

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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RECORD PACKET COPY

**Wed 7f**

May 19, 2005

**TO: COMMISSIONERS AND INTERESTED PERSONS**

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II  
LCP SEGMENT MAJOR AMENDMENT NO. #1-05A (Yamamoto),  
for Public Hearing and Possible Commission Action at the Meeting of  
June 7-10, 2005)**

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**SYNOPSIS**

The LCP amendment submittal includes four separate components involving changes to both the certified LCP land use plan and the implementation plan. They are: 1-05A (Yamamoto); 1-05B (Kelly Corporate Center); 1-05C (North Coast Calvary Chapel) and 1-05D (Temporary Buildings). The LCP amendment was filed on April 25, 2005. The rezone for the Yamamoto property is addressed in this staff report. A one-year time extension for Commission action on LCPA #1-05B,C and D is before the Commission at this hearing. The remaining components will be scheduled for Commission hearing at a later date.

**SUMMARY OF AMENDMENT REQUEST**

The subject component would change the zoning designation of a 5.09-acre site generally located on the east side of Black Rail Road, south of Songbird Avenue and north of Ocean Crest Avenue in Carlsbad from Limited Control (L-C) to One-family Residential (R-1). The existing LC zoning does not allow any development unless a zone change is proposed consistent with the underlying General Plan and LUP designation. The LCP Land Use designation for the project site is Residential Low to Medium Density (RLM) allowing 0-4 dua.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed rezone to R-1 is consistent with the certified Mello II LUP designation of RLM (Medium Density Residential) allowing 0-4 dua and would not result in adverse impacts to public access or sensitive resources.

The appropriate resolutions and motions begin on page 3. 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.

### **PART I. OVERVIEW**

#### **A. LCP HISTORY**

The City of Carlsbad 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 segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment request affects the Mello II LCP segment.

#### **B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

##### Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

**C. PUBLIC PARTICIPATION**

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

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

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

- I. **MOTION:** *I move that the Commission reject Implementation Program Amendment #1-05A for the City of Carlsbad LCP Mello II Segment 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 Implementation Program Amendment #1-05A for the City of Carlsbad certified LCP 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.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #1-05A AS SUBMITTED**

A. **AMENDMENT DESCRIPTION.** The subject component would change the zoning designation of a 5.09-acre site generally located on the east side of Black Rail Road, south of Songbird Avenue and north of Ocean Crest Avenue in Carlsbad from

Limited Control (L-C) to One-family Residential (R-1). The LCP Land Use designation for the project site is Residential Low to Medium Density (RLM) allowing 0-4 du. The L-C zone will be replaced with R-1 zoning, which allows for residential development of the site. The amendment accommodates the City's approval of a 16-lot subdivision on the site which becomes effective upon the Commission's approval of this LCP amendment.

The 5.09-acre project site is bordered to the north, south and east by existing single-family residential neighborhoods and by a vacant property to the west. Topographically, the site gently slopes down to the west. The site was used for agriculture in the past but currently it is undeveloped and unused. Although the property does not have any sensitive vegetation or steep slope constraints, the site is a "standards area" as described in the certified Habitat Management Plan (HMP) which is a part of the Carlsbad LCP.

## **B. FINDINGS FOR APPROVAL**

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. In the case of the subject LCP amendment, the City's zoning ordinance serves as the certified Implementation Program.

a) Purpose and Intent of the Ordinance. Chapter 21.10 of the City's zoning code provides the intent and purpose of the R-1 zone which is to provide development standards and design guidelines to permit development of single and medium density residential uses.

Chapter 21.39 of the City's zoning code provides 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.

b) Major Provisions of the Ordinance. The amendment provides for the change of zoning of the identified parcel from L-C to R-1. The existing Limited Control (L-C) zoning does not permit development unless a zone change is proposed consistent with the underlying LUP designation.

The proposed 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. If the rezone is approved, the certified LCP requires the proposed development of single-family homes to obtain a site development plan and a coastal development permit by the City Planning Commission prior to building permit issuance.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The project site is located in the Mello II Segment of the Local Coastal Program. Because the site was previously identified as containing agricultural lands, development of the project site with residential uses is also subject to the requirements of the Coastal Agriculture Overlay Zone which requires the payment of an agricultural conversion mitigation fee to mitigate the loss of agricultural resources.

The site is also located within the Coastal Resource Protection Overlay Zone. The project site does not have any sensitive coastal resources in the form of slopes over 25% or native vegetation. No part of the project site is located within the 100-year floodplain.

The property is designated in the certified Mello II Land Use Plan as Residential Low Medium (0-4 dua); thus, the proposed zoning is consistent with the LUP designation. The LCP land use designations for surrounding properties are primarily RLM.

The certified City of Carlsbad LCP land use plan (LUP) has been amended to incorporate the City's draft Habitat Management Plan (HMP) that was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process and contains policies addressing resource protection. The HMP was certified as part of the LCP by the Commission in 2003 through LCPA #1-03B.

Since implementation plan amendments must be found consistent with the policies of the certified land use plan(s), the Commission must review the proposed zone change for its consistency with the certified HMP/LCP. The subject site is identified as a "standards" area in the certified HMP/LCP. The certified LUP includes Coastal Act Sections 30233 and 30240 as applicable standards of review for development within and adjacent to wetlands and other environmentally sensitive habitat areas. In addition, the HMP and certified LUP contain habitat protection requirements and conservation standards for the remaining properties within the Carlsbad coastal zone (most of which are undeveloped), to concentrate future development adjacent to already-developed areas and protect slopes greater than 25% grade and scenic natural landforms.

The "standards" areas involve specific properties within the City that are located in the biological core and linkage areas identified in the County Multiple Habitat Conservation Plan (MHCP). The City's standards are focused geographically, using the Local Facilities Management Zones identified in the City's Growth Management Plan. Standards properties have conservation goals and standards which 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 require additional consultation with the City and the wildlife agencies to determine whether the project complies with the HMP.

In this case, although a standards area property, the site itself has no resource value. Not all sites identified as standards areas have intrinsic resource value but can still be valuable as “restored” habitat areas i.e., portions of a site can be revegetated to provide a connection between HMP/LCP resource areas. The City should evaluate whether restoring an otherwise resource deficient property identified as a standards area is an opportunity to provide a viable linkage between biological core areas identified in the HMP/LCP. If so determined, the City should require a portion of the site to be restored with native vegetation.

In this case, existing residential development is located on three sides of the site; only the adjacent property to the west side is vacant. This western property appears to have existing habitat and resource value and also links a north/south trending habitat corridor associated with Batiquitos Lagoon (to the south) with other hardline areas (to the north). Additionally, this western property contains a SDG&E utility easement which provides further off-site linkage opportunities. Therefore, future planning of this western property could include open space easements over resource areas to enhance connectivity between “core” preservation areas identified in the HMP/LCP. Regarding the subject property, no linkage opportunities exist and it is unnecessary to require that any portion of the site be revegetated to conform to the resource protection and habitat linkage requirements of the certified HMP. Therefore, rezoning any portion of the subject site to open space would be unnecessary.

In summary, the proposed rezoning will not affect or conflict with LCP policies regarding resource protection, 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.

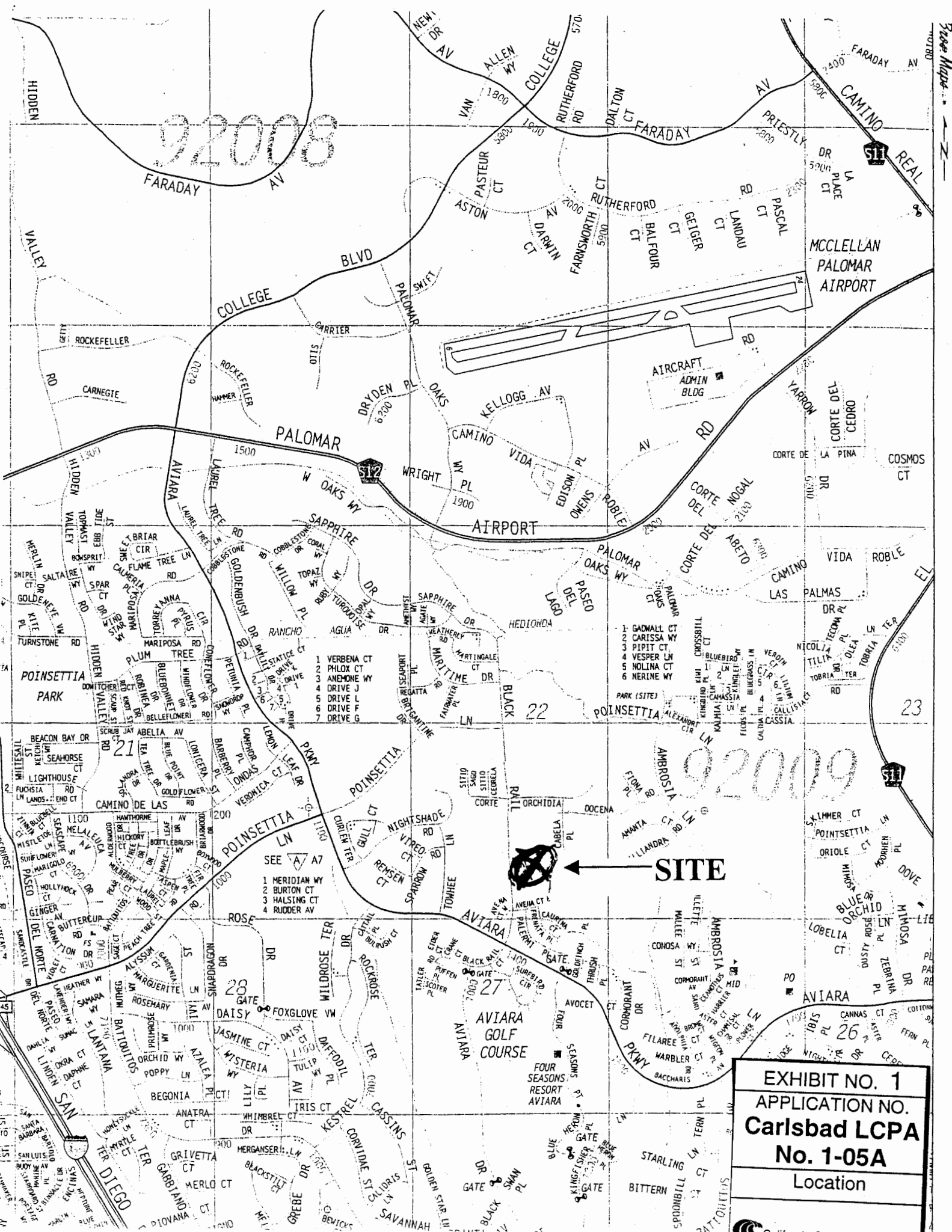
#### **PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENT QUALITY ACT (CEQA)**

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a 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 approving an LCP submittal, or, as in this case, an IP amendment submittal, to find that the approval of the proposed IP, as amended, does conform with CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended IP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (14 C.C.R. §§ 13542(a), 13540(f), and 13555(b)). In this particular case, all of the proposed amendments are being approved as submitted. Thus, there are no

feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact on the environment. Therefore, the Commission finds the subject LCP implementation plan, as amended, conforms with CEQA provisions.

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**SITE**

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**Carlsbad LCPA**  
**No. 1-05A**  
**Location**

- 1 VERBENA CT
- 2 PHLOX CT
- 3 ANEMONE WY
- 4 DRIVE J
- 5 DRIVE L
- 6 DRIVE F
- 7 DRIVE G

- 1 GADWALL CT
- 2 CARISSA WY
- 3 PIPIT CT
- 4 VESPER LN
- 5 NOLINA CT
- 6 NERINE WY

- SEE A7
- 1 MERIDIAN WY
  - 2 BURTON CT
  - 3 HALSING CT
  - 4 RUDDER AV

28 GATE

AVIARA GOLF COURSE

FOUR SEASONS RESORT AVIARA

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION AND APPROVING AN AMENDMENT TO THE LOCAL COASTAL PROGRAM TO CHANGE THE ZONING DESIGNATION FROM LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1) ON A 5.09 ACRE SITE GENERALLY LOCATED ON THE EAST SIDE OF BLACK RAIL ROAD, SOUTH OF SONGBIRD AVENUE AND NORTH OF OCEAN CREST AVENUE IN LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: YAMAMOTO SUBDIVISION  
CASE NO.: ZC 04-01/LCPA 04-02

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

WHEREAS, the Planning Commission did on February 2, 2005, hold a duly noticed public hearing as prescribed by law to consider the Negative Declaration, as referenced in Planning Commission Resolution No. 5828 and Local Coastal Program Amendment LCPA 04-02, according to Exhibit "LCPA 04-02" attached to Planning Commission Resolution No. 5830 and incorporated herein by reference, to change the Zoning and Local Coastal Program Zoning designation from Limited Control (L-C) to One-Family Residential (R-1) and the Planning Commission adopted Planning Commission Resolutions No. 5828 and 5830 recommending to the City Council that they be approved; and

WHEREAS, the City Council did on the 22nd day of MARCH, 2005 hold a duly noticed public hearing as prescribed by law to consider the Negative Declaration and Local Coastal Program Amendment and;

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Negative Declaration, and Local Coastal Program Amendment.

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

1. That the above recitations are true and correct.
2. That the City Council adopts the Negative Declaration, approves the Zone Change and Local Coastal Program Amendment and incorporates the findings and

EXHIBIT NO. 2
APPLICATION NO.
<b>Carlsbad LCP/</b>
<b>No. 1-05A</b>
Council Resolution

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conditions of the Planning Commission in Planning Commission Resolutions No. 5828 and 5830.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 22nd day of MARCH, 2005, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Kulchin, Packard, Sigafoose

NOES: None

ABSENT: None

*Claude A. Lewis*

CLAUDE A. LEWIS, Mayor

ATTEST:

*Lorraine M. Wood*  
LORRAINE M. WOOD, City Clerk

(SEAL)

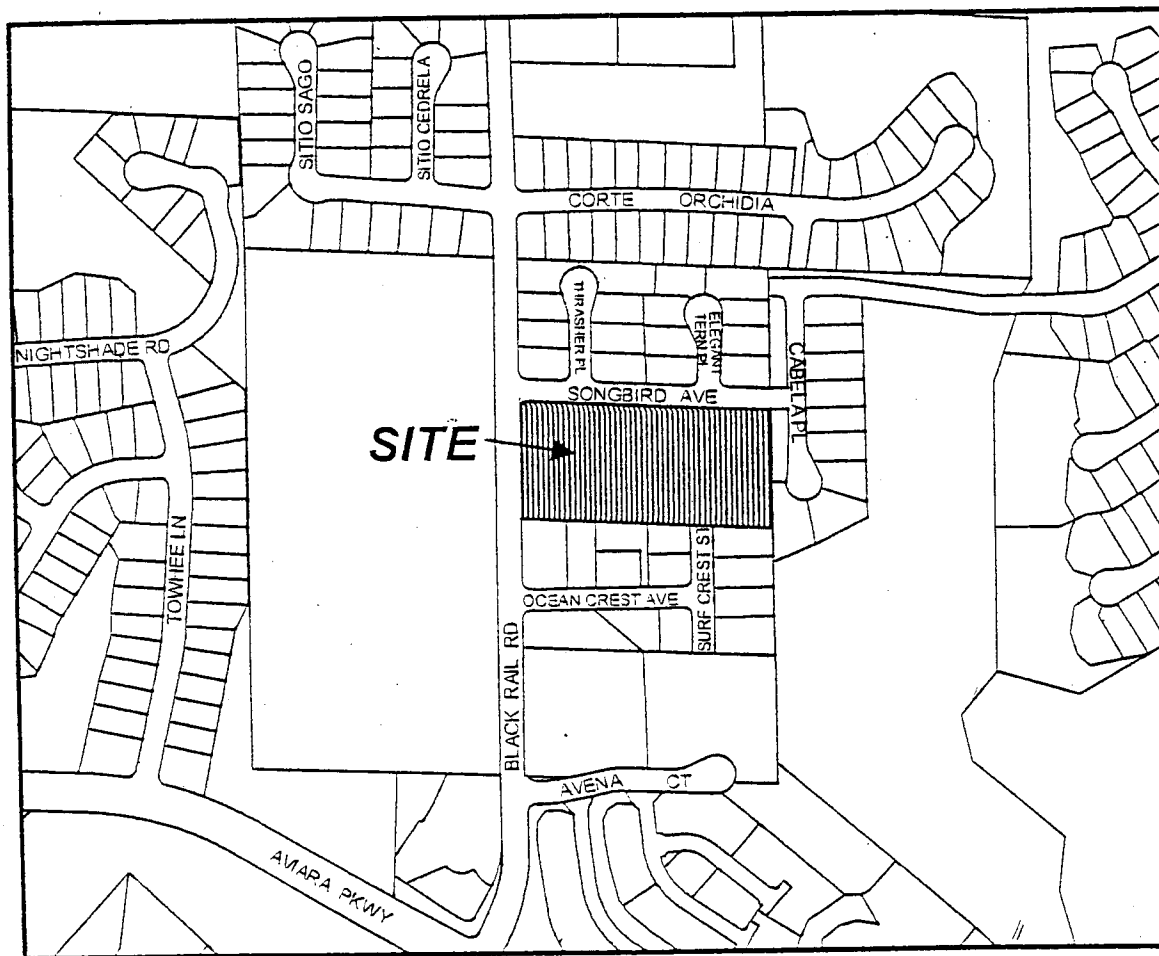
# LCPA 04-02 – YAMAMOTO SUBDIVISION ZONING

FEBRUARY 2, 2005

**RECEIVED**

MAR 29 2005

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT



Related Case File No(s): ZC 04-01/CT 04-01/CDP 04-01		
LCP Map Designation Change		
Property	From:	To:
A. 215-040-05	L-C	R-1
B.		
C.		
D.		
Attach additional pages if necessary		

