

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370**RECORD PACKET COPY**

June 20, 2002

Tue 7b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE
KERI AKERS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT NO. 1-2000E (Manzanita Property) (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 Local Coastal Plan (LCP) Implementation Program. The request rezones a 47.6-acre site (Manzanita Property) from Limited Control (L-C) and Exclusive Agricultural (E-A) to Residential Density-Multiple with a Qualified Development Overlay (RD-M/Q). On May 15, 2000, the City of Carlsbad's proposed Local Coastal Program Amendment (LCPA) #98-06 was received in the San Diego District office. At the July 2000 meeting, a time extension on the LCP amendment package was granted by the Commission to allow time for review and recommendations on the draft Carlsbad Habitat Management Plan (HMP) and a pending appeal on the coastal development permit (CDP) for the Carlsbad municipal golf course, which is also part of the HMP. The LCP amendment was denied by the Commission in July 2001. A lawsuit was filed by the property owner, which was resolved through a settlement agreement. The court has remanded the LCP amendment to the Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The Manzanita rezone is consistent with the land use density in the certified Mello II land use plan (LUP) for the underlying land use designations of Residential Low to Medium Density (RLM) and Residential Medium Density (RM). The site totals approximately 47.6 acres, and includes 9.18 acres of coastal sage scrub (CSS) and 19.84 acres of southern maritime chaparral (SMC).

The portion of the Manzanita site on the west side of El Camino Real (approximately 31.47 acres) is located within the coastal zone; the remaining 16.13 acres is located outside of the coastal zone on the east side of El Camino Real. All of the proposed

development activities will be located on the west side of El Camino Real. The CSS and SMC areas on the site constitute an environmentally sensitive habitat area (ESHA) as defined in Section 30107.5 of the Coastal Act. Seven vernal pools are located on the east side of El Camino Real, and are the subject of restoration and protective measures. The property owner proposes to make an irrevocable offer of a conservation easement over 31.47 acres of open space for purposes of long-term sensitive habitat protection, in connection with the coastal development permit (CDP) approved by the City for development of the site. The open space area will become part of the habitat preserve area established by the Carlsbad Habitat Management Plan (HMP) when that plan is implemented.

In the draft Carlsbad Habitat Management Plan (HMP), a "hardline" has been proposed on the subject site to delineate the line between the preserve open space and the developable area. The site is also located within Local Facilities Management Zone 21 (Zone 21) as defined by the City's Growth Management Plan (GMP). The purpose of the hardline property designation is to indicate appropriate development limitations and preserve locations to support preservation of sensitive habitat and enhance wildlife movement throughout the proposed HMP preserve. The proposed rezone does not conflict with the HMP hardline proposed for the property. Approval of the proposed LCP amendment would not prejudice the establishment of viable core and linkage areas for threatened and endangered species habitat and the proposed open space preserve system, or conflict with the certified LCP and draft HMP's protective measures for sensitive habitat and endangered species.

The appropriate resolutions and motions can be found on Page 5. The findings for approval of the Implementation Plan amendment begin on Page 6.

BACKGROUND

Major review issues and background information are summarized below, and are analyzed in greater detail in the Findings section beginning on page 6:

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.

The Manzanita site is currently zoned in the implementation plan of the LCP as L-C (Limited Control) and E-A (Exclusive Agricultural). The purpose of the L-C zoning designation 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. Although the LUP designates this site for future residential development, it does not specifically address the L-C or E-A zoning designations, or provide direction for a coordinated, orderly transition of these properties from agricultural and interim uses to residential development. Commission staff previously communicated to the City in other staff reports, and in letters from August 2001 and May 2002, that the LCP should be amended to provide this direction for the remaining L/C properties, particularly since many of these properties contain sensitive habitat and endangered species and are proposed for inclusion in the draft HMP. However, the proposed rezone for this particular site does not create any impacts which require additional resource planning or mitigation, such as habitat or wildlife loss.

The HCP Process and the Carlsbad HMP

The Manzanita property is a proposed "hardline property" area within the draft Carlsbad HMP, which indicates where development and preservation areas should be located on the site. The Carlsbad HMP is being prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and will function as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP).

The HCP process is established by the federal 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 and if other specified criteria are satisfied. An HCP, by protecting habitat for threatened species, can provide USFWS the basis for issuing incidental take permits.

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.

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 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 reject the City of Carlsbad Mello II Implementation Program Amendment #1-2000E as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted 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 IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Mello II Implementation Program Amendment #1-2001E as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan (LUP), and certification of the Implementation Program Amendment will meet the requirements of 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 Amendment on the environment, or 2) there are no further feasible alternatives

or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT #1-2000E (MANZANITA
APARTMENTS), AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The amendment changes the LCP implementation plan (IP) by rezoning a 47.6-acre two parcel site (Manzanita) from Limited Control (L-C) and Exclusive Agricultural (E-A) to Residential Density-Multiple with a Qualified Development Overlay (RD-M/Q, 0-8 dua). The northern parcel is currently zoned E-A. The southern parcel is zoned L-C. The southern parcel, which is bisected by El Camino Real (the coastal zone boundary), is designated as Residential Medium Density (RM, 4-8 dua) on the west side of the road. The portion of the southern parcel that is east of the road is located outside the coastal zone. The northern parcel is entirely within the coastal zone. The portion of the southern property on the west side of El Camino Real is within the coastal zone; the portion on the east side of El Camino Real is outside of the coastal zone.

The site is bordered by the Villa Loma apartment complex to the north, the residential subdivision of Poinsettia Hills and undeveloped and L-C zoned property to the west, the Villages of La Costa to the east, and the Lohf and Steiner residential subdivisions to the south. A transmission line easement runs northwest to southeast through the site in the area proposed for open space. Vehicular access to the property will be from Cassia Road, with emergency access from El Camino Real.

Topographically, the site slopes downward from east to west, from approximately 330' on the eastern portion of the property near the existing nursery, to 220' at the western boundary. Portions of the property have previously been used for agricultural purposes.

B. FINDINGS FOR APPROVAL

a) Purpose and Intent of the Ordinance

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.

The purpose and intent of the RD-M/Q zone (Residential Density-Multiple with a Qualified Development Overlay) is to allow for multi-family residential housing and associated amenities. The L-C zone designation was assigned to properties that were annexed into the city, 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. One purpose of the E-A zone designation is to provide for those land uses, such as agriculture, which are customarily conducted in areas which are not yet ready for urban development but where urban development is anticipated to occur. The proposed RD-M/Q zone allowing

0-8 dua is compatible with the existing adjacent residentially zoned properties and probable future residential zones of the adjacent L-C zoned property.

b) Major Provisions of the Ordinance

The amendment provides for the change of zoning of the identified parcel from L-C and E-A to RD-M/Q. The RD-M/Q zone allows multi-family residential housing and associated amenities, sets a 14'1" height limit, and establishes development standards for setbacks, placement of buildings and minimum lot area. Additional development standards for this zone include provisions for minimum distance between buildings and minimum parking requirements for residents and guests.

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.

c) Adequacy of Ordinance to Implement the Certified LUP.

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

the Implementation Program for the Mello II segment of the LCP. The Mello II LUP designates the site as Residential Low to Medium Density (RLM) and Residential Medium Density (RM). The RLM designation allows residential development at a range of 0-4 duu, and the RM designation allows residential development at 4-8 duu. The surrounding properties are zoned R-1-Q, P-C, and L-C. The proposed RD-M/Q zone is compatible with the existing adjacent residentially zoned properties and probable future residential zones of the adjacent L-C zoned property, and is consistent with the density and land uses that would be allowed by the proposed rezone to RD/M-Q. The Commission finds the proposed zoning is consistent with the certified LUP land use designation and the surrounding properties.

1. L-C Zoned Property Conversions/Habitat Protection

The Manzanita site is located within the Mello II land use planning area, and is zoned L-C (Limited Control). The site was formerly used for agriculture but those operations have ceased, although there are some unused greenhouse structures still remaining onsite. 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 habitat preservation that will be approved ("hardline" properties such as Manzanita). Other properties are included in larger planning areas where general guidelines for preservation of habitat and wildlife corridor creation will apply ("standards areas" 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.

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.

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.

In order to avoid piecemeal conversion of L-C properties from agriculture to urban uses, Commission staff have previously recommended that the City 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. The City has stated that it intends to provide a comprehensive update of the LUP in the 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.

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. In this particular case, the associated development proposal approved by the City would allow 157 apartment units and related recreational amenities on approximately 9.8 acres, with the remainder of the site to be preserved. In total, approximately 38 acres of the 47.6 acre site will be placed into open space under a dedicated open space/conservation easement, and will become part of the habitat corridor as proposed in the City's draft HMP. The open space will contain the areas of native vegetation and vernal pools located on the site, and will contribute to the identified HMP core and linkage areas that are intended to provide important connections between large areas of sensitive habitat.

As such, the rezone of the Manzanita site, including the resource protection provided by the Q Qualified overlay zone, and approval of the proposed LCP amendment would not prejudice the proposed core and linkage alignment, or reduce the certified LCP or draft HMP's protective measures for sensitive habitat and endangered species. The rezone would not promote access to, or development of, surrounding L-C properties in a manner which would be detrimental to sensitive resources. The proposed rezone and proposed development plan approved by the City are also consistent with the certified LCP.

2. Preservation of Agricultural Lands

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

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, (2) participation in a mitigation program designed to offset the loss of agricultural lands, or (3) payment of an agricultural mitigation fee.

The Manzanita site is not designated in the Mello II LUP as either Prime or Non-Prime Agricultural Land. Since the property is 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, consistent with the certified LCP. The proposed rezone is consistent with the above stated policy of the certified LUP pertaining to agricultural conversion.

PART VI. 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 an LCP amendment submittal to find that the LCP amendment complies with the requirements of CEQA.

As discussed above, the LCP amendment will not cause significant adverse impacts to the environment. The kind and intensity of development that the re-zone will allow is consistent with the certified LUP land use designations and the Q Qualified overlay zone will protect sensitive resources pursuant to the requirements of the certified LUP. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the LCP amendment might have on the environment. Therefore, the Commission finds that the LCP amendment is consistent with the requirements of CEQA.

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PLANNING COMMISSION RESOLUTION NO. 4619

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 LOCAL COASTAL PROGRAM AND ZONING MAP INTO CONFORMANCE ON PROPERTY LOCATED ADJACENT TO EL CAMINO REAL JUST SOUTH OF CASSIA ROAD.

CASE NAME: MANZANITA APARTMENTS

CASE NO: LCPA 98-06

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, **Manzanita Partners, LLC**, "Developer", has filed a verified application for an amendment to the Local Coastal Program zoning designations regarding property owned by **Bons Revocable Living Trust and Manzanita Partners, LLC**, "Owners", described as

A portion of the NE and SE ¼ of the SW ¼ of Section 23, T12S, R4W, SBM, County of San Diego.

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit "AA" dated September 15, 1999 attached to Planning Commission Resolution No. 4819, **MANZANITA APARTMENTS - LCPA 98-06**, as provided in Public Resources Code Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title 14 of the California Code of Regulations (the California Coastal Commission Administrative Regulations); and


WHEREAS, the Planning Commission did on the 15th day of September, 1999, hold a duly noticed public hearing as prescribed by law to consider said request; and

EXHIBIT NO. 1

CARLSBAD
LCPA #1-2000E

CITY COUNCIL
RESOLUTION

LCPA 98-06

 California Coastal Commission

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.
10
11 B) At the end of the State mandated six week review period, starting on May 15,
12 1999 and ending on July 3, 1999, staff had received no public comments on the
13 proposed Local Coastal Program Amendment.
14 C) That based on the evidence presented at the public hearing, the Commission
15 **RECOMMENDS APPROVAL** of MANZANITA APARTMENTS LCPA 98-
16 06 based on the following findings, and subject to the following conditions:

17 **Findings:**

- 18 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
19 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
20 of the Mello I and Mello II segments of the Carlsbad Local Coastal Program, not being
21 amended by this amendment, in that **steep slopes containing sensitive habitat will be
22 designated as open space and will be preserved, thus complying with policies
23 regarding the preservation of steep slope areas.**
24 2. That the proposed amendment to the Mello I and Mello II segments of the Carlsbad
25 Local Coastal Program is required to bring the **designations of the City's Zoning Map
26 and the Mello I and Mello II Local Coastal Program segments into conformance.**

27 **Conditions:**

- 28 1. Approval of LCPA 98-06 is granted subject to the approval of the Mitigated
Negative Declaration and Mitigation Monitoring and Reporting Program and ZC
98-09, SDP 98-19, SUP 98-06, HDP 98-18, and CDP 98-73, and the parcel map or lot
line adjustment which consolidates the two western parcels, and is subject to all
conditions contained in the Mitigated Negative Declaration and the Mitigation
Monitoring and Reporting Program and Planning Commission Resolutions No
4617, 4618, 4620, 4621, 4622, and 4623, and the City Engineer's approval of the
parcel map or lot line adjustment.

1 2. CDP 98-73 is not valid until LCPA 98-06 is effectively certified by the California
2 Coastal Commission.

3
4 **NOTICE**

5 Please take **NOTICE** that approval of your project includes the "imposition" of fees,
6 dedications, reservations, or other exactions hereafter collectively referred to for convenience as
"fees/exactions."

7 You have 90 days from **date of final approval** to protest imposition of these fees/exactions. If
8 you protest them, you must follow the protest procedure set forth in Government Code Section
9 66020(a), and file the protest and any other required information with the City Manager for
10 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
annul their imposition.

11 You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions
12 **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning,
13 zoning, grading or other similar application processing or service fees in connection with this
14 project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given
a **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise
expired.

15 **PASSED, APPROVED AND ADOPTED** at a regular meeting to the Planning
16 Commission of the City of Carlsbad, held on the **15th day of September, 1999**, by the following
17 vote, to wit:

18
19 **AYES:** Chairperson Compas, Commissioners Heineman, L'Heureux,
Nielsen, Segall, Trigas, and Welshons

20
21 **NOES:**

22 **ABSENT:**

23 **ABSTAIN:**

24
25 
26 _____
COURTNEY E. HEINEMAN, Chairperson
CARLSBAD PLANNING COMMISSION

27 **ATTEST:**

28 

MICHAEL J. HOLZMILLER
Planning Director

1 PLANNING COMMISSION RESOLUTION NO. 4623

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, APPROVING
4 COASTAL DEVELOPMENT PERMIT NUMBER CDP 98-73
5 ON PROPERTY GENERALLY LOCATED ADJACENT TO EL
6 CAMINO REAL JUST SOUTH OF CASSIA ROAD IN LOCAL
7 FACILITIES MANAGEMENT ZONES 21 AND 10.

8 CASE NAME: MANZANITA APARTMENTS
9 CASE NO.: CDP 98-73

10 WHEREAS, Manzanita Partners, LLC, "Developer", has filed a verified
11 application with the City of Carlsbad regarding property owned by Bons Revocable Living
12 Trust and Manzanita Partners, LLC, "Owners", described as

13 a portion of the NE and SE ¼ of the SW ¼ of Section 23, T12S,
14 R4W, SBM, County of San Diego

15 ("the Property"); and

16 WHEREAS, said verified application constitutes a request for a Coastal
17 Development Permit as shown on Exhibits "A" - "X" dated September 15, 1999, on file in the
18 Planning Department, MANZANITA APARTMENTS, CDP 98-73 as provided by Chapter
19 21.201.040 of the Carlsbad Municipal Code; and

20 WHEREAS, the Planning Commission did, on the 15th day of September, 1999,
21 hold a duly noticed public hearing as prescribed by law to consider said request; and

22 WHEREAS, at said public hearing, upon hearing and considering all testimony
23 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors
24 relating to the CDP.

25 NOW, THEREFORE, BE IT HEREBY RESOLVED
26 Commission of the City of Carlsbad as follows:

- 27 A) That the foregoing recitations are true and correct.
- 28 B) That based on the evidence presented at the public hearing, the Commission
APPROVES MANZANITA APARTMENTS, CDP 98-73 based on the
following findings and subject to the following conditions:

EXHIBIT NO. 2

CARLSBAD
LCPA #1-2000E.

CITY COUNCIL
RESOLUTION

CDP 98

California Coastal Commission

1 **Findings:**

- 2 1. That the proposed development is in conformance with the Certified Local Coastal
3 Program and all applicable policies in that **the project complies with all applicable**
4 **requirements of the Mello I and Mello II segments of the Local Coastal Program**
5 **and with all applicable policies regarding preservation of environmentally sensitive**
6 **habitat areas.**
- 7 2. The proposal is in conformity with the public access and recreation policies of Chapter 3
8 of the Coastal Act in that **no public access points or recreations areas are required of**
9 **the project.**
- 10 3. That a soils investigation was conducted and determined that the site slope areas are
11 **stable and that grading/development impacts are mitigable for at least 75 years or**
12 **the life of the structure.**
- 13 4. That slope disturbance will not result in substantial damage or alteration to major
14 **wildlife habitat or native vegetation in that the project is designed to cluster the**
15 **development so that the sensitive habitat is preserved in an open space easement**
16 **and the small amount of encroachment into steep slopes is limited to the amount**
17 **allowed by the applicable Coastal Zone regulations.**
- 18 5. That all environmental impacts will be mitigated pursuant to the Mitigation Plan
19 **and Monitoring Report approved as part of the project.**
- 20 6. That the maximum density of development of the project shall be 7 units per gross
21 **acre, and the density of the proposed project is 3.9 units per gross acre.**
- 22 7. That the underlying zoning shall be either P-C or RD-M and the underlying zone
23 **proposed is RD-M.**

24 **Conditions:**

- 25 1. The applicant shall apply for and be issued building permits for this project within
26 **two (2) years of approval or this coastal development permit will expire unless**
27 **extended per Section 21.201.210 of the Zoning Ordinance.**
- 28 2. Prior to the issuance of building permits, the applicant shall apply for and obtain a
grading permit issued by the City Engineer.
3. Approval of CDP 98-73 is granted subject to the approval of the **Mitigated Negative**
Declaration and Mitigation Monitoring and Reporting Program and ZC 98-09,
LCPA 98-06, SDP 98-19, SUP 98-06, and HDP 98-18, and the parcel map or lot
line adjustment which consolidates the two western parcels, and is subject to all
conditions contained in the Mitigated Negative Declaration and the Mitigation
Monitoring and Reporting Program and Planning Commission Resolutions No.
4617, 4618, 4619, 4620, 4621, and 4622, and the City Engineer's approval of the
parcel map or lot line adjustment.
4. **CDP 98-73 is not valid until LCPA 98-06 is effectively certified by the California**
Coastal Commission.

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NOTICE

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the **15th** day of **September, 1999**, by the following vote, to wit:

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

NOES:

ABSENT:

ABSTAIN:

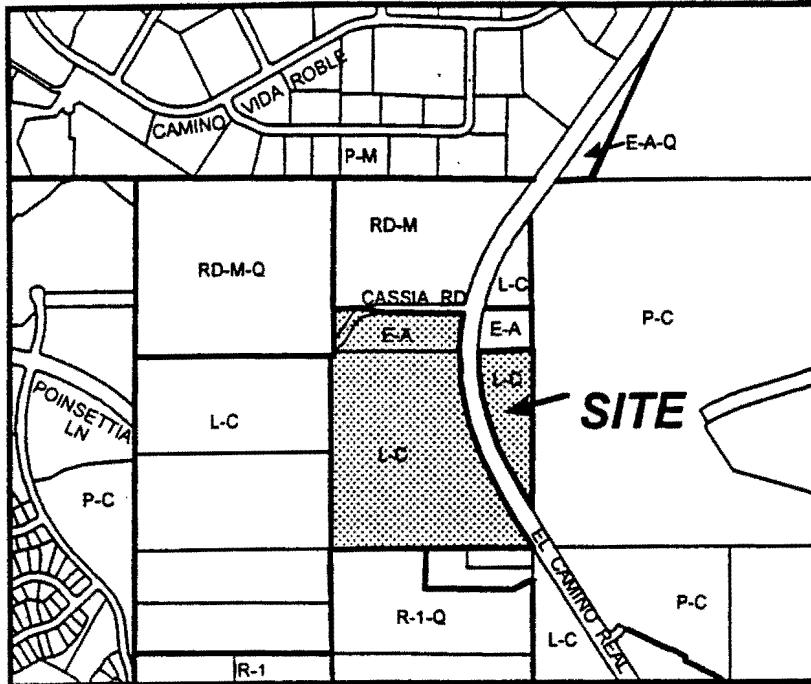


COURTNEY E. HEINEMAN, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:

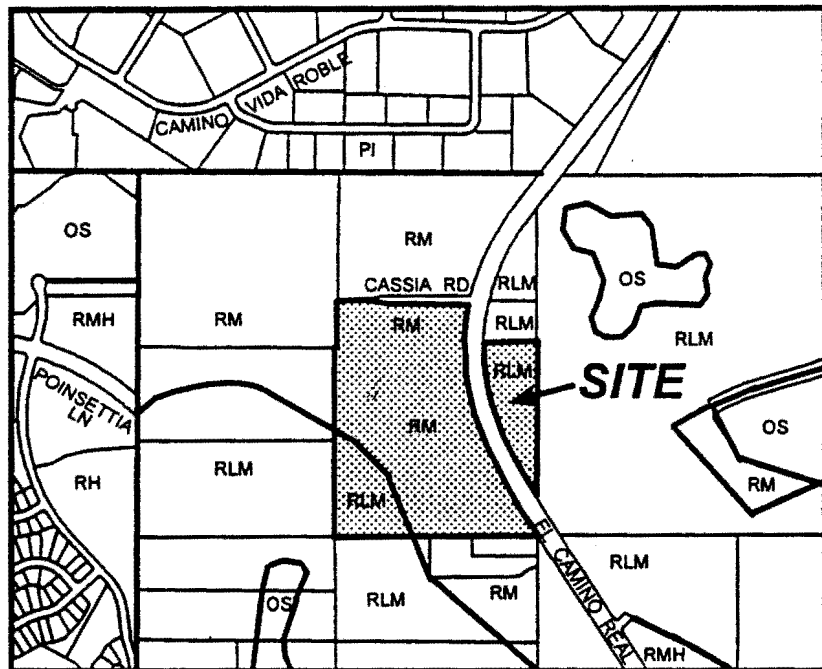


MICHAEL J. HOLZMILLER
Planning Director



EXISTING ZONING

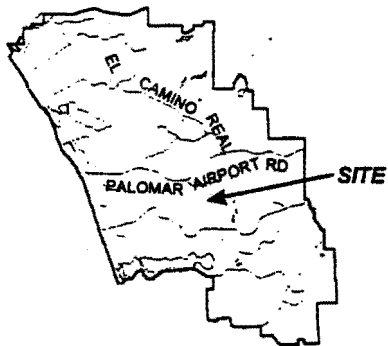
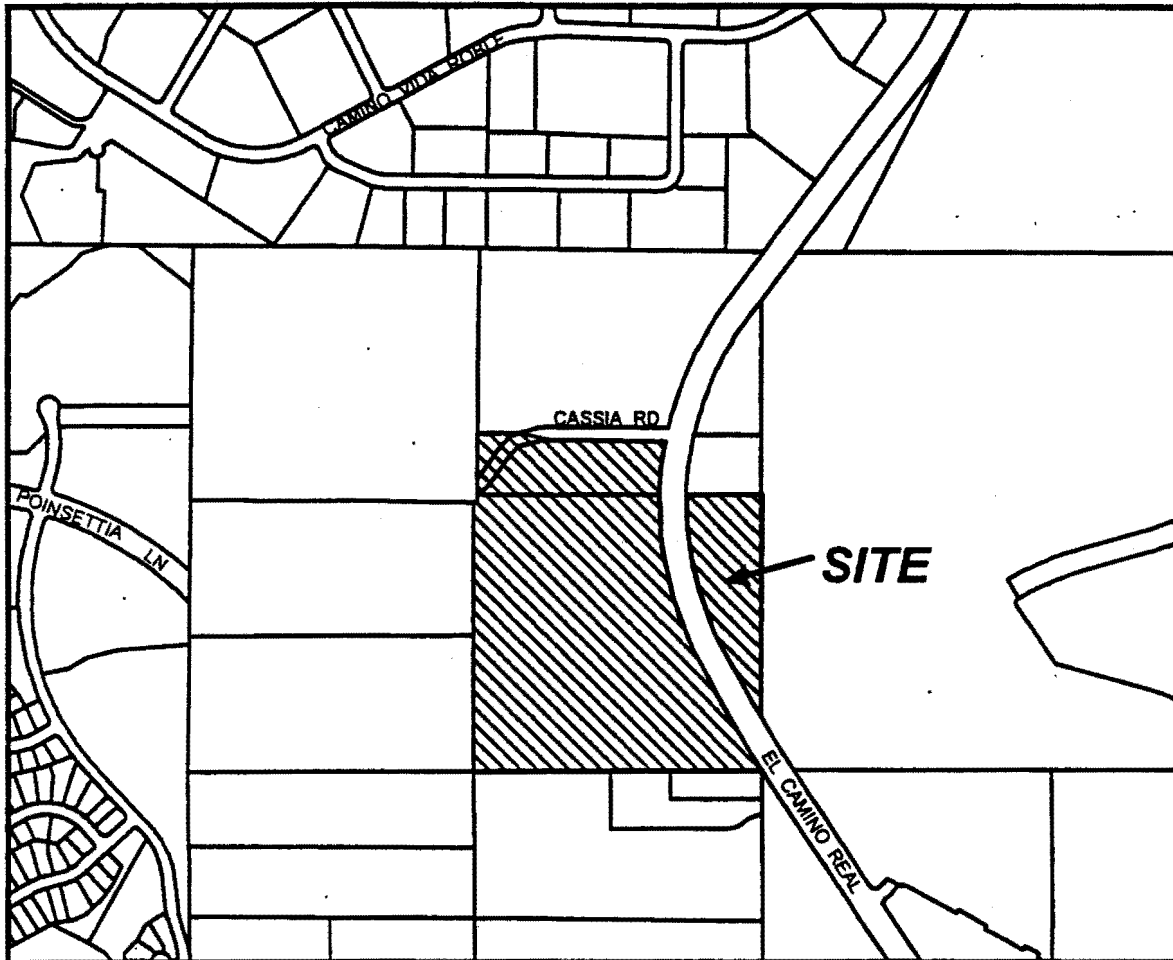
EXISTING GENERAL PLAN



MANZANITA APARTMENTS

ZC 98-09/LCPA 98-06/SDP 98-19/
SUP 98-06/HDP 98-18/CDP 98-73

Ex. 3
CARLSBAD LCPA
#1-2000E

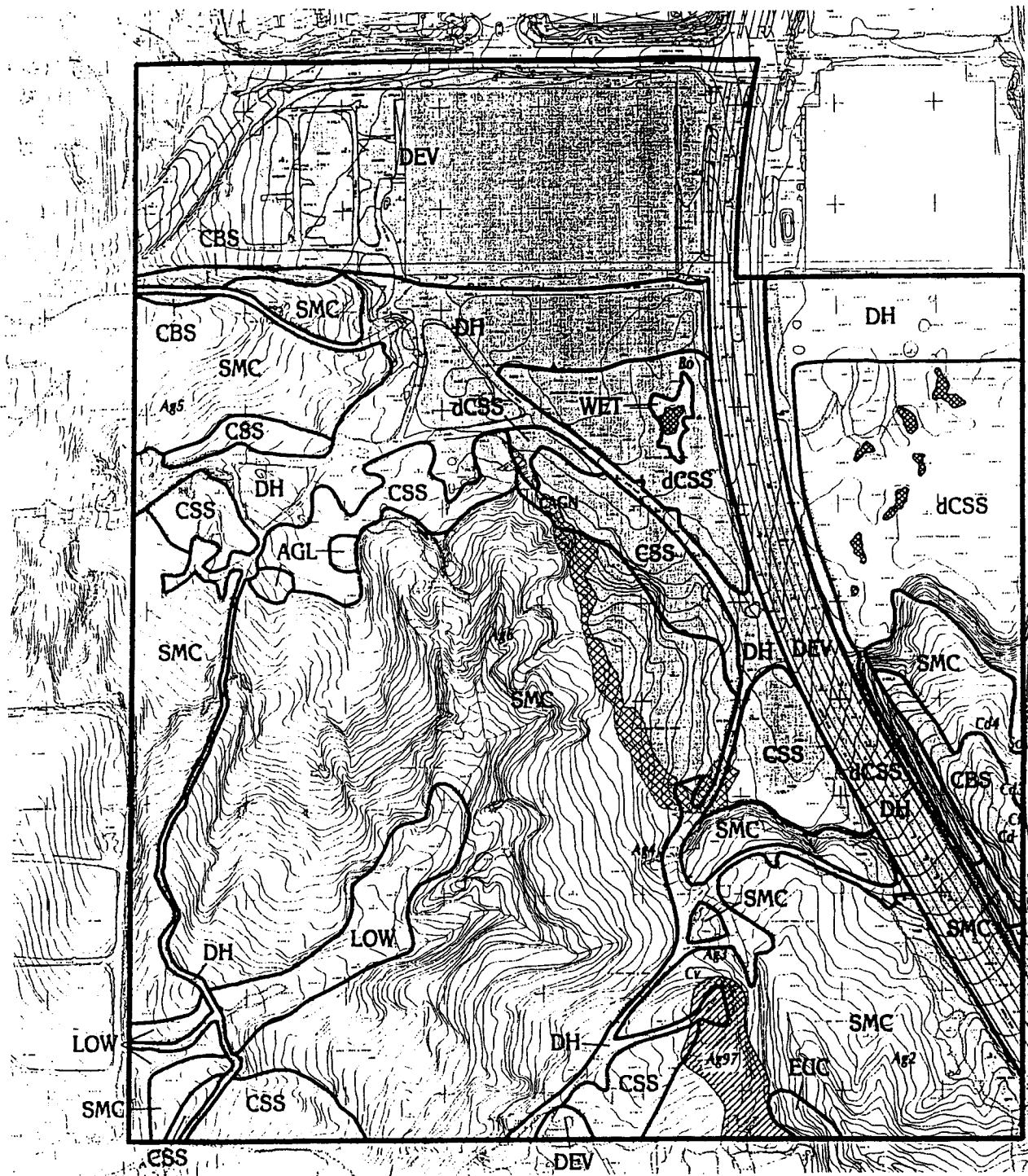


MANZANITA APARTMENTS

ZC 98-09/LCPA 98-06/SDP 98-19/
SUP 98-06/HDP 98-18/CDP 98-73

Ex. 4

CARLSBAD LCPA
1-2006E



VEGETATION TYPES:

- CSS Coastal Sage Scrub
- SMC Southern Maritime Chaparral
- CBS Coyote Brush Scrub
- LOW Coast Live Oak Woodland
- WET Seasonal Wetland
- Vernal Pool
- AGL Annual Grassland
- EUC Eucalyptus Woodland
- DH Disturbed Habitat
- DEV Developed Land

NOTE: A lower case 'd' in front of a vegetation type designator indicates that it is disturbed.

SENSITIVE PLANT SPECIES:

- Ag or *Arctostaphylos glandulosa*
- Bo *Brodiaea orcuttii*
- Cd *Comarostaphylin diversifolia*
- Cf *Corethrogyne filaginifolia* var. *linifolia*
- Cv *Ceanothus verrucosus*
- Sc *Selaginella cinerascens*

NOTE: Numbers indicate individual plant counts at that location.

SENSITIVE ANIMAL SPECIES:

- CAGN California gnatcatcher

- Proposed Limits of Grading
- Proposed Brush Management Area

EXHIBIT NO. 5
CARLSBAD LCPA #1-2000E.
BIOLOGICAL RESOURCE MAP WITH GRADING LIMITS
California Coastal Commission

