

**ORDINANCE NO. CS-467**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY APPROVING AMENDMENTS TO THE ZONING MAP AND THE LOCAL COASTAL PROGRAM ZONING MAP TO CHANGE ZONING FROM ONE FAMILY RESIDENTIAL, MINIMUM 8,000 SQUARE FOOT LOT SIZE (R-1-8000) AND OPEN SPACE (OS) TO OPEN SPACE (OS) FOR A 14.58 ACRE PROPERTY AT THE TERMINUS OF AURA CIRCLE; AND AN AMENDMENT TO THE ZONING MAP TO CHANGE ZONING FROM ONE FAMILY RESIDENTIAL (R-1) TO OPEN SPACE (OS) FOR A 3.1-ACRE PROPERTY LOCATED AT 1605 BUENA VISTA WAY

CASE NAME: AURA CIRCLE OPEN SPACE AND BUENA VISTA PARK OPEN SPACE  
CASE NO: ZC 2021-0001/LCPA 2021-0011 (PUB 2021-0002) AND ZC 2021-0002 (PUB 2021-0003)

WHEREAS, the City Planner has prepared amendments to the Zoning Map (Title 21 of the Carlsbad Municipal Code) (ZC 2021-0001 and ZC 2021-0002) and to the Local Coastal Program (LCPA 2021-0011) pursuant to Chapter 21.52 of the Carlsbad Municipal Code, Section 30514 of the Public Resources Code, and Section 13551 of California Code of Regulations Title 14, Division 5.5; and

WHEREAS, the amendments regard two separate properties owned by the City of Carlsbad and described as follows:

Property 1 - APN 207-100-48 ("Aura Circle Open Space"):

**THAT PORTION OF LOT "I" OF RANCHO AGUA HEDIONDA, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 823, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 16, 1896, DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE NORTHWEST CORNER OF LOT 17, OF LAGUNA RIVIERA UNITY NO. 1, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5871, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 21, 1967; THENCE ALONG THE WESTERLY BOUNDARY OF SAID MAP NO 5871 TO THE NORTHEAST CORNER OF LOT 37 OF LAGUNA RIVIERA UNITY NO. 2, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 6165, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 8, 1968; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MAP NO. 6165, TO THE SOUTHEAST CORNER OF LOT 298 OF LAGUNA RIVIERA UNIT NO. 9, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7516, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER**

29, 1972; THENCE ALONG THE EASTERLY BOUNDARY OF SAID MAP NO. 7516 TO THE MOST NORTHERLY CORNER OF LOT 286 OF SAID MAP NO. 7516, BEING ON THE SOUTHERLY LINE OF LOT 131 OF CARLSBAD TRACT NO. 76-15, UNIT 3 (PALISADES POINT), IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 10579 TO THE MOST SOUTHERLY CORNER OF CARLSBAD TRACT NO. 73-8 (CARLSBAD PALISADES) UNIT NO. 1, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8039, FILLED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 6, 1974; THENCE NORTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF SAID MAP NO. 8039 TO THE POINT OF BEGINNING.

Property 2 – APN 156-200-16 (“Buena Vista Park Open Space”):

THAT PORTION OF TRACT NUMBER ONE TWENTY-ONE (121) CARLSBAD LANDS AS SHOWN ON MAP THEREOF NUMBER 1661 ON RECORD IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY BOUNDED BY A LINE DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF SAID TRACT NUMBER ONE TWENTY-ONE (121) AND RUNNING THENCE SOUTH EIGHTY-NINE DEGREES FIVE MINUTES (89 05’) EAST FIVE HUNDRED TWO (502.0) FEET TO A POINT; THENCE SOUTH TWENTY-THREE DEGREES FOUR MINUTES (23 04’) EAST FOUR HUNDRED THIRTY-FOUR AND FIFTY-EIGHT HUNDREDTHS (434.58) FEET TO A POINT; THEN SOUTH FIFTY-FIVE DEGREES TWENTY-SEVEN MINUTES (55 27’) WEST TWO HUNDRED FEET (200) TO A POINT: THENCE NORTH THIRTY-FOUR DEGREES THIRTY-THREE MINUTES (34 33’) WEST FIVE HUNDRED NINETY-FIVE AND THIRTY-FOUR HUNDREDTHS (596.34) FEET TO A POINT: THENCE NORTH EIGHTY-NINE DEGREES FIVE MINUTES (89 05’) WEST, ONE HUNDRED SIXTY-NINE AND FORTY-TWO HUNDREDTHS (169.42) FEET TO A POINT: THENCE NORTH NO DEGREES FIFTY-MINUTES (0 52’) WEST TWENTY-EIGHT AND TWENTY-FIVE HUNDREDTHS (28.25) FEET TO THE POINT OF BEGINNING; and

WHEREAS, on Oct. 20, 2021, the Planning Commission held a duly noticed public hearing as prescribed by law to consider ZC 2021-0001/LCPA 2021-0011 and ZC 2021-0002; and

WHEREAS the Planning Commission adopted Planning Commission Resolutions 7428 and 7429 recommending to the City Council that ZC 2021-0001/LCPA 2021-0011 and ZC 2021-0002 be approved; and

WHEREAS, the City Council held a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors relating to the “ZC 2021-0001/LCPA 2021-0011 – Aura Circle Open Space” and “ZC 2021-0002 - Buena Vista Park Open Space.”

NOW, THEREFORE, the City Council of the City of Carlsbad, California, does ordain as follows that:

1. The above recitations are true and correct.
2. Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map and the Local Coastal Program Zoning Map, is amended as shown on the maps marked “Exhibit ZC 2021-0001 – Aura Circle Open Space,” dated March 1, 2021, “Exhibit LCPA 2021-0011 – Aura Circle Open Space”, dated March 1, 2021, and “Exhibit ZC 2021-0002 - Buena Vista Park Open Space” also dated March 1, 2021, all of which are attached hereto as Attachment A and made a part hereof.
3. The findings and conditions of the Planning Commission in Planning Commission Resolutions 7428 and 7429 shall also constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption. Notwithstanding the preceding, ZC 2021-0001 and LCPA 2021-0011 – Aura Circle Open Space shall not be effective until approved by the California Coastal Commission. This restriction does not apply to ZC 2021-0002 - Buena Vista Park Open Space.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 30th day of January, 2024, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 6th day of February, 2024, by the following vote, to wit:

AYES: Blackburn, Bhat-Patel, Acosta, Burkholder.

NAYS: None.

ABSTAIN: None.

ABSENT: Luna.

APPROVED AS TO FORM AND LEGALITY:

*Cindie K. McMahon*

CINDIE K. McMAHON, City Attorney

*Keith Blackburn*

KEITH BLACKBURN, Mayor

*Sherry Freisinger*

SHERRY FREISINGER, City Clerk  
(SEAL)



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NAYS: None.

ABSTAIN: None.

ABSENT: Luna.

APPROVED AS TO FORM AND LEGALITY:

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CINDIE K. McMAHON, City Attorney

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KEITH BLACKBURN, Mayor

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SHERRY FREISINGER, City Clerk  
(SEAL)