

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



November 23, 2010

W23a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT CAR-MAJ-4-09D (Tabata Ranch) for Commission Meeting of
December 15-17, 2010**

SYNOPSIS

The subject LCP amendment was submitted and filed as complete on December 29, 2009. A one-year time extension was granted on March 10, 2010. As such, the last date for Commission action on this item is March 29, 2011. This is the second component of five unrelated items submitted as LCP Amendment Number 4-09 (A-E) to be heard by the Commission. The first component 4-09B (Building Height) was certified by the Commission at its June, 2010 hearing. Additionally, a third component 4-09E (Tabata 10) is also scheduled for the December, 2010 hearing.

SUMMARY OF AMENDMENT REQUEST

The City of Carlsbad is requesting to amend the land use and zoning designations on a 2.9 acre site from Residential Medium (RM) to Residential Low-Medium (RLM), and from Limited Control (L-C) to Residential 1 (R-1), respectively, on a lot containing no sensitive resources that was previously used for agricultural activities and is generally located on the north side of Poinsettia Lane and at the western terminus of Lemon Leaf Drive. The lot is currently developed with a single family home, which is to be demolished and will accommodate the future subdivision of the site into eight (8) lots, five of which will subsequently be developed with five (5) single family residences, and the remaining three (3) lots will be used for passive landscaping, open space but will maintain the residential land use and zoning designations.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the LCP amendment as submitted. The proposed land use and zoning modifications do not result in any potential impacts to sensitive habitat, public access, water quality or public views. And, although the subject site was at one

time used for agriculture, the site currently has a residential land use designation and a temporary zoning designation, meant to be a “holding zone” until more specific planning is completed. Thus, the proposed land use and zoning revisions do not raise concerns regarding the conversion of agricultural lands for development, as they are not currently designated for agricultural uses. Since the project is surrounded by development on the north, east, and west, and Poinsettia Lane to the south, no habitat buffers, or fire suppression zones are necessary. As such, the land use redesignation and rezoning can be found consistent with both the Coastal Act, and the City’s LCP as submitted.

The appropriate resolutions and motions begin on Page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 7. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 9.

BACKGROUND

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This LCP amendment affects both the Mello II segment of the LCP and the HMP.

The Mello II Segment Land Use Plan and Implementation Plan were approved in 1981. The Mello II Segment is comprised of 5,500 acres, or approximately 75% of the City. Unresolved issues remained for the segment regarding preservation of agricultural lands, and protection of steep sensitive slopes. Multiple additional amendments were brought forward, and, with the incorporation of the Carlsbad Ranch Specific Plan, the City's LCP was certified by the Commission, and the City obtained permit authority in 1996.

Furthermore, the proposed LUP amendment is located in an area also protected through the City’s Habitat Management Plan (HMP). 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 Service (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 most protective of significant coastal resources, through conflict resolution.

The subject site, while located within the City's established HMP boundaries, is designated as a "development area" within the HMP, and the project is not located within any corridor or linkage area. Consequently, the majority of policies contained in the HMP will not apply in this evaluation.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. 4-09D (Tabata Ranch) may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW**A. 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.

B. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. MOTION:** *I move that the Commission certify the Land Use Plan Amendment for the City of Carlsbad LCPA No. 4-09D 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 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 LCPA 4-09D 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 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 Chapter 3 of the Coastal Act, 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 City of Carlsbad is requesting to amend the land use and zoning designations on a 2.9 acre site from Residential Medium (RM) to Residential Low-Medium (RLM), and from Limited Control (L-C) to Residential 1 (R-1) respectively on a lot containing no sensitive resources that was previously used for agricultural activities and is generally located on the north side of Poinsettia Lane and at the western terminus of Lemon Leaf Drive. The lot is currently developed with a single family home, which is to be demolished, and will accommodate the future subdivision of the site into eight (8) lots, five of which will subsequently be developed with five (5) single family residences, and the remaining three (3) lots to be used for passive landscaping and open space.

**B. CONFORMITY OF THE CITY OF CARLSBAD LAND USE PLAN
AMENDMENT WITH CHAPTER 3**

1. Relevant Chapter 3 Policies.

- a. 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.

Section 30250

(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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

b. Preservation of Prime Agricultural Lands. The Coastal Act provides:

Section 30241

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30242

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

2. Findings for Approval. The Commission finds, for the specific reasons detailed below, that the land use plan amendment conforms with Chapter 3 of the Coastal Act.

The proposed amendment before the Commission includes only the modifications to the land use and zoning designations for the site and not the specific proposed subdivision and residential development. As proposed, the subject amendment will modify the land

use designation from Residential Medium (RM) to Residential Low-Medium (RLM) on a 2.9 acre site.

The lot itself is comprised solely of disturbed agricultural lands; there is no native or sensitive habitat on the site. Thus, the new land use designation that will facilitate development of the site can be found consistent with the Coastal Act provisions related to a project's direct impacts to sensitive resources, as no such impacts are expected with the new designation. Additionally, Section 30240(b) also requires that development adjacent to environmentally sensitive habitat areas and parks and recreation areas shall not significantly degrade those areas. Again, the project is surrounded by residential development to the north, east and west, and by Poinsettia Lane to the south; there are no adjacent environmentally sensitive habitat or park and recreation areas, so no impacts to environmentally sensitive habitat is expected, and the project can be found consistent with Section 30240 of the Coastal Act. Additionally, given that the project is surrounded by development and that it is not located in close proximity to the shore, the land use redesignation does not raise any concerns regarding public access, water quality, or public views. It is also already designated for residential uses and is not an appropriate location for or lower cost visitor serving recreational amenities. The proposal will concentrate development in an existing urban area and will be compatible with such uses.

The project site was historically used for agricultural practices; and, although it is not currently designated for agricultural use, when it is developed, the site will be subject to HMP policies requiring mitigation for the conversion of agricultural lands in the coastal zone. Given that the certified LCP has already designated this area for a residential, not agricultural, use, the proposed amendment does no more than to change the allowed use of the property from one kind of residential use to another; as such, it does not raise consistency concerns with Sections 30241 and 30242 of the Coastal Act.

The proposed land use modification will *decrease* the potential development density on site. Section 30250 requires new residential development to be located within, contiguous with, or in close proximity to, existing developed areas. Additionally, looking towards the future, one means to limit green house gas effects and climate change is to cluster development. In this case, the Residential Medium designation would result in 4-8 du/acre, and the proposed Residential Low Medium designation results in a density of 0-4 du/acre. Given that the project site is approximately 3 acres, the result is a reduction of 12.4 potential dwelling units (du). However, the City has indicated that, to achieve the existing density, significant grading on the site would be required and such quantities of grading are inconsistent with the City's LCP. Furthermore, the existing land use designation would require a density that would be out of character with the surrounding community. However, the City has required the applicant to bank the unused density (12.4 units) into the City's Excess Dwelling Unit Bank, where the credits can be used by other developments, which may be more appropriately clustered, and therefore, the redesignation can be found to be consistent with Section 30250 of the Coastal Act.

In conclusion, the proposed land use modification does not result in impacts to any coastal resources, nor does it raise concerns regarding the conversion of agricultural lands

or decreasing development density, and it can therefore be found consistent with all applicable policies of the Coastal Act. As such, the proposed LCP amendment can be approved as submitted.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

In association with the land use redesignation described above, the subject LCP amendment proposes to change the zoning designation from Limited Control (L-C) to One-Family Residential (R-1).

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. The project site is being modified from Limited Control (L-C) to Residential (R-1). The subject site is also subject to the requirements of the Coastal Resource Protection Overlay Zone in the City's certified LCP.

a) Purpose and Intent of the Ordinance.

1. Residential (R-1). The intent and purpose of the Residential (R-1) designation is to provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses, as specified.

2. Coastal Resource Protection Overlay Zone. The intent and purpose of the Coastal Resource Overlay Zone is to supplement the underlying zoning with additional resource protective regulations to preserve, protect, and enhance habitat resource values.

b) Major Provisions of the Ordinance.

1. Residential (R-1). The major provisions of the R-1 district are the allowable uses within the zone, including one-family dwellings, crops, greenhouses, mobile homes, sheds, and trailers. Additional uses are possible with a conditional use permit.

2. Coastal Resource Protection Overlay Zone. The major provisions of the ordinance include a series of development standards incorporated to provide adequate protection of sensitive resources, including provisions for preservation of steep slopes, preservation of Coastal sage scrub and southern maritime chaparral, and to require conservation easements, restoration of disturbed areas within designated open space and sufficient brush management.

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

Applicable certified City of Carlsbad LUP Policies:

Policy 2-1 Conservation of Agricultural Lands

- (1) Coastal Agriculture: Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands. Non-prime agricultural lands identified on Map X, including the 301.38 acres Carltas Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP.

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). Additionally, the Carlsbad LCP has also been amended to incorporate the City's Habitat Management Plan (HMP).

In this case, the subject amendment will modify the site from a L-C, or Limited Control, zoning designation, that is used to provide an "interim zone for areas where planning for future development has not been determined", to another residential designation to facilitate a specific development. Currently, the site is developed with one single family home, and agricultural lands. The subject site does not contain any sensitive resources, nor does it provide any public access opportunities or any coastal views. Additionally, the project site is not located adjacent to any designated lands contained within the HMP.

The land use designation for the site (given the Commission's certification of the accompanying LUP Amendment) is RLM. Thus, the Commission must consider whether the re-designation of the zoning from L-C to R-1 is adequate to carry out the land use designation and other policies of the City's LUP.

As noted above, this site was historically used for agricultural purposes, and while the change from L-C to R-1 does not directly involve conversion of agricultural lands, as the L-C zoning designation is not agricultural, it will allow a change from an "interim" zone, which could have been modified to agricultural, to residential. The City's LCP includes policies in its Land Use Plan and its Habitat Management Plan that allow for the conversion of agricultural lands.

Policy 2-1 *Conservation of Agricultural Lands* allows non-prime agricultural lands to be converted to urban uses, as long as such conversions are consistent with the mitigation and feasibility provisions of the LCP. In this case, the subject site was identified as a *non-prime* agricultural site, and, as such, the conversion of the land is permitted.

Mitigation for the conversion will be required through implementation of the agricultural conversion policies of the City's HMP, as discussed below.

The City's HMP also contains policies that address the protection of agricultural lands, and indicates that there is, while limited, some habitat value in agricultural lands. Specifically, while agricultural lands are not as valuable as naturally vegetated lands, they do provide wildlife corridors, food/foraging opportunities, predator protection, etc., simply through their *undeveloped* state, and the conversion of these undeveloped lands requires some mitigation. In this case, any proposed development will be required to include the appropriate mitigation for the conversion of undeveloped, historic agricultural lands to other uses.

In conclusion, the proposed zoning modification can be found consistent with the City's Land Use Plan because the subject site has been designated for residential uses, so changing the zoning to a residential zone is consistent with this designation. In addition, the redesignation will not improperly convert agricultural lands to urban uses, as the certified LCP allows conversion of non-prime agricultural lands without being subject to any mitigation requirements, to urban uses. Furthermore, consistent with the City's certified HMP; any related development will be conditioned to required mitigation for the conversion of undeveloped lands to developed lands. The rezoning can therefore be approved as submitted.

PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL 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. 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 alternatives 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.

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RESOLUTION NO. **2009-243**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND ADDENDUM, AND APPROVING A GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO CHANGE THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE DESIGNATIONS FROM RESIDENTIAL MEDIUM DENSITY (RM, 4-8 DU/AC) TO RESIDENTIAL LOW-MEDIUM DENSITY (RLM, 0-4 DU/AC), AND THE LOCAL COASTAL PROGRAM ZONING DESIGNATIONS FROM RESIDENTIAL DENSITY-MULTIPLE WITH A QUALIFIED DEVELOPMENT OVERLAY (RD-M-Q) AND LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1) ON A 2.9 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF POINSETTIA LANE AT THE WESTERNMOST TERMINUS OF LEMON LEAF DRIVE WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM, ZONE 20 SPECIFIC PLAN (SP 203), AND LOCAL FACILITIES MANAGEMENT ZONE 20

CASE NAME: TABATA RANCH

CASE NO.: GPA 07-05/LCPA 06-03


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

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on August 5, 2009, hold a duly noticed public hearing as prescribed by law to consider the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Addendum, as referenced in Planning Commission Resolution No. 6614, General Plan Amendment GPA 07-05, according to Exhibit "GPA 07-05" attached to Planning Commission Resolution No. 6615 and incorporated herein by reference, and Local Coastal Program Amendment LCPA 06-03, according to Exhibit "LCPA 06-03" attached to Planning Commission Resolution No. 6618 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 Low-Medium Density (RLM, 0-4 du/ac), and the Local Coastal Program Zoning designation from Residential Density-Multiple with a Qualified Development Overlay (RD-M-Q) and Limited Control (L-C) to One-Family Residential (R-1), and the Planning Commission adopted Planning Commission Resolution No. 6619 recommending to the City Council that they be approved; a

EXHIBIT #1

Resolution of Approval

LCPA #4-09D Tabata Ranch

 California Coastal Commission

1 WHEREAS, the City Council of the City of Carlsbad, on the 6th day of
2 October, 2009, held a duly noticed public hearing to consider said Mitigated
3 Negative Declaration and Mitigation Monitoring and Reporting Program and Addendum,
4 General Plan Amendment, and Local Coastal Program Amendment; and

5 WHEREAS, at said public hearing, upon hearing and considering all testimony
6 and arguments, if any, of all persons desiring to be heard, the City Council considered all factors
7 relating to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
8 and Addendum, General Plan Amendment, and Local Coastal Program Amendment.

9 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City
10 of Carlsbad as follows:

11 1. That the above recitations are true and correct.

12 2. That the recommendation of the Planning Commission for the adoption of
13 a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and
14 Addendum, and approval of a General Plan Amendment and Local Coastal Program
15 Amendment are adopted and approved, and that the findings and conditions of the Planning
16 Commission contained in Planning Commission Resolutions No. 6614, 6615, and 6618 on file
with the City Clerk and incorporated herein by reference, are the findings and conditions of the
City Council.

17 3. That the application for a General Plan Amendment to change the Land
18 Use designation from Residential Medium Density (RM, 4-8 du/ac) to Residential Low-Medium
19 Density (RLM, 0-4 du/ac) on a 2.9 acre site generally located on the north side of Poinsettia
20 Lane at the westernmost terminus of Lemon Leaf Drive, as shown in Planning Commission
21 Resolution No. 6615, is hereby accepted and approved, and shall be effective no sooner than
22 thirty days after its adoption, but not until LCPA 06-03 is approved by the California Coastal
Commission.

23 4. That the approval of LCPA 06-03 shall not become effective until it is
24 approved by the California Coastal Commission and the California Coastal Commission's
25 approval becomes effective.

26 5. This action is final the date this resolution is adopted by the City Council
27 and is subject to the approval of the LCPA 06-03 by the California Coastal Commission. The
28 Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review"
shall apply:

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1 "NOTICE TO APPLICANT"

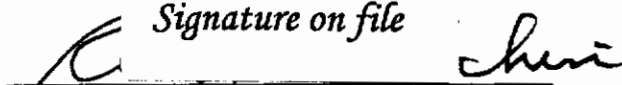
2 The time within which judicial review of this decision must be sought is governed by Code of
3 Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by
4 Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be
5 filed in the appropriate court not later than the nineteenth day following the date on which this
6 decision becomes final; however, if within ten days after the decision becomes final a request
7 for the record of the deposit in an amount sufficient to cover the estimated cost or preparation of
such record, the time within which such petition may be filed in court is extended to not later
than the thirtieth day following the date on which the record is either personally delivered or
mailed to the party, or his attorney of record, if he has one. A written request for the preparation
of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200
Carlsbad Village Drive, Carlsbad, CA. 92008."

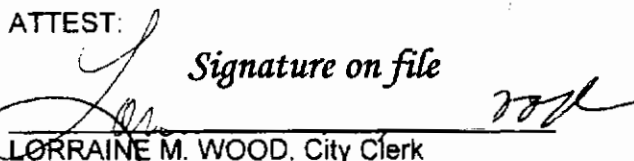
8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
7th Carlsbad on the 6 day of October 2009, by the following vote, to wit:

10 AYES: Council Members Kulchin, Hall, Packard, and Blackburn

11 NOES: None.

12 ABSENT: Council Member Lewis.

13
14 *Signature on file*
15 
16 CLAUDE A. LEWIS, Mayor

17 ATTEST:
18 *Signature on file*
19 
LORRAINE M. WOOD, City Clerk

20 (SEAL)



Exhibit 2

ORDINANCE NO. CS-064

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP TO GRANT A ZONE CHANGE FROM RESIDENTIAL DENSITY-MULTIPLE WITH A QUALIFIED DEVELOPMENT OVERLAY (RD-M-Q) AND LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1) ON A 2.9 ACRE SITE GENERALLY LOCATED ON THE NORTH SIDE OF POINSETTIA LANE AT THE WESTERNMOST TERMINUS OF LEMON LEAF DRIVE WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: TABATA RANCH
CASE NO.: ZC 06-04

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

SECTION I: That Section 21.050.30 of the Carlsbad Municipal Code, being the City's zoning map, is amended as shown on the map marked Exhibit "ZC 06-04," dated August 5, 2009 attached hereto and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution No. 6616 constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective no sooner than thirty days after its adoption but not until Local Coastal Program Amendment LCPA 06-03 is approved by the California Coastal Commission, and the City Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in a publication of general circulation in the City of Carlsbad within fifteen days after its adoption.

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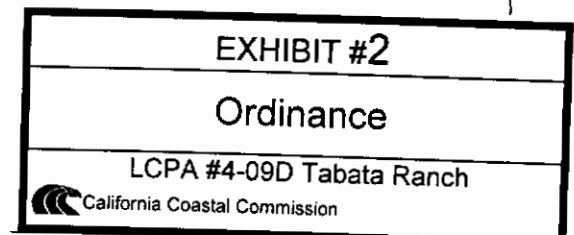
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1 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on
2 the 6th day of October, 2009, and thereafter.

3 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the
4 City of Carlsbad on the 20th day of October, 2009, by the following vote to wit:

5 AYES: Council Members Lewis, Kulchin, Hall, Packard and Blackburn.

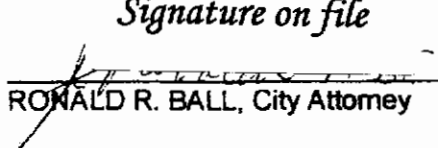
6 NOES: None.

7 ABSENT: None.

8 ABSTAIN: None.

9
10 APPROVED AS TO FORM AND LEGALITY

11 *Signature on file*

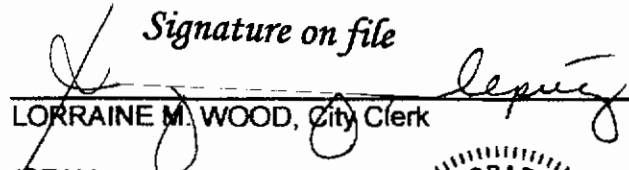
12 
13 RONALD R. BALL, City Attorney

14 *Signature on file*

15 
16 CLAUDE A. LEWIS, Mayor

17 ATTEST-

18 *Signature on file*

19 
20 LORRAINE M. WOOD, City Clerk

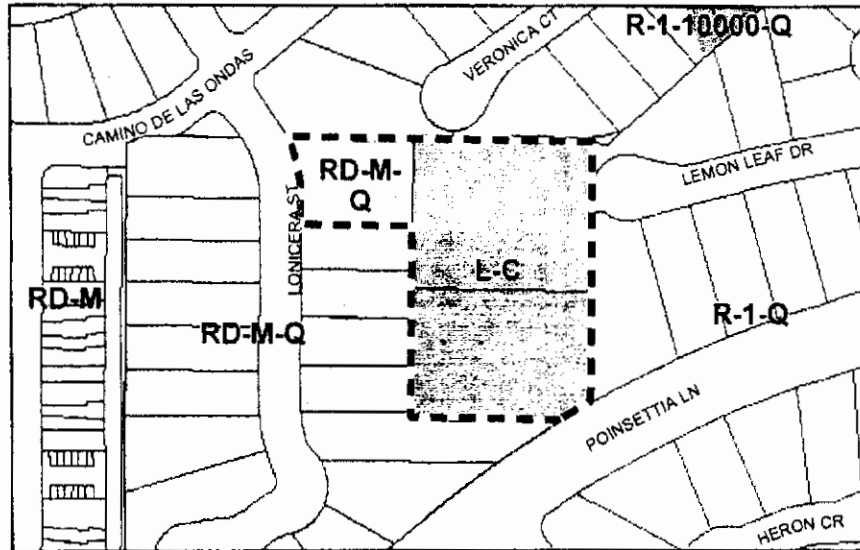
21 (SEAL)



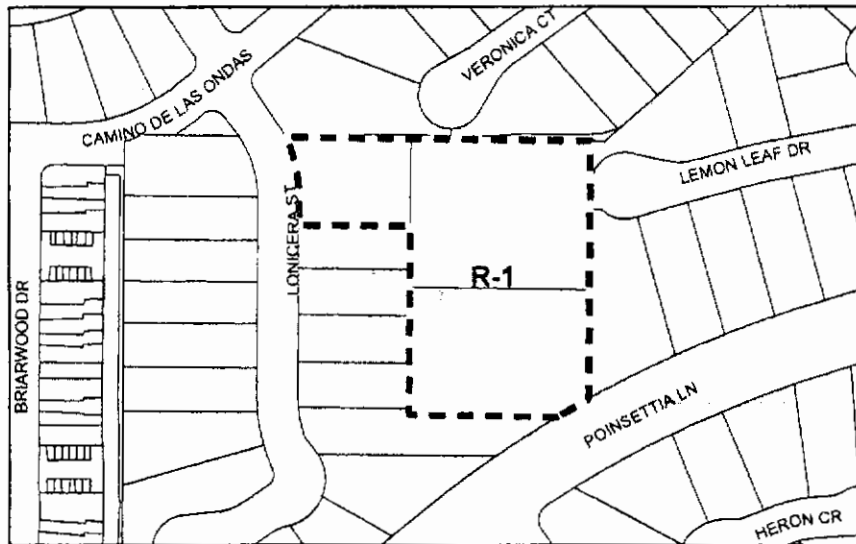
Exhibit "ZC 06-04"
August 5, 2009

ZC 06-04

Tabata Ranch



EXISTING



PROPOSED

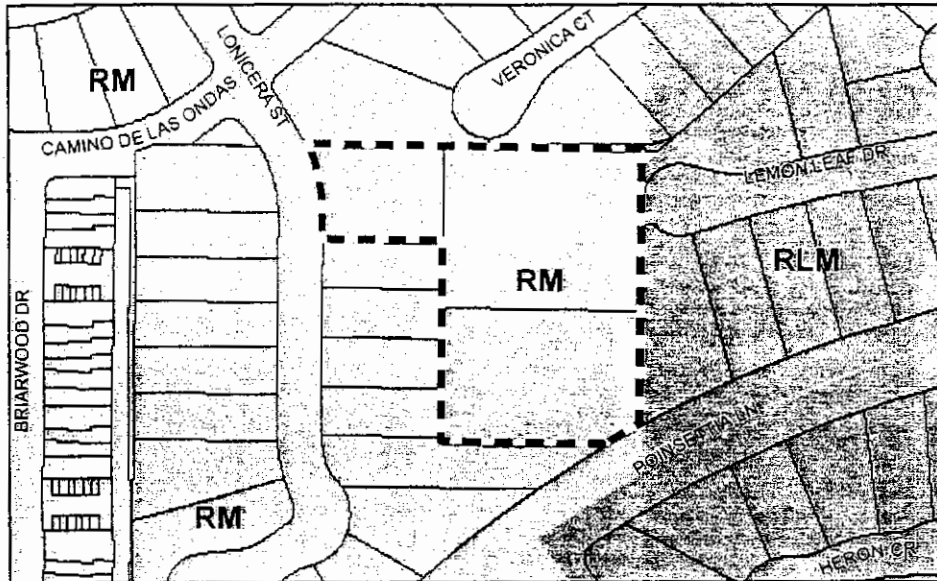
Related Case File No(s): GPA 07-05 / SP 203(C) / LCPA 06-03 / CT 06-15 / CDP 06-22 / HDP 06-05			
Zoning Designation Changes			
	Property	From:	To:
A.	214-630-20	RD-M-Q	R-1
B.	214-631-20	L-C	R-1
C.	214-631-21	L-C	R-1

Exhibit "LCPA 06-03"

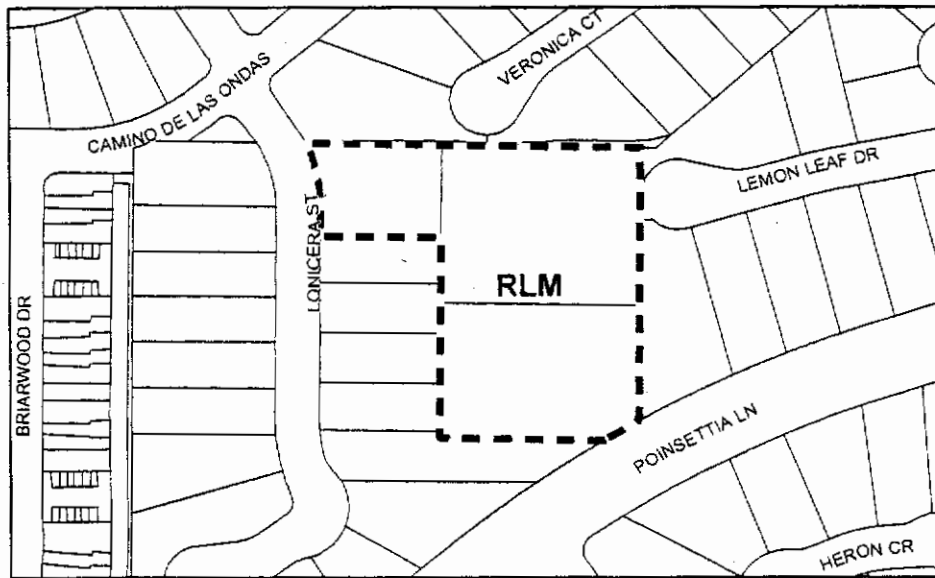
August 5, 2009

LCPA 06-03 (Land Use)

Tabata Ranch

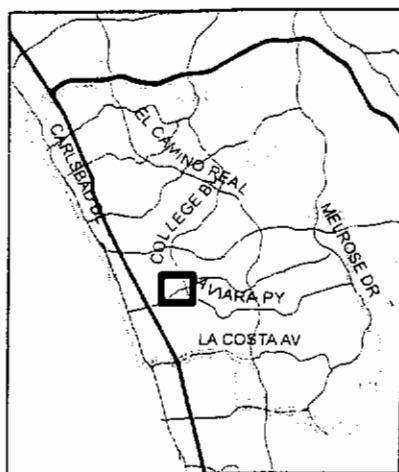


EXISTING



PROPOSED

Related Case File No(s): GPA 07-05 / ZC 06-04 / SP 203(C) / CT 06-15 / CDP 06-22 / HDP 06-05			
LCPA Land Use Designation Changes			
	Property	From:	To:
A.	214-630-20	RM	RLM
B.	214-631-20	RM	RLM
C.	214-631-21	RM	RLM



SITE MAP




NOT TO SCALE

Tabata Ranch
GPA 07-05 / ZC 06-04 / SP 203(C)

EXHIBIT #3
Project Location
LCPA #4-09D Tabata Ranch
California Coastal Commission



EXHIBIT #4
Aerial Photographs of Site
LCPA #4-09D Tabata Ranch
 California Coastal Commission

