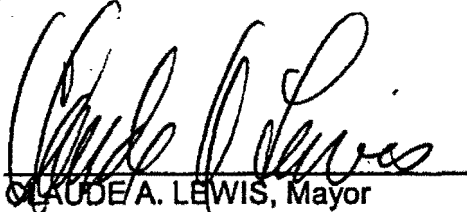
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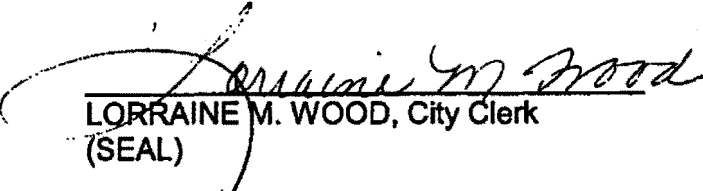
PASSED AND ADOPTED at a regular meeting of the City Council of the
City of Carlsbad on the 5th day of MARCH, 2002, by the following vote, to
wit:

AYES: Council Members Lewis, Kulchin, Finnilla, Nygaard, Hall
NOES: None
ABSENT: None

APPROVED AS TO FORM AND LEGALITY


RONALD R. BALL, City Attorney
3.9.2002.


CLAUDE A. LEWIS, Mayor
ATTEST:


LORRAINE M. WOOD, City Clerk
(SEAL)

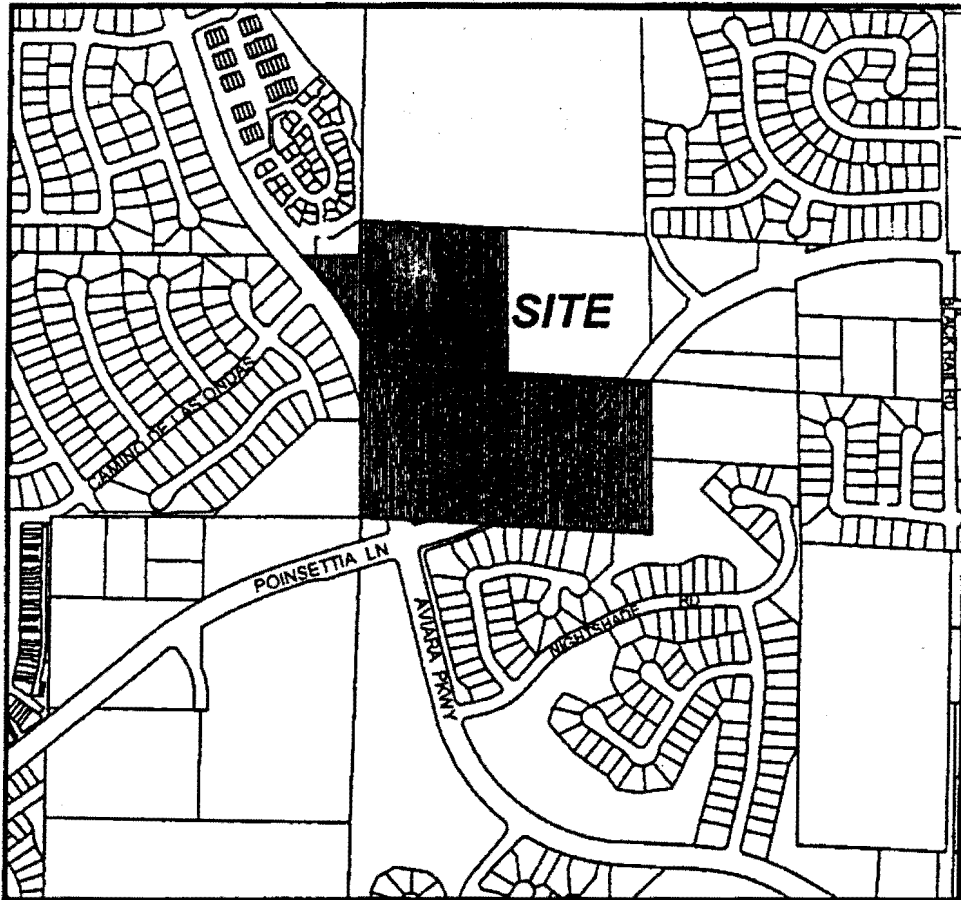
RONALD R. BALL
CITY ATTORNEY - CITY OF CARLSBAD
1200 CARLSBAD VILLAGE DRIVE
CARLSBAD, CALIFORNIA 92008-1889

PROPERTY ZONE CHANGE

ZC: 00-06

draft

final



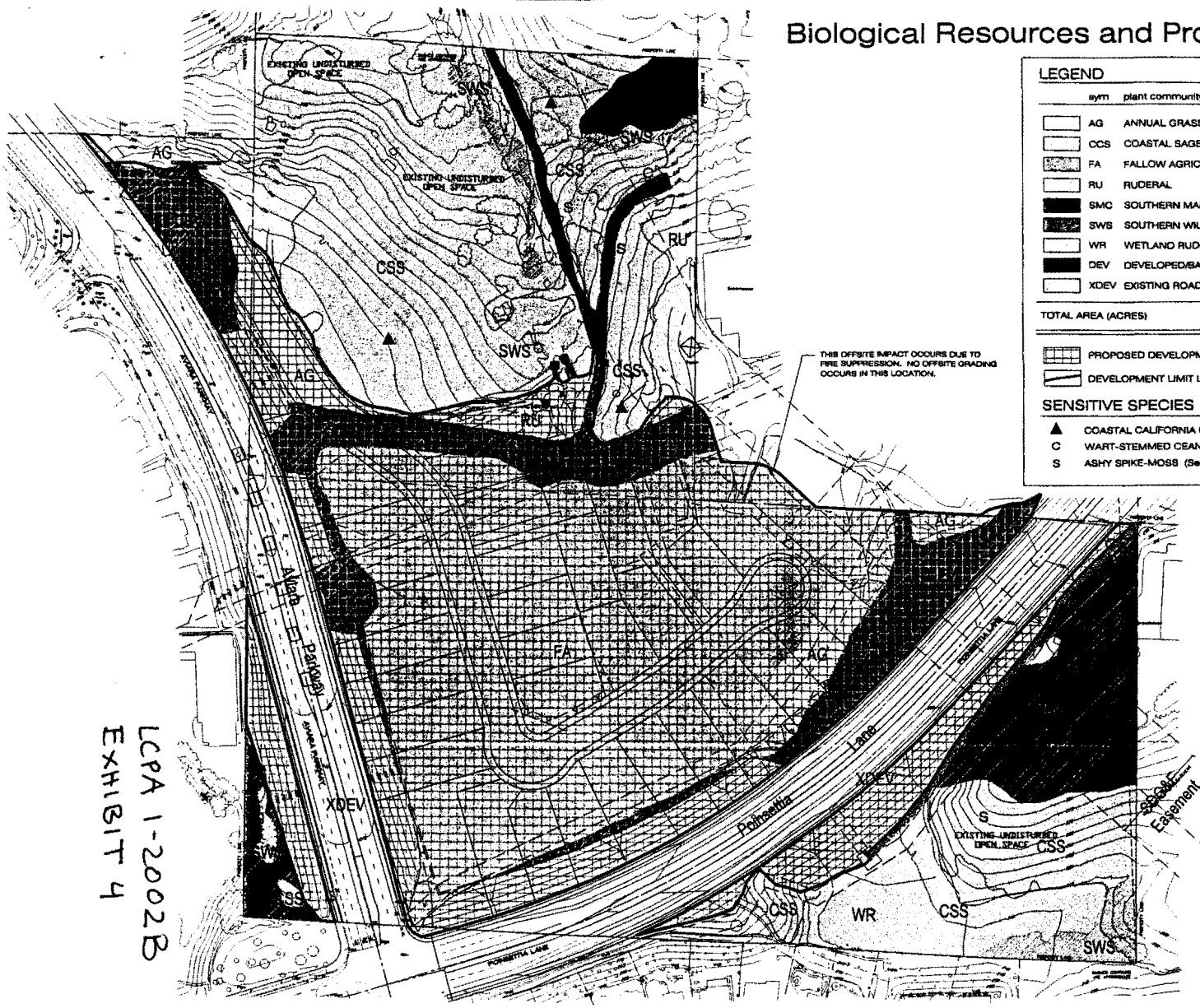
Project Name: CARLSBAD PROMENADE			Related Case File No(s):	
Legal Description(s): The northwest quarter of the southwest quarter of the southwest quarter together with the south half of the southwest quarter of the southwest quarter both of Section 22, Township 12 South, Range 4 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the official plat thereof.			LCPA 00-08/ CT 00-19/ CDP 00-53/ HDP 00-10	
Zone Change			Approvals	
Property:	From:	To:	Council Approval Date:	
A. 215-070-13-00	Limited Control	R-1-Q	Ordinance No:	
B. 215-070-36-00	Limited Control	R-1-Q	Effective Date:	
C. 214-550-01-00	R-1-10,000-Q	R-1-Q	Signature:	
Attach additional pages if necessary				

LCPA 1-2002 B

EXHIBIT 2

5

Biological Resources and Project Impacts Map



LEGEND

sym	plant community	Existing	Impacts
[AG symbol]	AG ANNUAL GRASSLAND	1.47	1.09
[CCS symbol]	CCS COASTAL SAGE SCRUB	7.58	0
[FA symbol]	FA FALLOW AGRICULTURE	8.13	8.13
[RU symbol]	RU RUDERAL	0.96	0.33
[SMO symbol]	SMO SOUTHERN MARITIME CHAPARRAL	1.49	0
[SWS symbol]	SWS SOUTHERN WILLOW SCRUB	0.67	0
[WR symbol]	WR WETLAND RUDERAL	0.80	0
[DEV symbol]	DEV DEVELOPED/BARE DIRT	3.54	2.63
[XDEV symbol]	XDEV EXISTING ROAD/INFRASTRUCTURE	6.74	2.44
TOTAL AREA (ACRES)		31.18	14.62

[Grid symbol]	PROPOSED DEVELOPMENT AREA
[Line symbol]	DEVELOPMENT LIMIT LINE

SENSITIVE SPECIES

[Triangle symbol]	COASTAL CALIFORNIA GNATCATCHER (pair)
[Circle symbol]	WART-STEMMED CEANOETHUS (<i>Ceanothus varrucosus</i>)
[Square symbol]	ASHY SPIKE-MOSS (<i>Setophella cinerascens</i>)

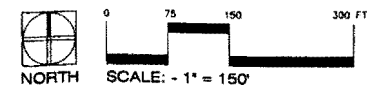
THIS OFFSITE IMPACT OCCURS DUE TO FIRE SUPPRESSION. NO OFFSITE GRADING OCCURS IN THIS LOCATION.

BIOLOGY SURVEY NOTE:

1. FIELD SURVEYED IN AUGUST & SEPTEMBER, 2000 BY PLANNING SYSTEMS FOR BIOLOGICAL RESOURCES.
2. FIELD SURVEYED IN MARCH, 2001, BY LINDER & ASSOCIATES FOR COASTAL CALIFORNIA GNATCATCHER.

LCPA 1-2002B
 EXHIBIT 4

#MM0821 OCTOBER 30, 2001



ODM
 O'DONOGHUE
 CONSULTANTS
 1000 WEST 10TH AVENUE
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8800
 FAX: 303.733.8801
 WWW.ODONOGHUE.COM

LINDER & ASSOCIATES
 BIOLOGICAL CONSULTANTS
 1000 WEST 10TH AVENUE
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8800
 FAX: 303.733.8801
 WWW.LINDER.COM

BIOLOGICAL RESOURCES AND PROJECT IMPACTS MAP
 CARLSBAD PROMENADE
 CARLSBAD, CALIFORNIA

Figure 3

KA
PLANNING
SYSTEMS



LAND USE / COASTAL PLANNING
LANDSCAPE ARCHITECTURE • LA3900
POLICY AND PROCESSING
ENVIRONMENTAL MITIGATION

June 7, 2002

RECEIVED
JUN 11 2002
CITY OF CARLSBAD

Keri Akers
COASTAL COMMISSION
7575 Metropolitan Dr.
Suite 103
San Diego, CA 92108-4402

RE: LCPA 1-2002 - CARLSBAD PROMENADE

Dear Keri:

You have requested information regarding compliance of the Carlsbad Promenade subdivision design with the newly-recommended revisions to "Standards Areas" articulated in Deborah Lee's letter to Michael Holzmilller dated May 10, 2002. The following is that information.

As you know, in working with the City of Carlsbad on this project, in accordance with the strict regulations of the Draft HMP, we were able to present a design in which the development was isolated to the previously-farmed areas, fully avoiding any impacts to CSS or other native vegetations. This includes the protection of CSS lands that are both on and not on steep slopes. As a result, our development only covers less than 50% of the property. We have analyzed the project in relation to the new regulations identified in the May 10 letter and conclude that it is in compliance with these regulations, although as we discussed, some question may exist as to its compliance with the proposed regulation worded; "If a riparian area is associated with steep slopes (>25%), the 50 foot buffer shall be measured from the top of the slope." Carlsbad Promenade compliance with this regulation depends upon interpretation of the regulation.

The character of the conserved open space on the northern 1/3 of the Carlsbad Promenade site is that of a natural canyon with a ribbon of riparian willow scrub at the bottom. The southwesterly natural hillside up from this riparian habitat is covered with CSS. This hillside is steep (>25%) over the lower elevations of the hillside, but not steep (<25%) over the upper elevations. This is demonstrated on the Constraints Map provided to Coastal Staff. The development is kept back well in excess of 50 feet from the steep slope area, except directly at the entry drive to the property in the extreme northwest corner of the site, where only approximately 25 feet of buffer exists from the top of steep slope to the proposed access road to the site. Note however, that there are intervening non-steep slopes between this access road point and the riparian corridor, located some 400 feet to the east.

LCPA 1-2002 B
EXHIBIT 5

In the absence of some kind of understanding of how the new regulations will be interpreted for slopes that vary between steep and non-steep, we have no way of determining whether the project is in compliance with this particular referenced new regulation. What we do know however, is that elimination or attempt to pull-back the entry drive will result in elimination of the only viable access to the property.

The site is located on the northeast corner of the confluence of two roadways classified as arterials. Poinsettia Lane is designated as a major east-west arterial on the City's Circulation Element, and referenced as such in the Mello *II* LCP (Land Use) Policy 5-5. As such, it has restricted access, providing intra-city circulation and connections to the freeway and regional roads. Poinsettia Lane will carry an estimated 40,000 ADT at buildout. For traffic safety and efficiency considerations, the minimum spacing of access points onto roadways classified as major arterial is 1,200 linear feet. The entire Poinsettia Lane frontage along the Promenade property is only 1,100 feet in length. As a result, proposed project access to the site is prohibited from Poinsettia Lane.

Aviara Parkway is designated as a north-south secondary arterial in the Circulation Element, and will carry approximately 20,000 ADT at buildout. As such, this roadway also has restricted access, and the minimum spacing for access points is identified as 600 linear feet. Existing Camino de Las Ondas street presently provides access to the Mariner's Point neighborhood located on the west side of Aviara Parkway, and is planned as a signalized intersection. Camino de Las Ondas is situated only 1,000 feet northerly of the Poinsettia Lane/Aviara Parkway intersection. As such, Camino de Las Ondas complies with the Aviara Parkway minimum intersection spacing requirements (1,000 feet is greater than the 600 foot minimum), but provision of an additional access between Camino de Las Ondas and Poinsettia would conflict with this minimum (1,000 feet does not provide sufficient length to accommodate two 600 foot spacings). As a result, Carlsbad Promenade has been required to take its only access from the Camino de Las Ondas signalized intersection location.

In consideration of this single access constraint, an access road into the site has been provided at this Camino de Las Ondas location. In order to avoid impacts to the onsite CSS vegetation located just east of this intersection location, the access road has been designed with an immediate 90° turn southerly and no loading of houses are proposed along this narrow site entry area. Nonetheless, the resulting buffer area between the access road and the adjacent steeply sloping CSS narrows to less than 50 feet in depth from the top of slope for a very short distance (approximately 60 feet in length) at the point of the 90° turn. The Constraints Map for Carlsbad Promenade shows that the natural CSS slope flattens southerly of the 90° turn to less than 25% gradient and the 50 foot buffer is thus provided. The 90° turn has been designed to the minimum allowable tangent and radius, and thus cannot be pulled any farther from the steep slope CSS top of slope than the 25 feet presently designed.

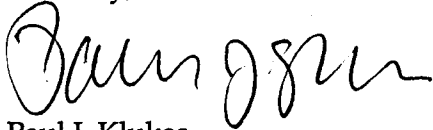


Keri Akers
June 7, 2002
Page 3

Considering these engineering and safety constraints, it is our conclusion that the project has been; (a) designed with access at the only allowable location, and (b) this access has been designed with the greatest sensitivity to the CSS as possible. We believe that this access must truly be characterized as needed in order to provide access to the flatter, developable area of the property, and that there is no less environmentally damaging alternative available. Elimination of this access will thus eliminate all viable use of the property.

Please let me know if you need any further information regarding this matter. We look forward to the hearing on the LCP Amendment at the July hearing.

Sincerely,



Paul J. Klukas
Director of Planning

cc: Michael Holzmilller
Gary Wayne
Van Lynch
Tom Hageman



ORDINANCE NO. NS-619

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP AND THE LOCAL COASTAL PROGRAM ZONING MAP TO GRANT A ZONE CHANGE, ZC 00-10, FROM L-C TO R-1 ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF BLACK RAIL ROAD AND SOUTH OF POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: REDEEMER BY THE SEA

CASE NO.: ZC 00-10/LCPA 00-13

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

SECTION I: That Section 21.050.30 of the Carlsbad Municipal Code, being the zoning map, is amended as shown on the maps marked Exhibit "ZC 00-10" and the Local Coastal Program Zoning Map Exhibit "LCPA 00-13" attached hereto and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolutions Nos. 5120 and 5121 on file in the Planning Department constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 12th day of FEBRUARY 2002, and thereafter.

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LCPA 1-2002 C
EXHIBIT 6

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of

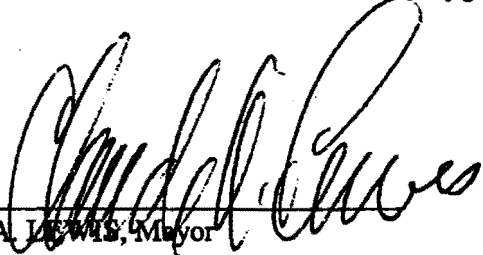
Carlsbad on the 19th day of FEBRUARY, 2002, by the following vote, to wit:

AYES: Council Members Lewis, Kulchin, Finnila, Hall

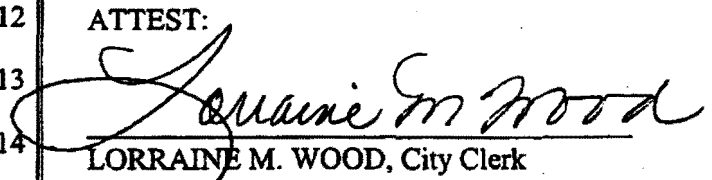
NOES: None

ABSENT: None

ABSTAIN: Council Member Nygaard

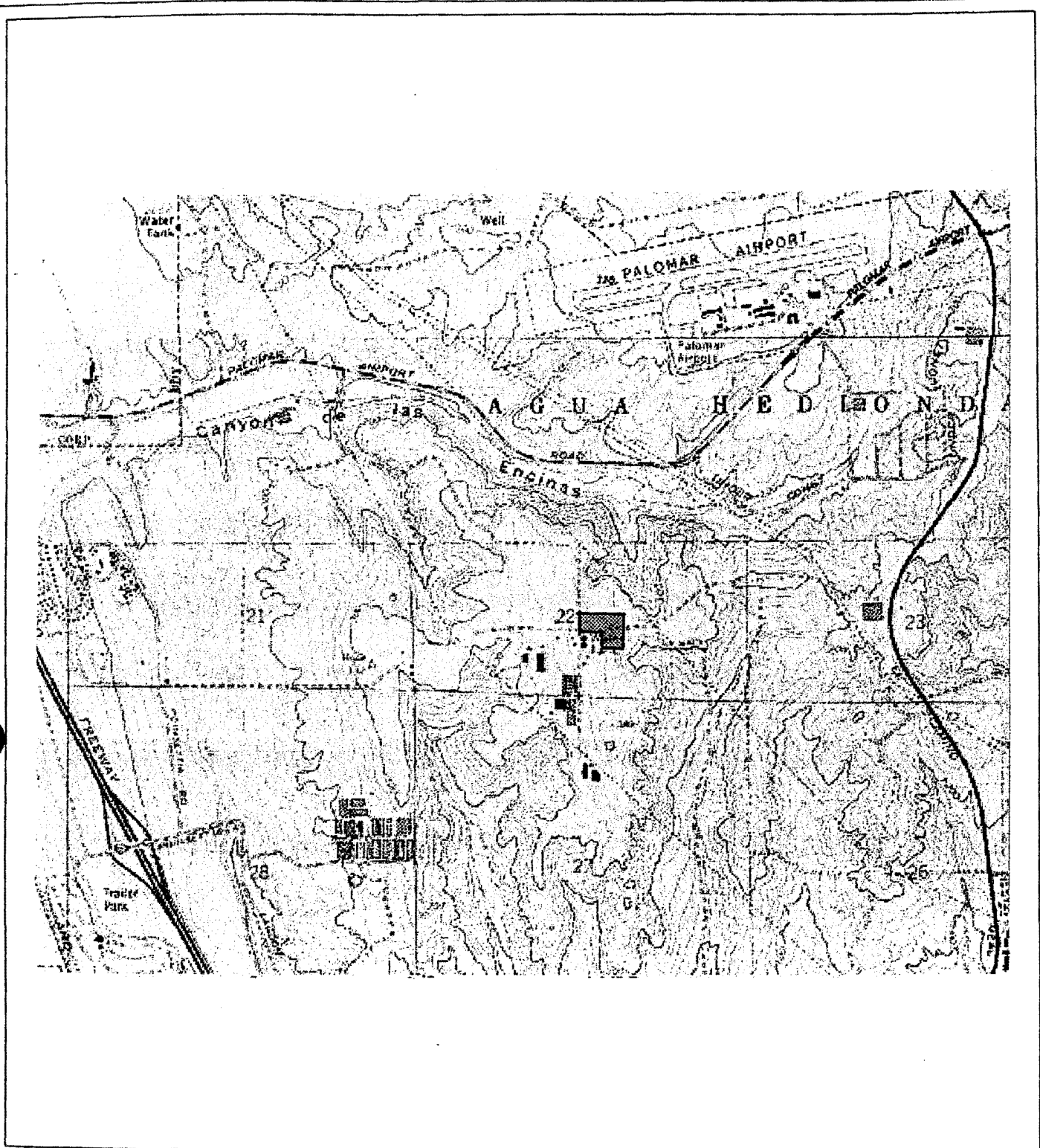


CLAUDE A. LEWIS, Mayor

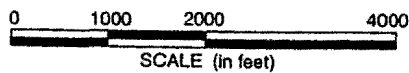
ATTEST:


LORRAINE M. WOOD, City Clerk

(SEAL)



Base: USGS 7.5 minute Encinitas, CA quadrangle



LEGEND

 LOCATION OF SITE



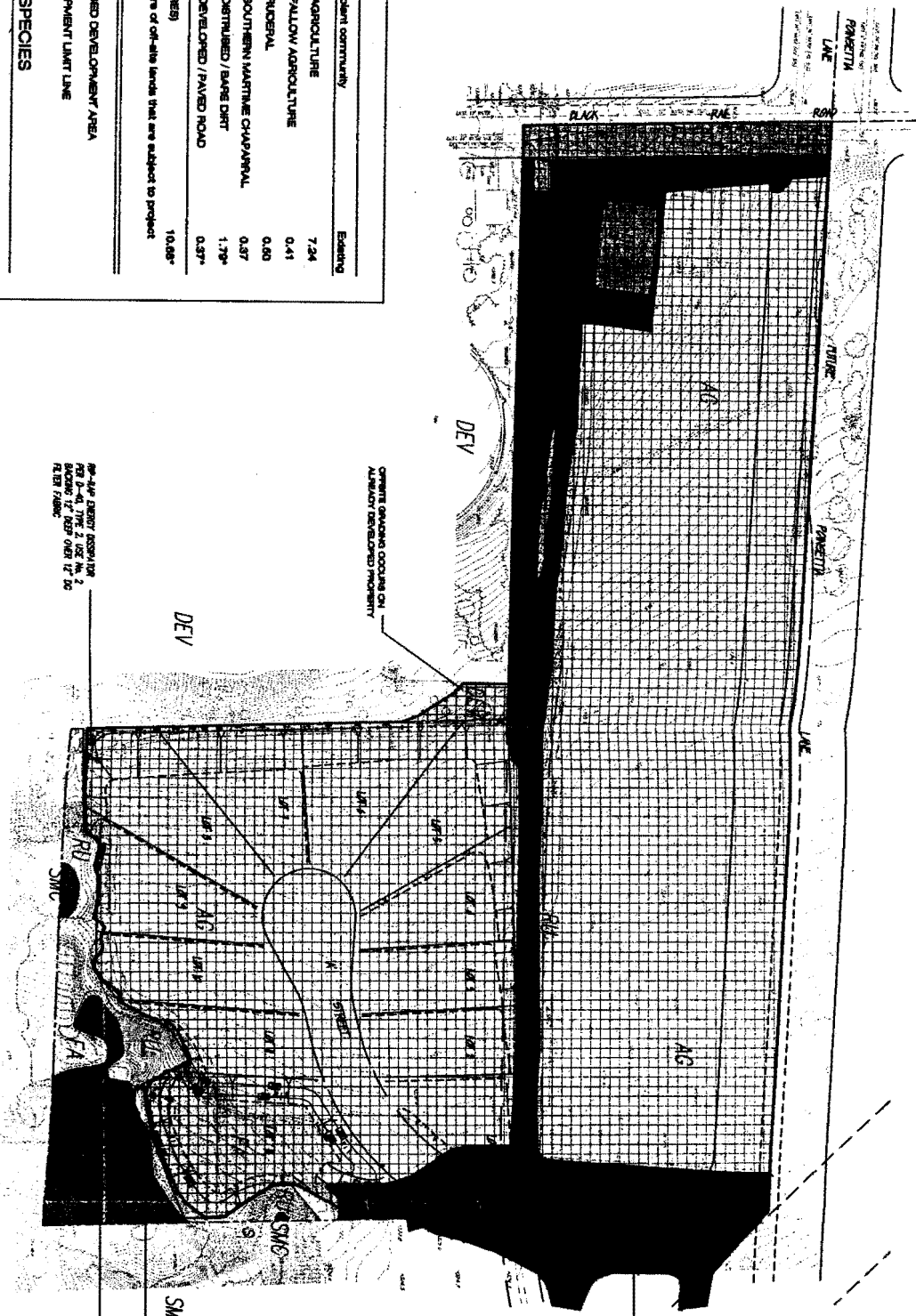
Figure 2
Vicinity Map
 Carlsbad, California

LCPA 1-2002 C
 EXHIBIT 7

LEGEND	
SYM	DESCRIPTION
[Symbol]	AG AGRICULTURE 7.24
[Symbol]	FA FALLOW AGRICULTURE 0.41
[Symbol]	RU RUDERAL 0.60
[Symbol]	SMD SOUTHERN MARITIME CHAMPANAL 0.37
[Symbol]	DIB DISTRIBUTED / BARE DIRT 1.79*
[Symbol]	DEV DEVELOPED / PAVED ROAD 0.37*
TOTAL AREA (ACRES) 10.68*	

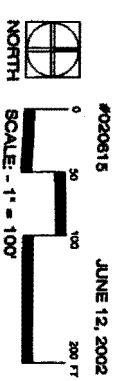
* Includes 0.42 acres of off-site lands that are subject to project grading.

SENSITIVE SPECIES	
C	WART-STEMMED OSMONDTUS (Osmontus verticillatus)
S	SLIMMER HOLLY (Comarostaphylis divaricata)



SURVEY NOTE:

1. FIELD SURVEY IN JUNE, 2002 BY PLANNING SYSTEMS FOR VEGETATION RECONSTRUCTION.
2. BARE LIME BY EQUATOR LAND GROUP PROFESSIONAL, INC. TENTATIVE RECONSTRUCTION MAP OF PROJECT, REVISION BY THE SOUTHERN DIVISION OF OAKLAND.



LCPA 1-2002C
EXHIBIT 8