

CALIFORNIA COASTAL COMMISSION

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November 1, 2006

Tue 9b

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, ACTING SOUTH COAST DEPUTY DIRECTOR
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO AREA OFFICE**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT NO. 2-06B (LA COSTA VILLAGE) for Commission Meeting of
NOVEMBER 14-17, 2006**

SYNOPSIS

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on July 14, 2006. A one-year time extension was granted on September 13, 2006. As such, the last date for Commission action on this item is September 13, 2007. The subject LCP amendment is the second component of a two-part submittal. The implementation plan amendment for Car Country Carlsbad, LCPA #2-06A, is not part of this staff report and is scheduled as a separate item on the November 2006 Commission hearing.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment proposes changes to the land use designation and zoning for a 14.4 ac. site located south of Poinsettia Lane, west of El Camino Real and north of Dove Lane known as La Costa Village. The LCP land use plan designation would be changed from Residential Medium Density (4-8 du) to Residential Medium-High Density (8-15 du) and Open Space. The existing zoning would be changed from Limited Control (LC) to Residential Density Multiple with a Qualified Development Overlay (RD-M-Q) and Open Space (OS).

The proposed LCP amendment is to enable development of a companion project approved by the City for subdivision of the site into two residential lots for 53 condominium units, one driveway lot and one open space lot. The City of Carlsbad approval of the coastal development permit (CDP) for this project does not become effective until the subject LCP Amendment is effectively certified by the Commission. Due to the presence of wetlands within 100 ft. of proposed development on the subject site, the City's action on the CDP is appealable to the Coastal Commission.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed line between open space and developable area is consistent with the standards

applicable to future development of this site contained in the certified LCP, which includes the City of Carlsbad Habitat Management Plan (HMP). The certified Mello II LUP and the HMP include site specific standards that require a 25% developable area clustered on the southern portion of the property, with allowance for reduced upland and wetland buffers and additional impacts to the extent necessary to obtain site access and to accommodate widening of El Camino Real, a Circulation Element road. The proposed land use plan and zoning designate the least sensitive, southern portion of the site, west of El Camino Real and taking access from Dove Lane, for residential use, with the remainder of the site proposed as open space, consistent with these standards.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 8.

BACKGROUND

The Carlsbad HMP was 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 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 allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

In its action on City of Carlsbad LCP Amendment No. 1-03B in July 2003, the Commission certified the HMP as part of the LCP and found it to meet the requirements of Sections 30240 and 30250 of the Coastal Act despite some impacts to environmentally sensitive habitat area (ESHA). The Commission found that, pursuant to Sections 30007.5 and 30200(b), certification of the HMP with suggested modifications was, on balance, the alternative that was most protective of significant coastal resources. Since certification of the HMP/LCP Amendment, the Commission has approved several LCP Amendments similar to that proposed which would modify the residential and open space boundaries on a site consistent with the standards in the HMP, and to rezone parcels from the Limited Control (LC) Zone to residential and open space.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from **Sherilyn Sarb** 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 requests 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.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is

conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. MOTION:** *I move that the Commission certify the Land Use Plan Amendment for the City of Carlsbad, as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad certified as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan 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 plan 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 that will result from certification of the land use plan.

- II. MOTION:** *I move that the Commission reject the Implementation Program Amendment for the City of Carlsbad, 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 AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of the certified Land Use Plan as amended, and certification of the Implementation Program 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 LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The subject LCP land use plan amendment proposes to change the land use designation for a 14.4 ac. site located southwest of Poinsettia Lane and El Camino Real known as La Costa Village. The LCP land use plan designation would change from Residential Medium Density (4-8 du/a) to Residential Medium-High Density (8-15 du/a) and Open Space. The proposed LCP amendment is to enable development of a companion project approved by the City for subdivision of the site into two residential lots for 53 condominium units, one driveway lot and one open space lot.

The subject site is surrounded by single-family residential, commercial and multi-family residential development. To the north is single-family housing, to the south is the Dove Library and a commercial shopping center. El Camino Real and multi-family housing is directly east of the site, and single-family housing is to the west. Topographically, the site slopes steeply from north to south and is covered primarily by coastal sage scrub (CSS) and southern maritime chaparral (SMC) habitats. A small (0.1 ac.) of freshwater marsh and 0.03 ac. of unvegetated waters of the U.S. exist in the southwestern portion of the site adjacent to Dove Lane.

The site is located within the Mello II Land Use Plan (LUP) segment of the City of Carlsbad LCP. The standard of review for the proposed LUP change is Chapter 3 of the Coastal Act.

B. CONFORMITY WITH CHAPTER 3 POLICIES

1. Environmentally Sensitive Habitat Areas. The Coastal Act provides:

Section 30240.

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The certified City of Carlsbad LCP land use plan (LUP) has been amended to incorporate the City's Habitat Management Plan (HMP). The HMP was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. 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 applicable to certain properties (most of which are undeveloped) within the Carlsbad coastal zone, to concentrate future development adjacent to already-developed areas and protect slopes greater than 25% grade and scenic natural landforms. The La Costa Village site is referred to as APN 215-050-73 (Levatino) and designated as a "standards" area in the certified HMP/LCP.

The "standards" areas identified in the HMP 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" areas 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.

Since approval of the HMP/LCP Amendment, the Commission has approved several site-specific LCP Amendments, similar to that proposed, which would modify the residential and open space boundaries on a site consistent with the standards in the HMP, and would

rezone parcels from Limited Control (LC) to Residential zones and open space. These include, but are not necessarily limited to, Carlsbad LCP Amendment Nos. 1-04B (Kirgis); 1-05A (Yamamoto); 1-05C (North Coast Calvary Chapel); 2-01A (Lynn); and 2-04B (Black Rail).

The subject site is within Local Facilities Management Zone (LFMZ) 21 and in the south-central portion of habitat Core Area 6 which contains significant amounts of southern maritime chaparral and approximately 12 pairs of gnatcatchers. Core Area 6 is located on both sides of El Camino Real and is connected to habitat Core Area 4 and 8 through Linkage F to the west and to Core Area 7 by Linkage E and possibly to Core Area 5 by Linkage D to the east.

According to the Mitigated Negative Declaration prepared for the future development of the site, the project site supports 7.0 acres of coastal sage scrub (CSS); 2.7 ac. disturbed CSS; 2.8 ac. coyote brush scrub (CBS); 1.2 ac. of southern maritime chaparral (SmaC); 0.1 acre of coastal freshwater marsh; 0.03 ac. of waters of the U.S. (unvegetated wetland); 0.01 ac. of disturbed wetland; 0.4 ac. of developed area (roads); and 0.3 ac. of disturbed habitat (denuded area). The site also supports coastal California gnatcatchers; Del Mar sand aster, a narrow endemic species (1,834 individuals); and Nuttall's scrub oak, a Carlsbad HMP species of concern (20 individuals). These are all covered species under the HMP and likely constitute environmentally sensitive habitat area (ESHA) under the Coastal Act. The proposed Open Space will conserve 84% of the Del Mar sand aster population consistent with the HMP standards. All or almost all of the Nuttall's scrub oak will be impacted; however, offsite mitigation for the impacts to southern maritime chaparral will support at least 12 individuals of this species, or 60% of the number lost, consistent with HMP requirements.

At the time of approval of the HMP, the City and the Coastal Commission recognized the subject site is highly constrained for development due to the presence of ESHA and steep slopes on the majority of the parcel. At the time, there was not a development plan proposed; so, the site was approved as a "standards" area rather than a "hardline".

Site-specific Policy 3-8.12 of the certified Mello II LUP applicable to the subject site requires that 75% of the subject property be preserved and that development on the remaining 25% is clustered on the southern portion of the property, as follows:

3-8.12 Assessor's Parcel No. 215-050-73 (Levatino) – Maximum 25% development clustered on the southern portion of the property. Buffer widths may be reduced and/or additional impacts may be allowed to the extent necessary to obtain site access, and /or to accommodate Circulation Road improvements identified in the certified LCP.

The proposed Open Space land use designation would apply to the northern approximately 8.4 acres of the property and the residential designation applies to the southern 6 acres of the site. The certified HMP/LCP also requires a 100 ft. buffer between development and wetlands and requires a 20 ft. buffer between development and

native upland vegetation. However, as certified, the HMP standard acknowledges, in this particular case, there are difficulties associated with gaining access to the subject site from Dove Lane. The standard acknowledges that buffer widths may be reduced and/or additional impacts may be allowed to the extent necessary to obtain site access, and/or to accommodate circulation road improvements. The reduction in buffer widths should only occur at the access point from Dove Lane. For the remainder of the developable area, the required buffers should be provided.

As stated above, the Commission has previously certified the development standards for this site and the subject LCP amendment addresses only the proposed change to the land use designation and zoning. Most of the subject site will be redesignated from medium density residential use to open space. The proposed increase from medium density residential allowing 4-8 du/d to high density residential allowing 8-15 du/d will be concentrated on the least sensitive portion of the site and does not, in and of itself, cause adverse impacts beyond what would occur from a lower density of development on the site.

The proposed LCP amendment has been processed through the City along with a companion coastal development permit (CDP) for a 53 unit condominium development known as La Costa Village. The CDP approval by the City has a condition of approval that indicates the CDP shall not become effective until the subject LCP amendment is effectively certified by the Coastal Commission. However, the applicant for the development permit has coordinated with Coastal Commission staff during the City's review of the project to assure the proposed site plan is consistent with the HMP/LCP standards. Commission staff reviewed the preliminary site plan in December 2003 and specifically addressed the grading that is necessary to provide access from Dove Lane and improvements to El Camino Real, which is identified for future widening in the City's certified Circulation Element to address build-out of the area to planned densities.

There is approx. 1.9 ac. of additional grading required for access and road improvements that is not included within the 25% developable area of the site. This encroachment beyond the 25% standard for access and circulation road improvements is consistent with the HMP/LCP requirement. Therefore, the 3.5 ac. developable area is 24.8% of the site and meets the standards in the HMP/LCP. The proposed line between open space and residentially designated area conforms to the grading limits of the site plan reviewed by Coastal Staff in 2003 and ultimately approved by the City as consistent with those standards.

As proposed, approx. 6 ac. on the southern portion of the site would be designated for residential use. Implementation of the proposed development would result in 1.8 ac. of impact to habitat for site access and El Camino Real widening and 3.4 ac. of habitat impact from the proposed development. Impacts to coastal sage scrub and southern maritime chaparral resulting from the proposed development would be mitigated in accordance with the requirements of the certified HMP/LCP, i.e. at a 2:1 and 3:1 ratio respectively. At least a 1:1 component of the required mitigation must include habitat

creation. A conservation easement would also be recorded over the 8.4 acres of designated open space.

In its review of the Carlsbad HMP/LCP amendment, the Commission reconciled the conflict between the policies of the Coastal Act that protect environmentally sensitive habitat area (ESHA) and those that require concentration of development where it will not have significant adverse effects on coastal resources. The Commission found, on balance, that approval was most protective of significant coastal resources because the HMP would allow for concentration of development in the areas of the City most suitable for development and creation of a habitat preserve that addresses the long-term viability and conservation of sensitive species while allowing some impacts to ESHA to occur. Although implementation of the HMP/LCP will result in some loss of native habitat and listed species throughout the region, in association with loss due to incidental take outside the preserve area, it was determined the potential losses to the habitat caused by piecemeal, uncoordinated development would be considerably higher without the HMP. Through application of the HMP mitigation requirements, there should be no net loss of ESHA within the coastal zone. Thus, the Commission certified the HMP/LCP amendment as consistent, on balance, with Sections 30240 and 30250 of the Coastal Act. The findings addressing resolution of the policy conflicts between these Coastal Act sections in the Commission's action on LCP Amendment No. 1-03B are herein incorporated by reference and attached to this report as Appendix A.

Based on the above, the Commission finds that the proposed designation of open space and residential area on this site is consistent with the provisions of the certified HMP/LCP and, thus, with Sections 30240 and 30250 of the Coastal Act.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
MELLO II IMPLEMENTATION PLAN AMENDMENT #2-06B AS
SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed LCP amendment would change existing zoning from Limited Control (LC) to Residential Density Multiple with a Qualified Development Overlay (RD-M-Q) and Open Space (OS). The residential zoning is on the portion of the site corresponding to the Residential Medium High land use designation allowing 8-15 du/a and the open space zoning corresponds to the northern area designated open space in the certified LUP, as amended through this LCP amendment.

B. FINDINGS FOR APPROVAL

1. Purpose and Intent of the Ordinance.

- a. Open Space Zone. To provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned

property such as parks, open space, recreation areas, civic centers and other public facilities of a similar nature. The zone also designates high priority resource areas at time of development that, when combined would create a logical open space system for the community.

b. RD-M-Q – The intent and purpose of the RD-M residential density-multiple zone is to 1) implement the residential medium density (RM) , residential medium-high density (RMH) and residential high density (RH) land use designations of the Carlsbad general plan; and 2) provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses.

c. Q Qualified Overlay Zone - 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.

2. Major Provisions of the Ordinance.

a. Open Space Zone. The open space zone allows the following uses and structures: beaches and shoreline recreation, bicycle paths, horse trails, open space easements, public parks, City picnic areas and playgrounds, public access easements, scenic and slope easements, transportation rights-of-way, vista points, agricultural uses (field and seed crops, truck crops, horticultural crops, orchards and vineyards, pasture and rangeland, tree farms and fallow lands). Permitted accessory uses and structures include public restrooms, clubhouses, parking areas, barbecue and fire pits, playground equipment, stairways, patios, changing rooms, pool filtering equipment, fencing and other accessory uses required for the conduct of the permitted uses. Uses allowed by conditional use permit include group or organized camps, marinas, playfields and athletic fields, public facilities, recreational campgrounds, public stables and riding academies, golf courses, swimming pools, tennis courts, private playgrounds and picnic areas, other related cultural, entertainment and recreational activities and facilities and stands for the display and sale of aquaculture products grown on the premises. There is no minimum lot area established for the open space zone. No building or

structure in the zone shall exceed thirty-five feet in height unless a higher elevation is approved as a conditional use permit by the Planning Commission.

- b. RD-M (Residential Density Multiple Zone). The RD-M zone establishes a list of permitted uses subject to specific requirements and development standards established in the Zoning Code, including building height (35 ft.), setbacks, lot area, lot coverage, lot width, accessory structures, etc. The minimum lot area for single family dwellings is 6,000 sq.ft. The minimum lot area of a lot in the RD-M zone, when the zone implements the RMH or RH land use designations, as the subject site, shall not be less than 10,000 sq.ft. , except that the joining of two smaller lots shall be permitted.

3. Adequacy of the Ordinance to Implement the Certified LUP Segments.

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 Zoning Code serves as the Implementation Program for the Mello II segment of the LCP.

The La Costa Village site is currently zoned L-C (Limited Control). 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, many of which were formerly used for agriculture but are now becoming ready for development, exist within the coastal zone. The LUP 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. Prior to and since approval of the HMP/LCP, the Commission has approved several LCP amendments similar to that proposed which delineate the areas suitable for residential development consistent with standards or hardlines identified in the HMP, with the remainder of the site designated as preserve open space.

In this particular case, site-specific Policy 3-8.12 of the certified Mello II LUP requires that 75% of the subject property be preserved and that development on the remaining 25% is clustered on the southern portion of the property, as follows:

3-8.12 Assessor's Parcel No. 215-050-73 (Levatino) – Maximum 25% development clustered on the southern portion of the property. Buffer widths may be reduced and/or additional impacts may be allowed to the extent necessary to obtain site access, and /or to accommodate Circulation Road improvements identified in the certified LCP.

The above-described open space zone is proposed on the northern portion of the site. The proposed residential zone would cluster development in the southern portion of the site taking access from Dove Lane. The remainder of the site would be zoned Open Space.

As stated in the previous findings, the Carlsbad LCP has been amended to incorporate the City's Habitat Management Plan (HMP) which was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. The Commission found approval of the HMP is the most protective option for coastal resources based on the assumption that the habitat preserve and mitigation areas will be implemented as proposed, and properly maintained in perpetuity as habitat preserve. Should the habitat not be managed and maintained as designed, or if the required mitigation sites are not provided as proposed, the long-term benefits of the HMP for coastal resources would not be realized. To address these concerns, the City has included policies in the HMP and associated LUP which address establishment of the habitat preserve, funding, monitoring and management.

Interim preserve management requirements, as provided in the HMP, are to cover the first three years following approval of the HMP, during which time a plan for permanent management is to be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies. The preserve management plan must be approved by the City, the wildlife agencies and the Commission, and shall ensure adequate funding to protect the preserve as open space and maintain the biological values of the mitigation areas in perpetuity.

Toward this end, the City has conditioned the approvals for the future development of the site to require the property owner to do the following, to address the question of future management of the preserve open space:

- a. Select a conservation entity, subject to approval by the City, that possesses qualifications to manage the open space lot(s) for conservation purposes.
- b. Prepare a Property Analysis Record (PAR) or other method acceptable to the City for estimating the costs of management and monitoring of the open space lot(s) in perpetuity.
- c. Based on the results of the PAR, provide a non-wasting endowment or other financial mechanism acceptable to the Planning Director and conservation entity, if any, in an amount sufficient for management and monitoring of the open space lot(s) in perpetuity. The Conservation Easement shall provide that the non-wasting endowment shall transfer to the City if the City accepts the Irrevocable Offer to Dedicate fee title to the open space lot(s).
- d. Record a Conservation Easement over the open space lot(s) which includes an Irrevocable Offer to Dedicate fee title to the open space lot(s) in favor of the City.
- e. Prepare a permanent preserve management plan for the City's approval that will ensure adequate management, including preparation of the PAR and provision of the endowment, of the open space lot(s) in perpetuity.

The provisions for interim and long-term management of the preserve system were to be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.

Unfortunately the one-year goal has not been met as the HMP was certified by the

Commission in August 2003. The City has submitted LCP Amendment #1-06B (HMP Implementation Plan) and action by the Coastal Commission on this amendment is pending. Thus, the scenario for development of the interim and long-term preserve management plans is not proceeding exactly in accordance with the time line anticipated by the City and the resource agencies. However, any deficiencies in the proposed HMP Implementation Plan and extension of deadlines for compliance can be addressed by the Commission in its review of the pending LCP Amendment of the HMP Implementation Plan.

Another one of the major goals of the HMP Implementation Plan will be to establish an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It was anticipated this mechanism would include a conservation oriented open space zone or overlay that will restrict uses within the habitat preserve to resource dependent uses which are more restrictive and protective of coastal resources than the current open space zone certified in the LCP. The Commission finds, in the absence of a resource-oriented conservation zone, the habitat preserve will be protected as open space through the Open Space land use plan designation, which is controlling, and the conservation easement which must be recorded as a condition of approval by the City of the tentative map. The conservation easement prohibits private encroachment or development in dedicated open space; however, habitat restoration and enhancement is permitted.

In addition, the City has indicated as a requirement of the Implementation Agreement for the HMP, it is required to amend the Open Space Ordinance which will include a new open space conservation zone or overlay. Further, the provision of a suitable open space zone or overlay would likely be part of any HMP Implementation Plan certified by the Commission as adequate to carry out the provisions of the certified HMP/LCP. With this understanding, the Commission finds the proposed open space zoning would adequately implement the HMP/LCP in the interim and is consistent with and adequate to carry out 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 a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section

21080.5(d)(2)(A) that the amended LCP 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). The proposed land use and zoning amendments will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

Appendix A

**Excerpt from Staff Recommendation on City of Carlsbad Major Amendment No. 1-03B (Habitat Management Plan) dated May 22, 2003
Pages 35-39 – Findings for Approval, If Modified**

4. A. Conflict Resolution/ESHA and Concentration of Development

The Commission can approve an LUP amendment that is inconsistent with Chapter 3 policies only if it finds that the approval of the development raises conflicts between Coastal Act policies and that, on balance, the project as approved is most protective of significant coastal resources. The policy conflicts which arise in this LCP amendment request result from the fact that all areas determined to be ESHA would not be preserved, and concentration of development would not be achieved. In other words, to appropriately concentrate development and create a habitat preserve that addresses the long-term viability and conservation of identified sensitive species, some impacts to ESHA in the coastal zone must be accepted.

Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. The Commission finds that Sections 30240 and 30250 of the Coastal Act must be considered when reviewing the proposed habitat impacts, and the development patterns that would result from implementation of the draft HMP.

Section 30240 states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250 of the Coastal Act requires that new development be concentrated in areas able to support it without adversely affecting coastal resources and states, in part:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services

and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

The Commission finds that the draft HMP would allow impacts to individual areas of ESHA for uses that are not dependent on the ESHA, which is inconsistent with Sections 30240 of the Coastal Act. However, the Commission finds that the coastal resources of the LCP area will be, on balance, best protected by concentrating allowable development adjacent to existing urban services and other developed areas. Additionally, greater benefit will be obtained from preserving large contiguous areas of the most environmentally sensitive vegetation and wildlife areas rather than preserving all fragmented pieces of habitat in place.

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that a substantial conflict exists between two statutory directives contained in the Coastal Act. In this case, as described above, the draft HMP is inconsistent with Coastal Act policies that protect environmentally sensitive habitat area. Although the City has proposed changes to the HMP and associated policies of the certified land use plan that would delete potential impacts to wetlands in the coastal zone, impacts to environmentally sensitive habitat would still result. However, to deny the LCP amendment based on this inconsistency with the referenced Coastal Act requirements would reduce the City's ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. If the LCP amendment is not approved, dispersed patterns of development will occur that are inconsistent with Section 30250. Denial of the LCP amendment would also prevent the resource protection policies of the LCP from being upgraded to clearly protect ESHA that is not located on steep slopes.

The Commission notes that the HMP proposes mitigation for habitat impacts at ratios ranging from 1:1 to 4:1, depending on the habitat type. At minimum, 1:1 mitigation in the form of new creation is required for any impacts; additional mitigation may be in the form of substantial restoration, revegetation and/or acquisition. Since some of the existing habitat that potentially could be impacted is currently of low quality (e.g., fragmented, disturbed and/or invaded by non-native species), it should be noted that the replacement of such habitat in areas that are suitable and will be permanently monitored and managed may provide an environmental benefit that is superior to retaining all existing areas of native habitat in place.

After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in a manner that is most protective of coastal resources. In this case, the draft HMP would allow certain impacts to ESHA, including dual-criteria slopes. If modified as suggested, overall impacts to native habitat in the coastal zone would be reduced, because categories of habitat that are not currently protected would be protected, but impacts to ESHA would still occur. However, if mitigated as proposed, the replaced and protected ESHA will be located in areas that provide larger contiguous contributions to the proposed HMP preserve area, and will ensure that the critical wildlife movement corridors and largest populations of

gnatcatchers within the coastal zone have sufficient areas of high-quality habitat for species survival.

In resolving the identified Coastal Act conflicts, the Commission finds that the concentration of development adjacent to existing urban development and infrastructure, and away from sensitive natural resources is, on balance, more protective of the land resources than to require that isolated areas of habitat be retained in an area adjacent to residential development. Therefore, the Commission finds that approval of the draft HMP, if modified as suggested, is on balance the most protective option for the relevant coastal resources, for the following reasons.

The HMP proposes to preserve large, contiguous blocks of habitat with the highest natural resource value relative to covered species, and to generally locate development away from these areas. In exchange for the benefits derived from a share of the incidental take authorized under the HCP, which will result in some impacts to gnatcatchers and associated adverse impacts to CSS, landowners must agree to place a majority of sensitive habitats on their properties into open space that will then become part of the permanent MHCP preserve.

Within the City of Carlsbad, approximately 8,800 acres of naturally-vegetated areas remain, or 36% of the City's total area, including approximately 3,315 acres of coastal sage scrub. In Planning Zones 19, 20 and 21, where the majority of undeveloped land in the coastal zone is located, approximately 60 acres of CSS remain. The populations of gnatcatchers within the City are important to the overall viability of the regional gnatcatcher population that will be addressed in the MHCP. As the municipality with the largest amount of gnatcatcher habitat within the MHCP, the populations represent a critical link in the distribution of the species throughout north San Diego County, particularly in the Carlsbad-Oceanside corridor, which connects gnatcatcher populations in Orange and Riverside counties with populations to the north and east of Carlsbad. The HMP would preserve approximately 6,400 acres of native habitat, as existing preserve, proposed hardline preserve areas, and through implementation of "standards areas" in certain areas without existing development proposals.

Within the coastal zone, the second HMP addendum and LCP amendment proposes no net loss of most native vegetation types, with mitigation ratios ranging from 1:1 to 4:1 to ensure that, on balance, there will be no negative impacts to the total quantity and/or quality of ESHA within the coastal zone. Interim preserve management requirements, as included in the HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies.

The Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act. In order to protect corridors of viable, connected habitat area which take into account the mobility and foraging requirements of listed and covered species, the Commission finds that it is appropriate to take a regional approach to the preservation of ESHAs. Instead of preserving all ESHAs

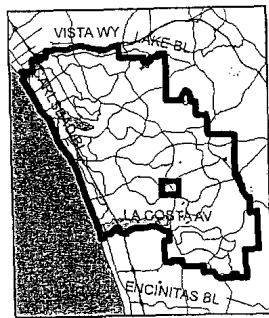
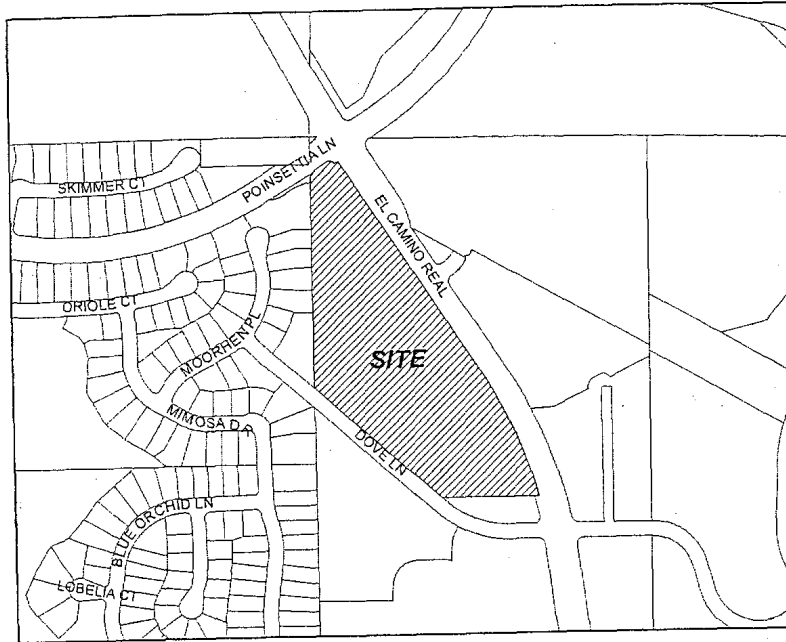
in place where they are found, which could result in excessive fragmentation, reduced habitat values and difficulties in monitoring and management, it may be more protective of ESHA resources to focus on regional conservation approaches that concentrate development away from the habitat of greatest overall value. Such an approach could ensure the health and viability of larger, connected sensitive vegetative communities that support listed and covered species within the City's jurisdiction.

The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other local jurisdiction plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis. The HMP also proposes to provide a higher standard of protection for coastal ESHA than currently provided by the certified LCP, which addresses only native habitat on steep slopes greater than 25% (dual-criteria slopes).

Most of the properties in the standards areas and hardlines are zoned for low- density single-family development. Although it is anticipated that clustering and density transfer within areas outside of the proposed preserve locations could allow for the same number and intensity of residential units to be developed on most properties as currently designated in the General Plan, the ultimate effect would be to locate development on smaller lots and/or a smaller overall development footprint, located further from sensitive resources and proposed wildlife movement corridors. Although current zoning and land use designations limit development in most of the standards areas and hardline properties to low-density single-family development, higher density development than is currently allowed could appropriately occur in most of the areas identified for development in the LCP amendment. Potential impacts to these areas located in the HMP preserve would therefore be reduced, and additional benefits to the City resulting from compact urban growth, prevention of sprawl and efficient use of underlying infrastructure, public services and facilities would likely result. The Commission therefore finds that approval of the HMP and the LCP amendment, if modified as suggested, would result in increased clustering of development and reduction of urban sprawl into sensitive habitat areas.

Although implementation of the HMP and MHCP will result in some loss of native habitat and listed species throughout the region, in association with loss due to incidental take outside the preserve area, the potential losses to the habitat would be considerably higher without the HMP and MHCP, particularly outside the coastal zone where fewer development restrictions on native habitat would apply. Within the coastal zone, the existing LCP does not protect native habitat on slopes less than 25% grade and therefore the proposed LCP revisions represent a significant improvement over current requirements. Through application of proposed mitigation requirements, there will be no net loss of ESHA within the coastal zone and the regional function of the MHCP preserve will continue to be protected.

This finding that approval of the HMP is the most protective option for coastal resources is based on the assumption that the habitat mitigation will be implemented as proposed, and properly maintained in perpetuity. Should the mitigation not be managed and maintained as designed, or if the required mitigation sites are not provided as proposed, the long-term benefits of the HMP for coastal resources would not be realized. To address these concerns, the City has included revisions to the HMP and associated LUP policies which address establishment of the preserve area, funding, monitoring and management. Interim preserve management requirements, as provided in the draft HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies. The preserve management plan must be approved by the City, the wildlife agencies and the Commission, and shall ensure adequate funding to protect the preserve as open space and maintain the biological values of the mitigation areas in perpetuity. Additionally, the preserve management plan is required to be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.



SITE MAP



NOT TO SCALE

LA COSTA VILLAGE CENTER TOWNH
GPA 04-10 / LCPA 04-09 / ZC 04-06 / CT 04-08 / S
CDP 04-17 / SUP 04-07 / CP 04-03 / HDP C

EXHIBIT NO. 1
Carlsbad LCPA #2-06B
La Costa Village
Location Map

RESOLUTION NO. 2006-180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND A GENERAL PLAN AMENDMENT, LOCAL COASTAL PROGRAM AMENDMENT, AND ZONE CHANGE TO CHANGE THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE DESIGNATIONS FROM RESIDENTIAL MEDIUM DENSITY (RM, 4-8 DU/AC) TO RESIDENTIAL MEDIUM-HIGH DENSITY (RMH, 8-15 DU/AC) AND OPEN SPACE (OS), AND TO CHANGE THE CITYWIDE ZONING AND LOCAL COASTAL PROGRAM ZONING DESIGNATIONS FROM LIMITED CONTROL (L-C) TO RESIDENTIAL DENSITY-MULTIPLE WITH A QUALIFIED DEVELOPMENT OVERLAY (RD-M-Q) AND OPEN SPACE (OS), AND A TENTATIVE TRACT MAP, HILLSIDE DEVELOPMENT PERMIT, SITE DEVELOPMENT PLAN, COASTAL DEVELOPMENT PERMIT, AND A CONDOMINIUM PERMIT TO SUBDIVIDE AND GRADE A 14.4 ACRE SITE INTO 2 RESIDENTIAL LOTS FOR 53 RESIDENTIAL CONDOMINIUM UNITS, 1 DRIVEWAY LOT, AND 1 OPEN SPACE LOT ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF EL CAMINO REAL AND NORTH OF DOVE LANE WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 21.
CASE NAME: LA COSTA VILLAGE CENTER TOWNHOMES
CASE NO.: GPA 04-10/LCPA 04-09/ZC 04-06/CT 04-08/
SDP 04-05/HDP 04-04/CDP 04-17/CP 04-03

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

WHEREAS, the Planning Commission did on April 5, 2006, hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, as referenced in Planning Commission Resolution No. 6054, and General Plan Amendment GPA 04-10, according to Exhibit "GPA 04-10" attached to Planning Commission Resolution No. 6055 and incorporated herein by reference, and Local Coastal Program Amendment LCPA 04-09, according to Exhibit "LCPA 04-09" attached to Planning Commission Resolution No. 6056 and incorporated herein by reference, to change the General Plan and Local Coastal Program Land Use designations from Residential Medium Density (RM, 4-8 du/ac) to Residential Medium-High Density (RMH, 8-15 du/ac) and Open Space (OS) and to change the Local Coastal Program Zoning designation from Limited Control (L-C) to Residential Density-Multiple with a Qualified De

EXHIBIT NO. 2

Carlsbad LCPA #2-06B

La Costa Village

Resolutions

Page 1 of 6

1 (RD-M-Q) and Open Space (OS), and a Tentative Tract Map CT 04-08, Hillside Development
2 Permit HDP 04-04, Site Development Plan SDP 04-05, Coastal Development Permit CDP 04-
3 17, and Condominium Permit CP 04-03, according to Planning Commission Resolutions No.
4 6058, 6059, 6060, 6062, and 6063 and incorporated herein by reference, to subdivide and
5 grade a 14.4 acre site into 2 residential lots for 53 residential condominium units, 1 driveway lot,
6 and 1 open space lot and the Planning Commission adopted Planning Commission Resolutions
7 No. 6054, 6055, 6057, 6058, 6059, 6060, 6062, and 6063 recommending to the City Council
8 that they be approved; and

9 WHEREAS, the City Council did on the 27th day of June, 2006
10 hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative
11 Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment, and
12 Local Coastal Program Amendment, Tentative Tract Map, Hillside Development Permit, Site
13 Development Plan, Coastal Development Permit, and Condominium Permit, and

14 WHEREAS, at said public hearing, upon hearing and considering all testimony
15 and arguments, if any, of all persons desiring to be heard, the City Council considered all factors
16 relating to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program,
17 General Plan Amendment, Local Coastal Program Amendment, Tentative Tract Map, Hillside
18 Development Permit, Site Development Plan, Coastal Development Permit, and Condominium
19 Permit.

20 NOW, THEREFORE, the City Council of the City of Carlsbad, California, does
21 hereby resolved as follows:

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

- 24 1. That the above recitations are true and correct.
- 25 2. That the findings and conditions of the Planning Commission in Planning
26 Commission Resolutions No. 6054, 6055, 6057, 6058, 6059, 6060, 6062, and 6063 for the
27 Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan
28 Amendment, Local Coastal Program Amendment, Tentative Tract Map, Hillside Development

1 Permit, Site Development Plan, Coastal Development Permit, and Condominium Permit
2 constitute the findings and conditions of the City Council in this matter.

3 3. That the Negative Declaration is adopted as shown in Planning
4 Commission Resolution No. 6054 on file with the City Clerk and incorporated herein by
5 reference.

6 4. That the recommendation of the Planning Commission for the approval of
7 General Plan Amendment GPA 04-10 as shown in Planning Commission Resolution No. 6055
8 is hereby accepted, approved in concept, and shall be formally approved with GPA Batch No. 2
9 of 2006.

10 5. That Local Coastal Program Amendment (LCPA 04-09), Tentative Tract
11 Map (CT 04-08), Hillside Development Permit (HDP 04-04), Site Development Plan (SDP 04-
12 05), Coastal Development Permit (CDP 04-17), and Condominium Permit (CP 04-03) are
13 approved as shown in Planning commission Resolutions No. 6056, 6058, 6059, 6060, 6062,
14 and 6063 and incorporated herein by reference.

15 6. That the approval of GPA 04-10, LCPA 04-09, CT 04-08, HDP 04-04,
16 SDP 04-05, CDP 04-17, and CP 04-03 shall not become effective until Local Coastal Program
17 Amendment (LCPA 04-09) is approved by the California Coastal Commission and the California
18 Coastal Commission's approval become effective.

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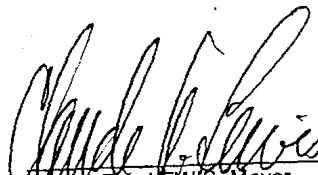
...

1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council
2 of the City of Carlsbad on the 27th day of June, 2006, by the following vote, to wit:
3

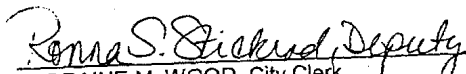
4 AYES: Council Members Lewis, Hall, Packard, Sigafosse

5 NOES: None

6 ABSENT: Council Member Kulchin
7

8
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10 
11 CLAUDE A. LEWIS, Mayor

12 ATTEST:

13
14 
15 LORRAINE M. WOOD, City Clerk



PLANNING COMMISSION RESOLUTION NO. 6056

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM LAND USE DESIGNATION FROM RESIDENTIAL MEDIUM (RM, 4-8 DU/AC) TO RESIDENTIAL MEDIUM-HIGH (RMH, 8-15 DU/AC) AND OPEN SPACE (OS), AND THE LOCAL COASTAL PROGRAM ZONING DESIGNATION FROM LIMITED CONTROL (L-C) TO RESIDENTIAL DENSITY-MULTIPLE WITH QUALIFIED DEVELOPMENT OVERLAY (RD-M-Q) AND OPEN SPACE (OS) ON A 14.4 ACRE SITE ON PROPERTY LOCATED GENERALLY LOCATED ON THE WEST SIDE OF EL CAMINO REAL AND NORTH OF DOVE LANE WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 21.

CASE NAME: LA COSTA VILLAGE CENTER
TOWNHOMES

CASE NO: LCPA 04-09

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

WHEREAS, Marker La Costa LLC, "Developer," has filed a verified application for an amendment to the Local Coastal Program designations regarding property owned by Noreen Levatino, "Owner," described as

All that portion of the west half of the northeast Quarter of Section 26, Township 12 South, Range 4 West, San Bernardino Meridian, in the City of Carlsbad, County of San Diego, State of California, being more particularly described in certificate of compliance record June 16, 1989 as file No. 89-317343

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibits "LCPA 04-09" dated April 5, 2006, attached hereto, as provided in Public Resources Code Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title 14 of the California Code of Regulations of the California Coastal Commission Administrative Regulations; and

Conditions:

Note: Unless otherwise specified herein, all conditions shall be satisfied prior to final map recordation or issuance of grading permit, whichever occurs first.

1. This approval is granted subject to the approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, GPA 04-10, and ZC 04-06 and is subject to all conditions contained in Planning Commission Resolutions No. 6054, 6055 and 6057 for those other approvals incorporated herein by reference.

PASSED, APPROVED AND ADOPTED at a regular meeting to the Planning Commission of the City of Carlsbad, held on the 5th day of April 2006, by the following vote, to wit:

AYES: Chairperson Montgomery, Commissioners Baker, Cardosa, Dominguez, Heineman, Segall, and Whitton

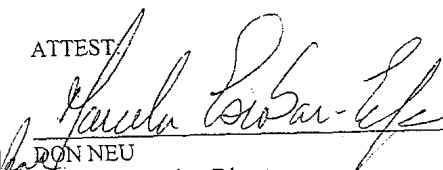
NOES:

ABSENT:

ABSTAIN:


MARTELL B. MONTGOMERY, Chairperson
CARLSBAD PLANNING COMMISSION

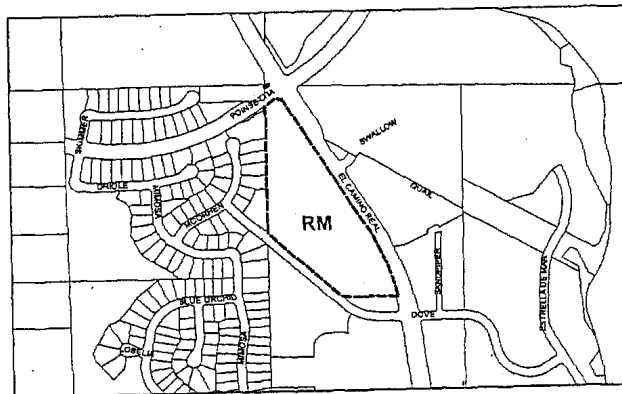
ATTEST:


DON NEU
Assistant Planning Director

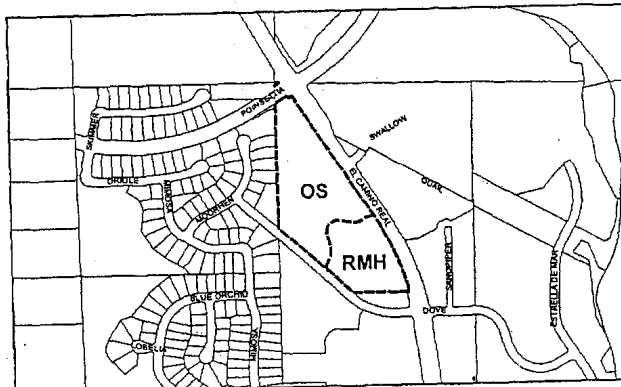
LCPA 04-09 LAND USE

LA COSTA VILLAGE CENTER TOWNHOMES

April 5, 2006



EXISTING



PROPOSED

Related Case File No(s): GPA 04-10 / ZC 04-06 / CT 04-08 /
SDP 04-05 / CDP 04-17 / SUP 04-07 / CP 04-03 / HDP 04-04

Zone Change		
Property	From:	To:
A. 215-050-73-00	RM	RMH / OS
B.		
C.		
D.		

EXHIBIT NO. 3

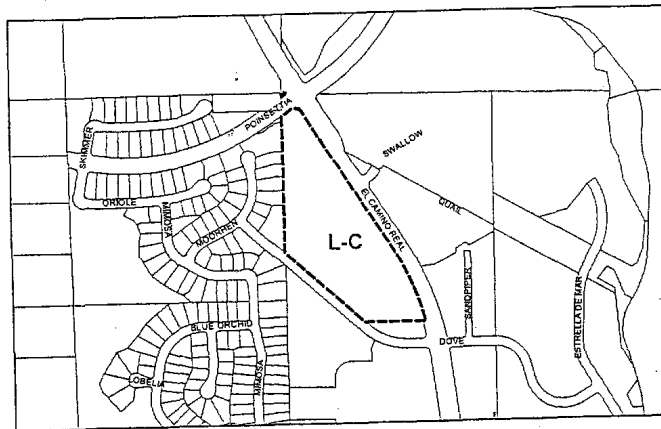
Carlsbad LCPA #2-06B

La Costa Village

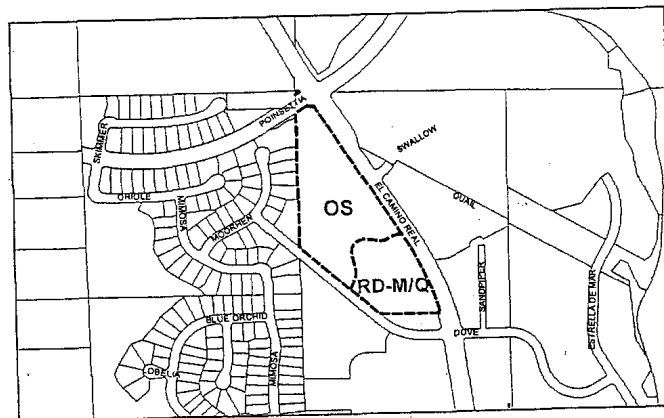
Proposed Land Use
Plan Changes

LCPA 04-09 ZONE CHANGE
LA COSTA VILLAGE CENTER TOWNHOMES

April 5, 2006



EXISTING



PROPOSED

Related Case File No(s): GPA 04-10 / ZC 04-06 / CT 04-08 / SDP 04-05 / CDP 04-17 / SUP 04-07 / CP 04-03 / HDP 04-04		
Zone Change		
Property	From:	To:
A. 215-050-73-00	L-C	RD-M/Q / OS
B.		
C.		
D.		

EXHIBIT NO. 4
 Carlsbad LCPA #2-06B
 La Costa Village
 Proposed Zoning
 Changes

