

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

**TH 8A**

8/21/2003

RECORD PACKET COPY

TO: COMMISSIONERS AND INTERESTED PERSONS

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II
LCP SEGMENT MAJOR AMENDMENT NO. 2-03A (Villa Paradisio
rezone) (For Public Hearing and Possible Commission Action at the
Meeting of September 10-12, 2003)**

SYNOPSIS

The subject amendment request revises the certified Carlsbad Mello II LCP Implementation Program. On June 27, 2003, the City of Carlsbad Local Coastal Program Amendment No. 2-03 was filed in the San Diego District office. The LCP amendment includes three separate components. The subject component would change the zoning designation of a 0.7-acre site from R-1 (One-family Residential) to RD- M (Residential Density-Multiple). The other components would amend the implementation plan to permit second dwelling units through a modified discretionary minor coastal development permit and add and amend regulations for senior citizen housing. The LCP amendment was the subject of a request for a one year time extension that was approved at the August, 2003 hearing; thus, Commission action must occur by August 25, 2004. The latter two components may be heard at the Commission's October 2003 hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The rezone is consistent with the certified Mello II LUP designation of RH (High Density Residential) and would not result in adverse impacts to public access or sensitive resources.

The appropriate resolutions and motions begin on page 2. The findings for approval of the Implementation Plan Amendment as submitted begin on page 3.

ADDITIONAL INFORMATION

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

Staff Recommendation

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 I

The Commission hereby certifies the Implementation Program Amendment for the Mello II Segment of the City of Carlsbad Local Coastal Program 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, 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 Amendment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #2-2003A, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The amendment changes the LCP implementation plan by rezoning a 0.7-acre site from Single-Family Residential (R-1) to Residential Density-Multiple (RD-M) in the Local Coastal program. The project site is located on the south side of Tamarack Avenue immediately to the west of the railroad right-of-way. The site currently contains a single-family residence and accessory structures which will be demolished.

The site is zoned R-1 and has a LCP Land Use Plan (LUP) designation of Residential-High (RH, 15 – 23 du/ac). Surrounding properties to the south and west are zoned RD-M and are developed with multi-family apartment projects. Properties to the north (across Tamarack Avenue) are zoned R-1 and are developed with single-family residences. The properties west of the railroad right of way in the vicinity of the project have a RH LCP land use designation (ref. Ex 2).

B. FINDINGS FOR APPROVAL, AS SUBMITTED.

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The proposed RD-M zone is described below.

east/west corridor for coastal access. The Tamarack Beach free parking lot exists adjacent to the ocean and is a heavily used visitor serving facility. As such, the Commission must find the rezone will not interfere with public access/circulation to the coast. The proposed rezone accommodates a companion coastal development permit approved by the City for a 13-unit condominium project. The proposed two-story structure with basement level parking has a building height of less than 30 feet and 2 parking spaces per unit (8 guest parking spaces) which complies with BAOZ requirements.

In its review of the proposed rezone and the associated development, the City found an Average Daily Trip (ADT) rate of 104 trips would be generated by the proposed project which is significantly more trips than single-family use of the site. However, this ADT is consistent with the generation rate analyzed for the site in the Master EIR (MEIR) for the project area. According to the City, all feasible mitigation measures identified in the EIR which are appropriate to this site have been incorporated into the site design. The City found no additional mitigation measures in the form of roadway improvements are necessary; all the support utilities and infrastructure have been constructed or have been conditioned to be constructed. As such, Tamarack Avenue is designed to accommodate traffic generated by the proposed rezone. Thus, the Commission finds no adverse impact to public access to the shoreline is anticipated as a result of the proposed rezone.

In addition, the site has been previously graded and is devoid of any significant or sensitive vegetation. Therefore, the rezoning does not involve property with sensitive topography or natural resources.

The proposed rezoning will not affect or conflict with LCP policies regarding access, recreational opportunities or views. Thus, the Commission finds that because the proposed rezoning would implement the LUP designation, the amendment is consistent with and adequate to carry out the policies of the certified LUP.

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

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP. Nevertheless, the Commission is required in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the LCP, or LCP, as amended, conforms to CEQA provisions. The proposed rezone will not result in an intensity of land use incompatible with the surrounding development or have adverse impacts on coastal resources. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

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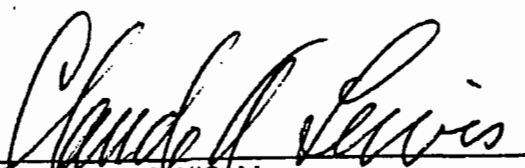
LCPA 01-12 respectively, are approved as shown in Planning Commission Resolutions No. 5328, 5329 and 5330 on file with the City Clerk and incorporated herein by reference .

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 11th day of February 2003, by the following vote, to wit:

AYES: Council Members Lewis, Finnila, Kulchin, Hall and Packard.

NOES: None.

ABSENT: None.



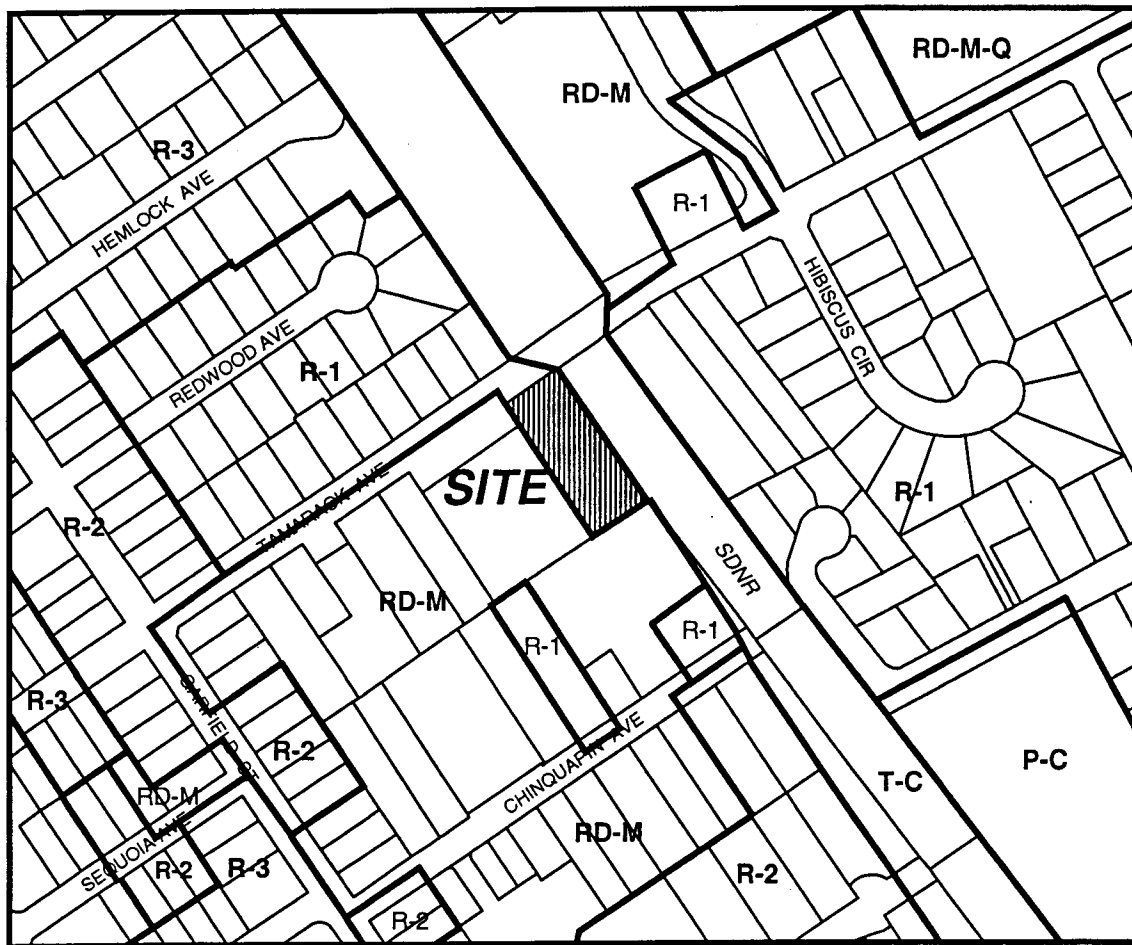
CLAUDE A. LEWIS, Mayor

ATTEST:

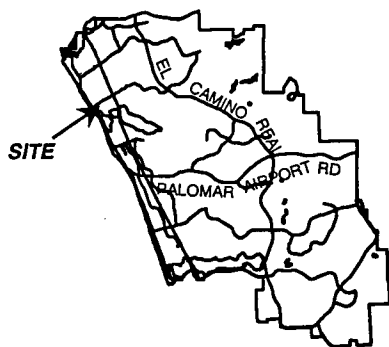


LORRAINE M. WOOD, City Clerk

(SEAL)



EXISTING ZONING



VILLA PARADISIO

ZC 01-12/LCPA 01-12

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad LCPA
2-03A
LCP Zoning