

CALIFORNIA COASTAL COMMISSION

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August 20, 2009

W38a

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
AMENDMENT 1-08B (Legoland Inner Park) for Commission Meeting of
September 9, 2009**

SYNOPSIS

The subject LCP amendment was submitted and filed as complete on July 18, 2008. A one-year time extension was granted on October 16, 2008. As such, the last date for Commission action on this item is October 16, 2009. The submittal by the City was identified as an amendment modifying both the Land Use and Implementation Plans. However, upon staff's review of the submittal and further discussion with the City, it was determined that both components modify the Implementation Plan only.

This staff report addresses one of two of the components submitted by the City for Local Coastal Program Amendment (LCPA) 1-08 (A&B). LCPA 1-08A (Palomar Airport Road Driveway) was heard at the August, 2009 Commission hearing. This is the final component addressed with the City of Carlsbad's LCP Amendment 1-08.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment proposes four revisions to the Carlsbad Ranch Specific Plan. Three of the proposed revisions are to Planning 4, or the Legoland Park portion of the Carlsbad Ranch Specific Plan. These proposed changes would update the boundaries of the four planning areas within Legoland Park, allow low-impact projects to be approved administratively through a "minor" coastal development permit, and would expand the permitted uses within Legoland to include overnight uses. The fourth revision proposed is to Section VII, Specific Plan Administration, again within the Carlsbad Ranch Specific Plan. This change would add definitions and procedures to process modifications to the Specific Plan as either Minor or Major Specific Plan amendments, whereas currently all amendments to the Specific Plan are processed identically.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending first denial of the proposed Implementation Plan amendment and then approval with two suggested modifications. As submitted by the City, the proposed amendment would allow minor changes to the Specific Plan to be approved by the Planning Director and without review by the Coastal Commission. Because the Carlsbad Ranch Specific Plan is a certified component of the City's Implementation Plan, any revisions to the Specific Plan without review and certification by the Coastal Commission would be inconsistent with the Coastal Act. The City has expressed that the primary intention of the Minor Specific Plan Amendment was most closely associated with the fees required for such amendments. The modifications proposed by staff would allow for a reduction in fees for minor specific plan amendments, but would not allow any amendment to the Specific Plan to be approved administratively.

The appropriate resolutions and motions begin on Page 4. The suggested modifications begin on Page 5. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 7. The findings for approval of the plan, if modified, begin on Page 11.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment 1-08B may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. 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 and the West Batiquitos/Sammis Properties Segments of the City's coastal zone.

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.

Carlsbad Ranch is comprised of 423.5 acres located on the north side of Palomar Airport Road, within the Mello II Segment of the City. Historically, this land was used for agriculture. The Carlsbad Ranch Specific Plan was originally approved by the Commission in 1993. In 1996, the City brought forward an amendment to include additional uses within the Carlsbad Ranch area to allow the development of office, research and development, related light manufacturing, commercial, hotel/timeshare, destination resort, golf course, agriculture, a vocational school, and Legoland.

At the August, 2009 hearing, the Commission approved the second amendment to the Carlsbad Ranch Specific Plan. LCP Amendment 1-08A included changes to the language and the associated map of the Flower Fields to show a second (ingress only) access from Palomar Airport Road. The subject LCP amendment will be the third amendment to the Carlsbad Ranch Specific Plan.

B. STANDARD OF REVIEW

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

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. MOTION I:** *I move that the Commission reject the Implementation Program Amendment for the City of Carlsbad LCP Amendment No. 1-08B as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Carlsbad and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

II. MOTION II: *I move that the Commission certify the Implementation Program Amendment for the City of Carlsbad LCP Amendment No. 1-08B if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carryout the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program Amendment 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.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed Implementation Plan be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted. The proposed revisions are all contained in the Carlsbad Ranch Specific Plan.

1. Modify Section VIII - Specific Plan Administration - Section A as follows:

Approval of this Specific Plan signifies acceptance by the City of a general framework as well as specific development standards for the build out of Carlsbad Ranch. It is anticipated that certain amendments to the specific plan may be necessary during the development of the area. Any amendments to the specific plan shall occur in accordance with the Carlsbad General Plan and the amendment process described in this section. Amendments may be initiated by the City Council or the property owner.

Amendments to the Carlsbad Ranch Specific Plan shall be subject to the review and approval by the City Council provided public input has been solicited through public

hearings. The Planning Commission shall first hear and consider all applications for an amendment to the specific plan. The Planning Commission shall prepare a recommendation and findings on all applications for an amendment to the City Council. As required by the Government Code and the California Environmental Quality Act, all agencies significantly affected by the amendment to the plan shall also be notified of the proposed action prior to approving the amendment of the specific plan.

Depending on the extent and impact of a proposed Specific Plan Amendment; a subsequent Environmental Impact report or mitigated negative declaration which focuses on new impacts may be warranted. Two categories of amendments to the Specific Plan can be processed: Minor and Major Specific Plan Amendments. Minor Specific Plan Amendments may be eligible for reduced processing fees. However, all other regulations that apply to processing a Specific Plan amendment shall remain in place and will apply to both Minor and Major Specific Plan Amendments.

All amendments shall be submitted to the California Coastal Commission for its review and approval, prior to their enactment, in accordance with the Coastal Act of 1976 and the California Code of Regulations.

2. Modify Section VIII - Specific Plan Administration - Section C - proposed new Subsection 1 - Minor Specific Plan Amendments - as follows:

1. Minor Specific Plan Amendments

~~Minor amendments that meet the criteria noted below shall be reviewed for approval administratively by the Planning Director.~~

Projects that meet the criteria noted below shall be processed as Minor Specific Plan Amendments. The Planning Director shall make the determination as to whether a project meets the following criteria:

- a. Expansions or reductions of up to 10% in area ~~may be allowed by the Planning Director.~~
- b. Realignment or modification of internal streets serving the project, lot lines, site access locations, easement locations and grading adjustments, ~~if approved by the Planning Director and City Engineer.~~
- c. Minor modifications that do not change the densities or uses of the subject property ~~as determined by the Planning Director~~
- d. Modification of design criteria such as minor architectural style or detail changes, landscape treatments, fencing, lighting, etc., provided the modifications are in substantial conformance with the purpose and intent of

the design criteria in the Specific Plan; and with baseline approval of the subject project.

~~A Local Coastal Program Amendment will not be required for Minor Specific Plan Amendments.~~

This Specific Plan was prepared pursuant to California Government Code Section 65450, et. seq. and is partial implementation of the Mello II Segment of the Local Coastal Program. All Minor Amendments to the Carlsbad Ranch Specific Plan shall be submitted to the California Coastal Commission for its review and certification of a corresponding Local Coastal Program Amendment, prior to their enactment, in accordance with the Coastal Act of 1976 and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).

Minor amendments to the Specific Plan shall be processed in accordance with the applicable requirements of law, which include Section 65450, et. seq. of the California Government Code, the Coastal Act of 1976 and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).

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

A. AMENDMENT DESCRIPTION

The subject LCP amendment proposes four revisions to the Carlsbad Ranch Specific Plan. Three of the proposed revisions are specific to Planning Area 4 - Legoland Park; the fourth change would modify the Carlsbad Ranch Specific Plan Administration section.

The first revision would include updating the four planning areas within Legoland Park. Currently, the Park itself is comprised of the Inner Park, which contains the main park buildings including retail shops, restaurants, and attractions. The second planning area, the Outer Park, contains landscaping and any undeveloped lands that could serve to accommodate future Inner Park expansion. The third planning area, Parking and Circulation, includes guest, bus/RV, and employee parking. The Parking and Circulation planning area also includes access roads. The final planning area, Service and Administration, includes all administration buildings, storage, workshops, and all other related structures. As proposed by the City, Legoland Park would now include two planning areas; Inner and Outer Park. This revision would simply combine the current Inner Park and Service and Administration planning area into the Inner Park. The requested boundary changes would also combine the Outer Park and Parking and Circulation planning areas, into the Outer Park. These changes are primarily for ease of formatting. The only change to the language within any of the planning areas would be

to the Outer Park language which would no longer include a provision related to the accommodation of future Inner Park expansion. The City has indicated that the Inner Park has already encompassed the "expansion areas" within the Outer Park, so this language is no longer necessary. The City is also proposing to update the associated map, Figure 35, illustrating the changes made to the existing planning areas. No other changes are proposed to the planning area language. These proposed revisions would update the areas and figures to better represent the current layout of Legoland Park.

The second proposed amendment would serve to streamline the coastal development permitting process for minor projects within the established Legoland Park boundaries. The revision would allow for the approval of a Minor Coastal Development Permit and include the findings required in order to determine that the submitted Coastal Development Permit request could be processed as a "minor" coastal development permit. These findings include:

- That the requested use is properly related to the site, surroundings and environmental setting, is consistent with the various elements and objectives of the general plan, will not be detrimental to existing uses or the uses specifically permitted in the area in which the proposed use is to be located, and will not adversely impact the site, surroundings or traffic circulation;
- That the site for the intended use is adequate in size and shape to accommodate the use;
- That all of the yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested use to existing or permitted future uses in the neighborhood will be provided and maintained;
- That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use;
- The development will have no adverse effect individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

The third revision would add overnight uses to the permitted uses within Legoland Park. The addition of overnight uses as a permitted use was proposed to facilitate the addition of a tent camping facility within Legoland Park.

The fourth revision proposed relates to the Carlsbad Ranch Specific Plan administration. This portion of the amendment would add definitions and procedures to process changes to the Specific Plan as either Minor or Major Specific Plan amendments, whereas currently all amendments to the Specific Plan are processed identically. Again, the revision was proposed to streamline the permitting of minor changes to the Specific Plan. The proposed language specifies the parameters for defining a Minor Specific Plan Amendment, including: expansion or reduction of up to 10% in the planning area; realignment or modification of internal streets; minor changes that do not change the

densities or uses of the property; and modification to the design criteria including architectural style, landscape treatments, fencing, lighting, etc..

B. SPECIFIC FINDINGS FOR REJECTION

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.

a) Purpose and Intent of the Ordinance.

The subject LCP amendment is located within the Carlsbad Ranch Specific Plan Area. The Carlsbad Ranch Specific Plan (Specific Plan) was found consistent with the City's certified LCP in 1993 and thus became the Implementation Plan for this 423.5 acre region of the City. Carlsbad Ranch is located in the northwest quadrant of the City and north of Palomar Airport Road. The purpose of the Specific Plan is to provide a comprehensive set of guidelines, regulations, and implementation programs for guiding and ensuring the orderly development of the Carlsbad Ranch area. This amendment is more expressly located in Planning Area Four - Legoland. The entire Legoland Park is zoned for Tourist Commercial with the Qualified Development Overlay (CT-Q). Development within the Specific Plan area is subject to the development standards of the Specific Plan rather than the City's Zoning Ordinance.

b) Major Provisions of the Ordinance.

The major provisions of the Carlsbad Ranch Specific Plan for Planning Area 4 - Legoland address several elements. The focus of Legoland Carlsbad is on the provision of fun and creative, educational experiences for children in the age group of 2 through 13, and their families. The Specific Plan includes four planning areas including Inner Park, Outer Park, Parking and Circulation and Service and Administration. The Specific Plan also includes Development Standards that detail permitted uses, establish building setbacks, building heights, and parking standards for Legoland Park.

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

The City of Carlsbad has applicable policies within the Mello II Segment of its certified LCP that state:

Policy 2-2 LCPA 90-08 Carlsbad Ranch Specific Plan "Mixed-Use" Development

This policy provides conditional development standards for the area of approximately 423.5 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3, Page 74). All such lands owned by Carlitas or Ecke or their successors in interest shall be permitted, pursuant to approval of a Specific Plan to convert certain agricultural lands to residential and/or non-residential (including tourist-serving commercial) development as a means of providing supplementary uses which will assist in the retention of agricultural and public

recreation uses on the remaining portions of these parcels. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where compatible with adjacent uses.

[...]

(b) Uses Conditionally Permissible Pursuant to the Development of the Entire Area Subject to a Specific Plan.

- (1) Consistent with the Carlsbad General Plan residential, commercial (including tourist commercial), and other non-residential uses may be developed on up to 92.6 acres of the approximately 423 acre site subject to a Specific Plan for the entire site. Development of land within the Agricultural Preserve will be subject to the provision of the Williamson Act and specifically the Land Conservation Contract in effect at the time of development. Additional acreage beyond the 92.6 acres shall be permitted to be developed subject to approval of a Local Coastal Program Amendment, Specific Plan Amendment, and compliance with Policy 2-1 of the Mello II Land Use Plan.

[...]

- (8) The Specific Plan shall provide a mix, location, and intensity of land uses that are compatible with and will not adversely impact long term viability of agricultural and/or public recreational uses.

Policy 6-4 Need for Additional Overnight Camping

Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities, are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. This can be accomplished in conjunction with the development of private recreational facilities.

The LCP amendment as proposed by the City includes a number of changes to update the Carlsbad Ranch Specific Plan for the area within Legoland Park. The City has indicated that some of the processes, definitions, and planning areas need to be updated, as circumstances have changed over the ten years the park has been in operation. Of the four main revisions discussed above, only one presents concerns as to its consistency with the certified Land Use Plan. The other three can be found consistent with the certified Land Use Plan and will be described in greater detail in the findings for approval.

The City is proposing to create two types of processes for amendments, Minor and Major Specific Plan Amendments, to the Carlsbad Ranch Specific Plan. By creating two types of amendments, Minor Specific Plan Amendments could be processed administratively, allowing approval by the Planning Director, as opposed to the City Council, while Major

Specific Plan Amendments would continue to require more in-depth review and approval by the City Council. As proposed by the City, the Minor Specific Plan Amendments would not be reviewed or certified by the Coastal Commission as a Local Coastal Program Amendment.

In 1993, the City proposed to amend its Implementation Plan to include the Carlsbad Ranch Specific Plan in its entirety. The Specific Plan is therefore part of the implementation component of the LCP within the Carlsbad Ranch area. Carlsbad Ranch is comprised of 423.5 acres located on the north side of Palomar Airport Road, within the Mello II Segment of the City.

In 1996, the City brought forward an amendment to include additional uses within the Carlsbad Ranch area to allow the development of Legoland Park. The changes proposed in the City's submittal would allow minor alterations to the language, figures, guidelines, etc. of the Specific Plan, which is also its Implementation Plan (IP), without updating the City's certified Local Coastal Program.

Under the City's proposal, because a Local Coastal Program amendment is not required, the consistency of those modifications could not be reviewed against the policies of the certified Land Use Plan. Thus, the City would be amending its IP without determining if a proposed amendment is consistent with the certified Land Use Plan. More importantly, the City is not authorized to amend its IP without submitting such an amendment to the Commission for certification. Any changes to the Specific Plan that were not certified by the Commission would therefore not be validly enacted.

Furthermore, the location of the proposed language would allow this administrative process for any development within the Carlsbad Ranch area, not just within Legoland Park. This would magnify the number of potential changes made over time without the review and certification of the Coastal Commission; and allow the proliferation of "amendments" to the City's IP that were not approved by the Commission. Such deviations would lead to public confusion over the adopted plan's provisions, and cannot be found consistent with the Coastal Act, which mandates that all amendments to Implementation Plans be submitted to the Commission for review and certification.

PART V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

As previously discussed, the City is proposing four revisions to its IP, all located in the Carlsbad Ranch Specific Plan. Three of these revisions pertain solely to the Legoland Park area within the Carlsbad Ranch. These three changes include updating the boundaries between specific planning areas within the Park, adding overnight uses as a permitted use, and allowing certain developments to be permitted through a Minor Coastal Development Permit. Again, none of these three proposed changes result in potential impacts to coastal resources, or pose any inconsistencies with the City's certified Land Use Plan.

The first proposed revision would update the planning areas within the Park itself. The Specific Plan was originally approved to include Legoland in 1996. Legoland Park was completed in 1999. Over the past ten years, the anticipated expansion has occurred and Legoland is reaching its built-out phase. Thus, the boundaries between the different planning areas need to be updated to reflect these changes. As such, the City is proposing to combine the four planning areas: Inner Park, Outer Park, Parking and Circulation, and Service and Administration into two planning areas: Inner Park and Outer Park. The Inner Park includes all of the attractions, rides, retail and restaurant uses associated with the Park itself. The Outer Park currently includes landscaping and lands set aside for future expansion of the Inner Park. Parking and Circulation includes all guest and employee parking, as well as access roads. The Service and Administration planning area includes all of the administrative buildings used for storage, staff, and other ancillary uses.

As proposed, the Inner Park would be updated to include the Service and Administration portion of the site within its boundaries and the Outer Park and Parking and Circulation would combine to include landscaping, parking and roads all within the Outer Park planning area. These changes consist primarily of changed formatting. The only change to text is within the existing Outer Park language. As proposed, the Outer Park would no longer include lands that could be used for future expansion of the Inner Park. As previously discussed, the Inner Park is essentially "built-out" and thus the potential expansion land has already been developed. All other language and requirements associated with the four planning areas would remain unchanged. Thus, the proposed revisions can be found consistent with the certified Land Use Plan.

The second proposed revision would add overnight uses as an allowable use within Legoland Park. This would expand on the currently permitted allowance of indoor and outdoor facilities for children related to entertainment and education. The proposed language would not facilitate a large scale hotel type development. Commission staff, however, is currently reviewing an additional LCP amendment submitted by the City of Carlsbad that would permit a large-scale hotel development at Legoland Park.

The City has indicated that current proposed revision would facilitate the provision of amenities including: tent/shelters on site, bathroom facilities, a hospitality tent, central fire ring, and a small outdoor amphitheatre. The result being a development that would provide lower cost overnight accommodations, consistent with Policy 6-4 in the Mello II segment of the City's certified Land Use Plan.

The third proposed set of revisions would allow low-impact types of development, as outlined on Page 8 of this staff report, to be issued a minor coastal development permit (CDP). The City has a process for approving minor coastal development permits administratively in their certified LCP. However, one of the requirements to be considered for a Minor CDP is that the project cost must be less than \$60,000. The types of developments typically proposed within Legoland cost more than \$60,000 and therefore are not eligible for a minor CDP. The City has indicated that using the

traditional CDP permit process for low-impact, or small-scale development within the development footprint of Legoland Park is arduous and time consuming. Thus, the administrative approval of these low-impact developments through a minor coastal development permit, without limiting projects within Legoland Park to \$60,000, would streamline their process.

The Inner Park is fully contained within the confines of the Legoland theme park and is physically separated from other uses by landscaped buffers. There is no potential for direct coastal resource impacts as a result of Inner Park development. Furthermore, the Environmental Impact Report associated with Legoland Park addressed the potential impacts of traffic, circulation, and parking at the "built-out phase". Therefore, adding new attraction or redeveloping areas within the existing park would not create new and unmitigated impacts to public access. The certified Specific Plan established development standards for any development within the park. Thus any proposed development must conform to the development standards established by the Carlsbad Ranch Specific Plan and would therefore also be consistent with all of the requirements of the Mello II Segment of the LCP.

The last area of proposed revision would allow certain amendments to the Specific Plan, termed Minor Specific Plan Amendments, to be approved by the Planning Director without amending the City's Local Coastal Program. The Specific Plan is part of the City's IP; therefore, any changes to the Specific Plan, even minor changes, would amend the City's IP. All such amendments must be submitted to the Commission as an IP amendment for certification. By eliminating the Commission's review of a change to the City's IP, the proposed amendment would be inconsistent with the Coastal Act requirement that all such amendments be certified by the Commission.

As such, two suggested modifications have been made to address these concerns. The City has indicated that the two primary reasons to distinguish between Minor and Major Specific Plan Amendments was to allow for reduced processing fees and to expedite the permit process for smaller scale amendments. The suggested modifications in no way change the City's ability to allow reduced processing fees for Minor Specific Plan Amendments; however, both of the suggested modifications serve to clarify that while amendments to the Specific Plan can be separated as Minor and Major Amendments, both will require Local Coastal Program amendments and that the process to approve Minor and Major Specific Plan Amendments shall remain identical. The suggested modifications further clarify that both Minor and Major Specific Plan Amendments shall be processed in accordance with the applicable requirements of law, which include Section 65450, et. seq. of the California Government Code, the Coastal Act of 1976 and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).

While the suggested modifications will still allow the City to reduce processing fees, they do not specifically allow for an expedited process for the LCP amendments because such an allowance would be inconsistent with the Coastal Act. Commission staff has informed the City that the smaller-scale amendments to the Specific Plan may be eligible for

approval through a De Minimus or Minor Local Coastal Program Amendment. If the Commission concurs that the proposed amendment can be considered Minor or De Minimus, the review process may be expedited.

In conclusion, the City has submitted four changes to the Carlsbad Ranch Specific Plan. The primary intent of these proposed changes is to update the current uses and planning areas within the park itself, allow for a camping facility within Legoland Park, and to expedite the Coastal Development Permit and the Specific Plan Amendment processes. As proposed by the City, the expedited Specific Plan Amendment process could not be found consistent with the City's certified LCP. The two suggested modifications serve to adequately address these concerns; and, therefore, the proposed implementation plan amendment, as modified herein, can be found consistent with the City's certified Land Use Plan.

PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. 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 Commission finds that approval of the proposed LCP amendment, as submitted, would result in significant impacts under the meaning of the California Environmental Quality Act. However, with the inclusion of the suggested modifications, the adoption would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment, as modified, will not result in any significant adverse environmental impacts.

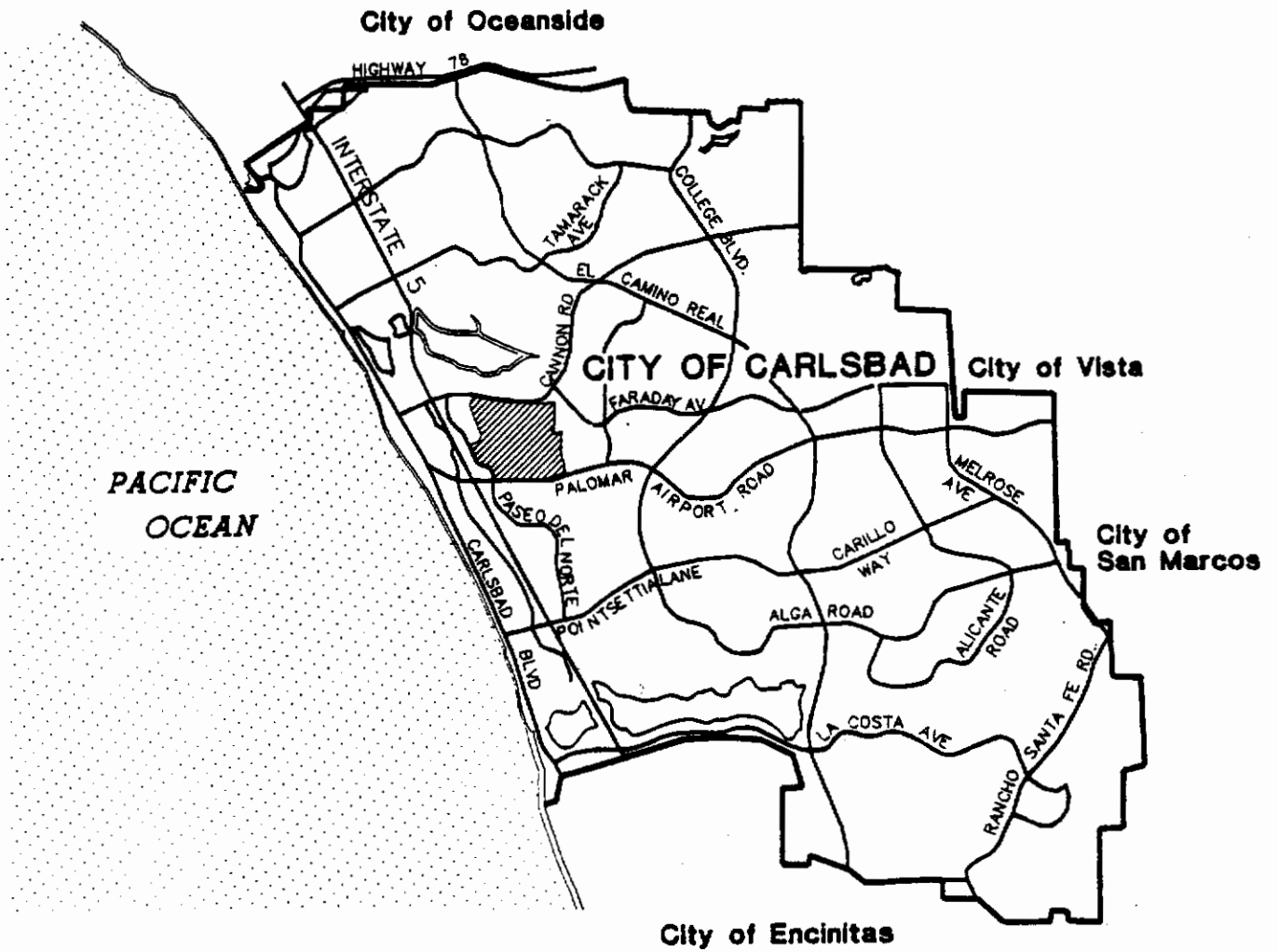
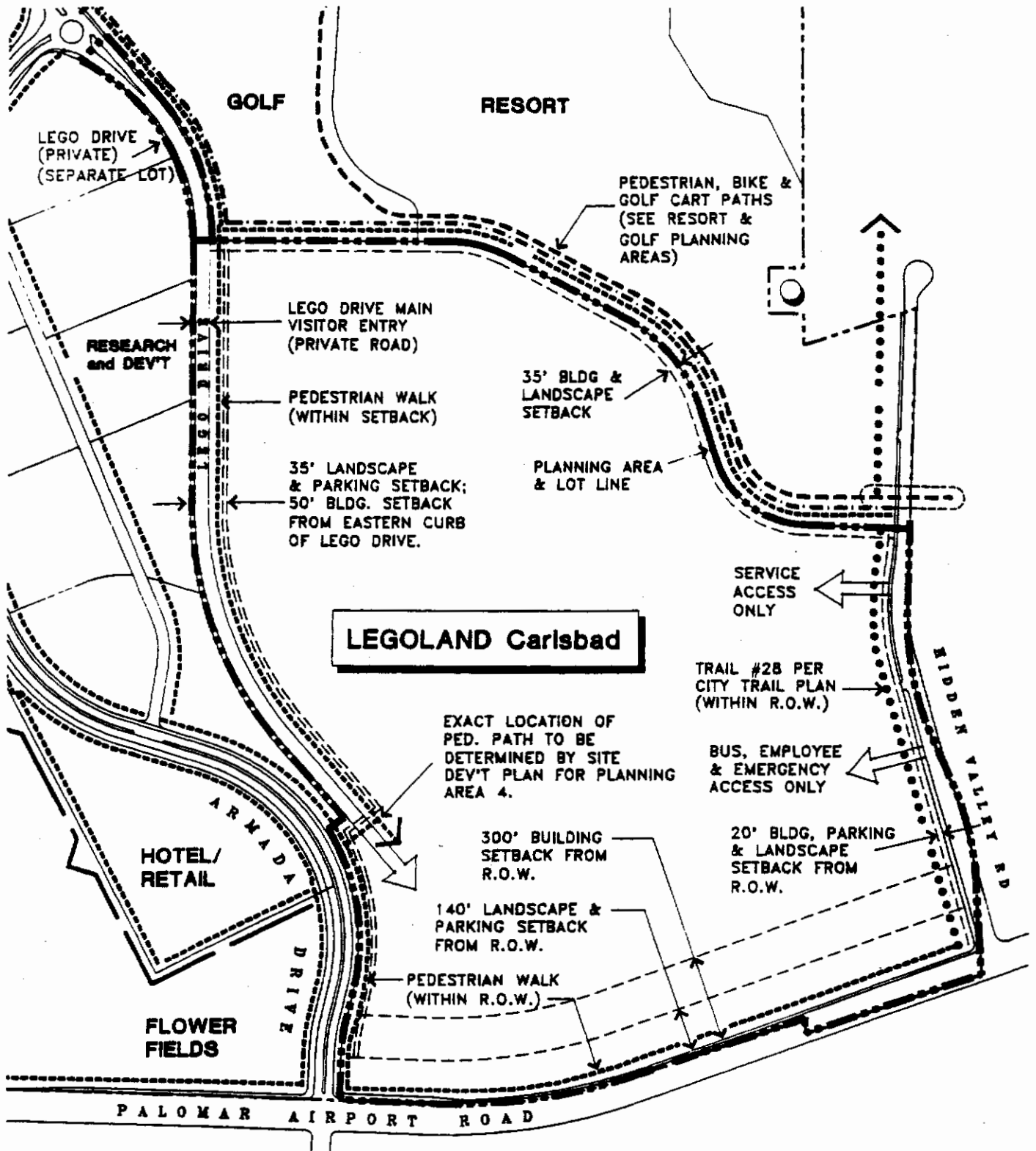


Figure 2
CITY CONTEXT



EXHIBIT #1
Regional Location Map
LCPA #1-08B Legoland Inner Park
 California Coastal Commission



LAND USE: LEGOLAND
 PARK PARCEL AREA: 131.62 ACRES (GROSS); 128.32 ACRES (NET)
 LEGO DRIVE (PRIVATE) PARCEL AREA: 0.94 ACRES (GROSS/NET).
 DEVELOPMENT PROGRAM: 425,750 s.f.

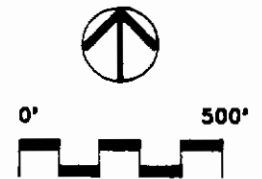
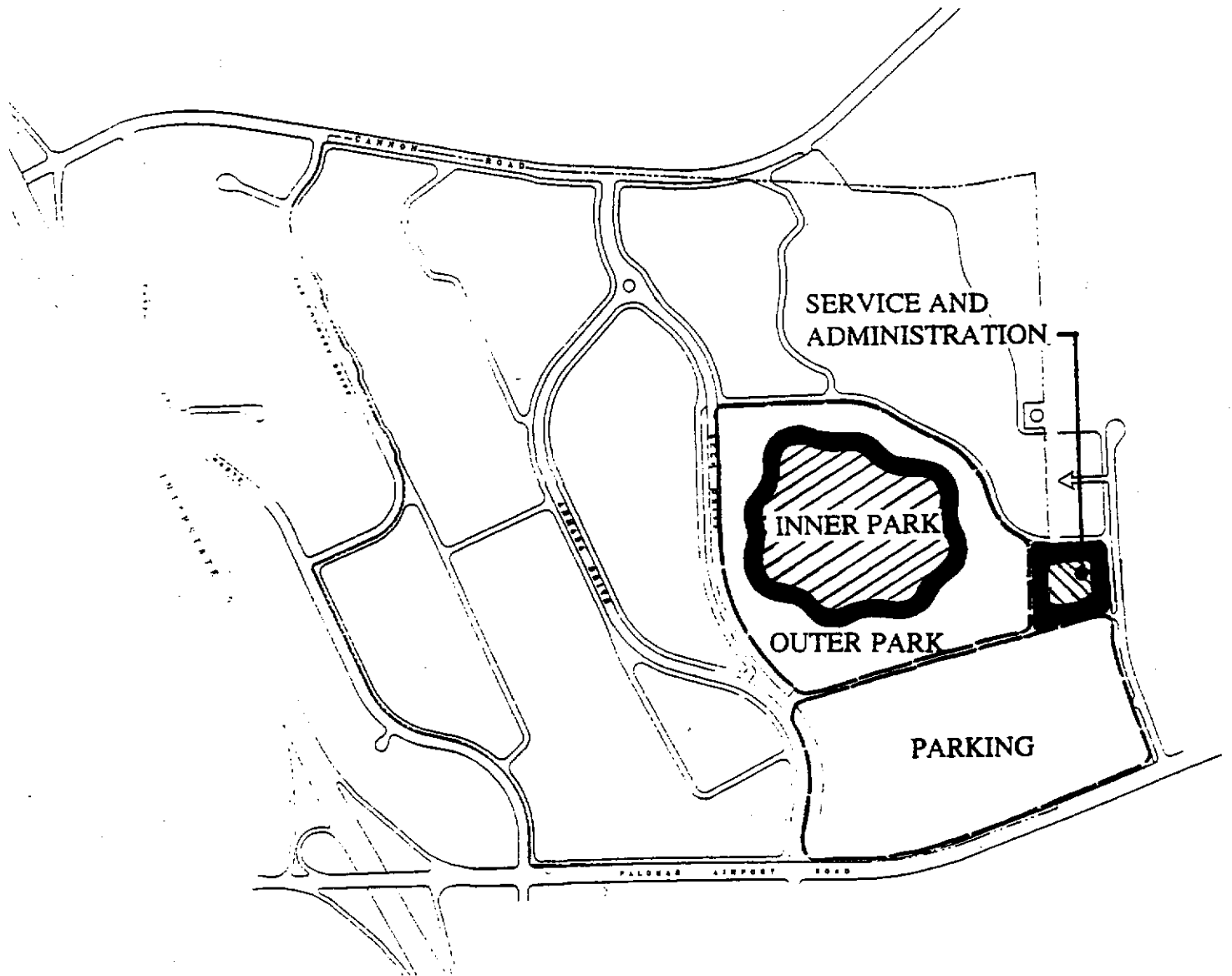


Figure 34
PLANNING AREA 4 - LEGOLAN

EXHIBIT #2 Planning Area #4 - Legoland Map LCPA #1-08B Legoland Inner Park California Coastal Commission



STATISTICS

INNER PARK 35 AC.
 OUTER PARK 30.8 AC.
 PARKING & CIRCULATION 55.52 AC.
 SERVICE AND ADMINISTRATION 7 AC.

TOTAL 128.32 AC.



Figure 35
LEGOLAND Carlsbad-PLANNING ARE

EXHIBIT #3
Existing Figure 35 to be replaced
LCPA #1-08B Legoland Inner Park
California Coastal Commission

ORDINANCE NO. NS-875

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CARLSBAD RANCH SPECIFIC PLAN (SP 207(E)) TO ALLOW FOR AN ADMINISTRATIVE APPROVAL PROCESS FOR LEGOLAND INNER PARK IMPROVEMENTS, MODIFY THE ALLOWED USES TO INCLUDE OVERNIGHT USES AND TO DEFINE MINOR AND MAJOR SPECIFIC PLAN AMENDMENTS ON PROPERTY GENERALLY LOCATED NORTH OF PALOMAR AIRPORT ROAD, SOUTH OF CANNON ROAD, EAST OF PASEO DEL NORTE AND WEST OF THE CROSSINGS DRIVE IN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND IN LOCAL FACILITIES MANAGEMENT ZONE 13.

CASE NAME: LEGOLAND INNER PARK
CASE NO.: SP 207(F)

Receiver

JUN 25 2008

California Coastal Commission
San Diego Coast District

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

WHEREAS, the Carlsbad Ranch Specific Plan was originally adopted by City Council Ordinance No. NS-277 on March 16, 1993 and has been amended several times and contains the uses, development standards and design guidelines for the development of the subject property; and

WHEREAS, the City Council of the City of Carlsbad has reviewed and considered a Specific Plan Amendment (SP 207(F)) for the Carlsbad Ranch Specific Plan; and

WHEREAS, after procedures in accordance with requirements of law, the City Council has determined that the public interest indicates that said Specific Plan Amendment (SP 207(F)) be approved.

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

SECTION 1: That Specific Plan SP 207(F), on file in the Planning Department, and incorporated herein by reference, is adopted. The Carlsbad Ranch Specific Plan (SP 207(F)) shall constitute the development plan for the property and all development within the plan area shall conform to the plan.

SECTION 2: That the Carlsbad Ranch Specific Plan (SP 207(F)) as amended to date, and further amended by Specific Plan Amendment [redacted] approved.

EXHIBIT # 4
Signed Ordinance
LCPA #1-08B Legoland Inner Park
California Coastal Commission

1 SECTION 3: That Specific Plan Amendment SP 207(F) replaces text in the
2 Carlsbad Ranch Specific Plan, as shown on Attachment SP 207(F).

3 SECTION 4: That the findings and conditions of the Planning Commission in
4 Planning Commission Resolution No. 6356 shall constitute the findings and conditions of the
5 City Council.

6 EFFECTIVE DATE: This ordinance shall be effective thirty days after its
7 adoption, but not until Local Coastal Program Amendment LCPA 90-08(E) is approved by the
8 California Coastal Commission, and the City Clerk shall certify to the adoption of this ordinance
9 and cause it to be published at least once in a publication of general circulation in the City of
10 Carlsbad within fifteen days after its adoption.

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INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 5th day of February, 2008, and thereafter.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 12th day of February, 2008, by the following vote:

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


NOES: None.

ABSENT: None.

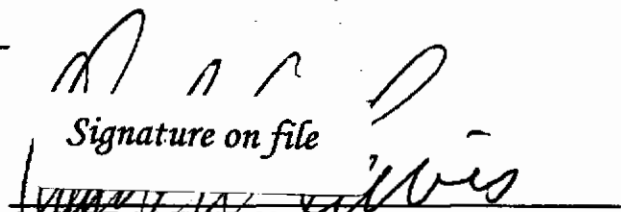
ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

Signature on file

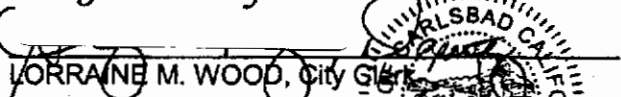

RONALD R. BALL, City Attorney

Signature on file


CLAUDE A. LEWIS, Mayor

ATTEST:

Signature on file


LORRAINE M. WOOD, City Clerk

(SEAL)



Figures 8, 9, 10, 11 and 12, found on pages 23 through 27, identify the proposed location of land uses and the development program to be achieved on the developable portion of the Carlsbad Ranch, which is expected to build out over a 10 to 15 year time period.

The acreage contained in the Parcelization map on page 27 does not directly correspond with the land use acreage as contained in the Zone 13 LFMP. The Parcelization map provides separate lots for the developable land and the roadways. While the land use maps contained in the Zone 13 LFMP provides acreage that includes the adjacent roadways in the land use area.

The plans and maps provided in this specific plan are conceptual in nature only. Site Development Plans and/or Conditional Use Permits will be required prior to development in any of the Planning Areas within the Carlsbad Ranch Specific Plan, or as otherwise stated within the Implementation section of each Planning Area.

E. PLANNING AREA 4 - LEGOLAND Carlsbad

The focus of LEGOLAND Carlsbad will be on the provision of fun and creative, educational experiences for children in the age group 2 through 13 and their families. The planning and design shall comply with the following criteria:

- Establish the child as the focal point
- Provide for family interaction and fun
- Provide Environmental sensitivity including designing with nature, energy conservation, reuse, and recycling
- Create a "park within a park"
- Facilitate participation and creativity
- Create a world of learning
- Develop theme areas corresponding to LEGO brands
- Provide comfort and quality for guests and staff
- Create synergy with the local community and environment

The overall concept of LEGOLAND Carlsbad may be described as a "park within a park". A significant portion of LEGOLAND Carlsbad will consist of attractive landscape areas with an emphasis on native and water conserving landscapes. Figure 36 on page 116 provides an overall planning summary of LEGOLAND Carlsbad.

1. PLANNING AREAS

The general planning areas and acreages, which make up LEGOLAND Carlsbad are shown on Figure 35 on page 115. The approximately 128-acre site consists of ~~four~~ two (24) distinct planning areas. These consist of the Inner Park ~~and~~ the Outer Park, ~~the Parking and Circulation and the Service and Administration.~~ A brief description of the approximate size and location of each of the planning areas is provided below.

a. Inner Park

The Inner Park is approximately ~~35-70~~ acres in size and includes both Active Clusters and Passive Clusters. The Inner Park planning area is located in the ~~central-northern~~ portion of the LEGO property and serves as the core of LEGOLAND Carlsbad.

The Inner Park is accessed through an entrance structure with ticketing booths and turnstiles, an entrance building with guest related facilities and retail uses, restaurant/cafe buildings, public toilets and comfort rooms, and the themed attractions buildings.

The key elements of LEGOLAND Carlsbad are the "Active Clusters" and "Passive Clusters". These key elements are shown on Figure 36 on page 116.

Active Clusters will include LEGO attraction areas such as MINILAND and will be distinguished by plantings, paving, site furnishings, water features, pedestrian trails and landscape lighting. Rides created for these areas will be designed to allow the child and his/her family to view and interact with the LEGO models and attractions. High-speed thrill rides will not be a part of LEGOLAND Carlsbad.

It is anticipated that LEGOLAND Carlsbad will include approximately five (5) Active Clusters. The size of each Active Cluster is expected to be at the range of 2 and 5 acres. Examples of activities which may occur in the Active Clusters include the following:

Miniland - Miniland will be the heart of LEGOLAND Carlsbad. This area will illustrate the creative uses of LEGO bricks in a garden setting. Miniland will be alive with movement and sound and will create landmarks and scenes from the world, North America and California. It will include famous buildings and towns surrounded by landscape settings.

DUPLO Play Town - DUPLO Play Town will focus on younger children. Children can enjoy attractions that will feature DUPLO theme areas and will offer plenty of creative play opportunities. Rides designed for and controlled by small children will allow them to interact with DUPLO model creations. DUPLO buildings will allow children to explore and interact with their surroundings in unique ways.

LEGO Building Workshops - LEGO building workshop areas will be incorporated in several areas of the Park to allow children at different age levels to build their own LEGO creations. Master-classes led by LEGO model designers will offer groups of children and families opportunities to participate in guided building tasks with LEGO bricks and elements.

LEGO Driving School - Among other educational elements will be a driving school for children to learn the rules of the road. The driving school will offer group instructions and testing of skills on a driving course with LEGO instructors. Following this driving experience, children will be awarded their own LEGO driver's license.

LEGO Attraction Areas - Other attractions in LEGOLAND Carlsbad emphasize LEGO themes such as Town, Castle, and Pirates.

Activities created for these areas will be designed to allow the child and his/her family to view and interact with the theme LEGO models and attractions.

Passive Clusters will be located next to the Active Clusters within the Inner Park. The Passive Clusters are characterized by unobstructed park like plantings with occasional walkways and limited paving, site furnishings, garden features and landscape lighting. The key objective of the passive clusters is to allow families to picnic, relax, and enjoy the park atmosphere.

Service and Administration

The Service and Administration planning area is located on the eastern end of the project site. The service and administrative buildings will include storage, workshops, staff, educational and administrative facilities. External waste and storage facilities will be established in connection with the storage building.

b. Outer Park

The Outer Park contains landscape areas and parking facilities for LEGOLAND Carlsbad. ; which may accommodate future Inner Park expansion. The Outer Park also contains landscaped buffers which lie between LEGOLAND Carlsbad and the adjacent LEGO Drive. The landscaped service road will be located within the Outer Park.

The actual boundaries of both the Inner Park and Outer Park as well as the acreage of the Planning Areas may vary and will be precisely determined at the time of the Site Development Plan review.

Parking and Circulation

Proposed parking consists of areas for guest parking, bus parking, recreation vehicle and employee parking. Guest parking includes provisions for handicap parking in accordance with the Americans with Disabilities Act. In an effort to work with the existing topography of the site and maximize views within LEGOLAND Carlsbad, the parking area is designated for the southern portion of the LEGO site. Access to the guest parking will be taken from LEGO Drive by way of Cannon Road. All directional signage including freeway signs, signs on Palomar Airport Road and promotional advertisements shall direct motorists towards Cannon Road. Parking expansion space will be provided within the LEGO park site adjacent to the parking lot on the south. This will also provide space for parking overflow should it be needed during peak visitor days.

Employee and bus parking facilities will be provided at the southeastern portion of the site. Access to these areas will be from Palomar Airport Road via Hidden Valley Road. Emergency vehicle access is also provided via Hidden Valley Road. Details of the parking areas will be provided as a part of the application for the Site Development Plan.

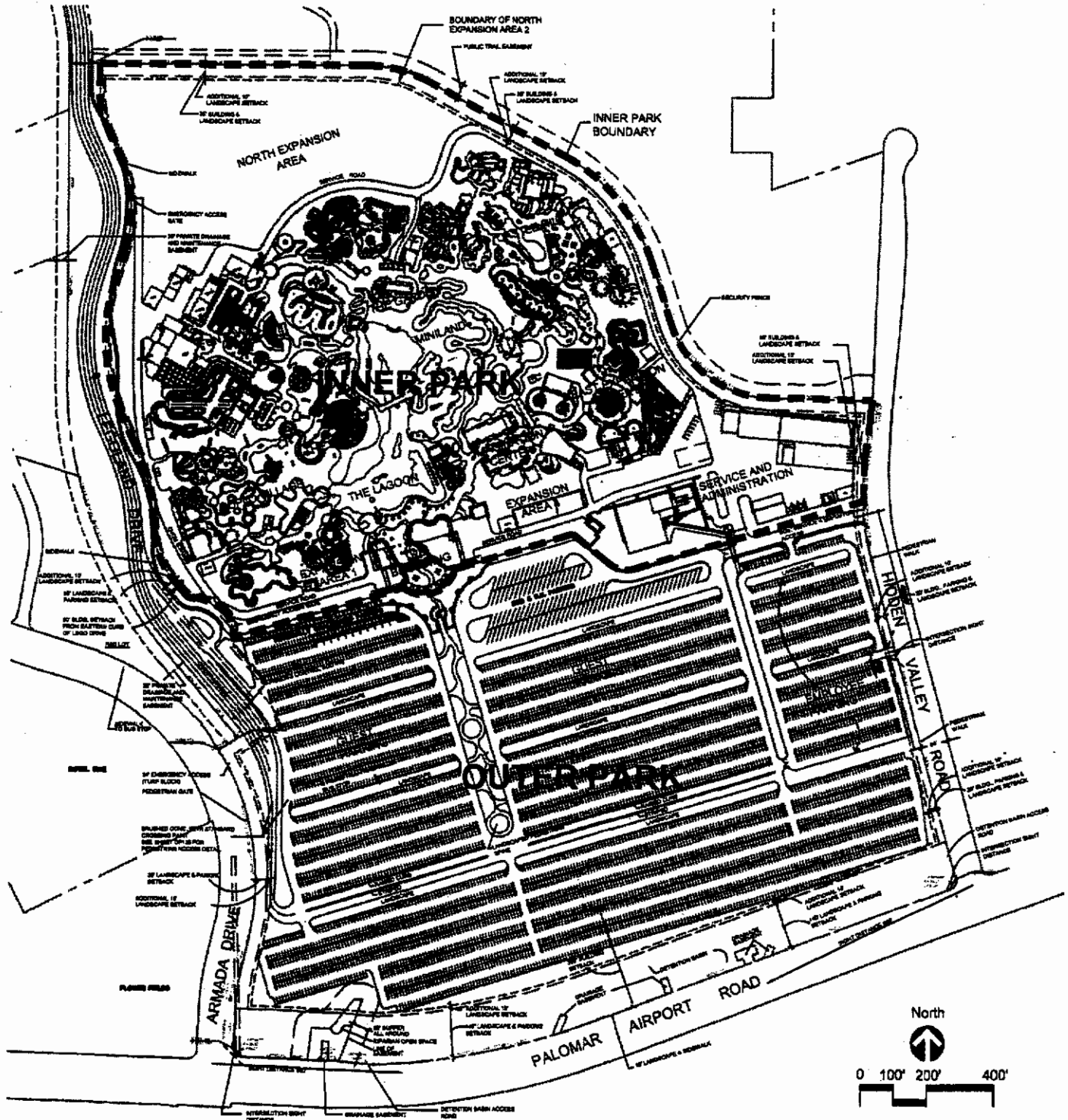


Figure 35
LEGOLAND Carlsbad - Planning Areas
Carlsbad Ranch Specific Plan

c. Parking and Circulation

~~Proposed parking consists of areas for guest parking, bus parking, recreation vehicle and employee parking. Guest parking includes provisions for handicap parking in accordance with the Americans with Disabilities Act. In an effort to work with the existing topography of the site and maximize views within LEGOLAND Carlsbad, the parking area is designated for the southern portion of the LEGO site. Access to the guest parking will be taken from LEGO Drive by way of Cannon Road. All directional signage including freeway signs, signs on Palomar Airport Road and promotional advertisements shall direct motorists towards Cannon Road. Parking expansion space will be provided within the LEGO park site adjacent to the parking lot on the south. This will also provide space for parking overflow should it be needed during peak visitor days.~~

~~Employee and bus parking facilities will be provided at the southeastern portion of the site. Access to these areas will be from Palomar Airport Road via Hidden Valley Road. Emergency vehicle access is also provided via Hidden Valley Road. Details of the parking areas will be provided as a part of the application for the Site Development Plan.~~

d. Service and Administration

~~The Service and Administration planning area is proposed to be located on the eastern end of the project site. The service and administrative buildings will include storage, workshops, staff, educational and administrative facilities. External waste and storage facilities will be established in connection with the storage building.~~

2. DEVELOPMENT STANDARDS

The following are specific development and design guidelines applicable to this Planning Area. However, Section III.A. GENERAL DEVELOPMENT STANDARDS AND DESIGN GUIDELINES beginning on page 63 contains additional development standards and design guidelines that are applicable to all Planning Areas within this Specific Plan Amendment.

a. Permitted uses within LEGOLAND Carlsbad are as follows:

- Entrance facility;
- Toll "plaza";
- Retail shops, not including drive-up or drive-in services;
- Restaurants, not including drive-up or drive-in services;
- Service buildings associated with Park activities;
- Offices related to Park activities, business and administration;
- Ancillary uses related to LEGO park;
- Indoor and outdoor facilities for children related to entertainment and education including overnight uses, but not including high-speed thrill rides (those rides typically oriented towards the teenage and young adult audience);
- Water features, lakes;
- Picnic areas;
- Landscaped areas;
- Guest services and facilities;
- Accessory uses which are clearly incidental or necessary to principal permitted uses;
- People moving systems;
- Signs related to Park activities;
- Parking;
- Any other uses as determined by the Planning Director to be of the same general character as the uses listed above.

b. Permitted temporary uses within LEGOLAND Carlsbad which are limited in duration, but occur from time to time, are as follows:

- Festivals;
- Craft fairs;
- Markets;
- Construction facilities; trailers, equipment and material storage areas; ancillary uses related to project construction.

3. Planning Area 3

Any development of the property including hotels and/or commercial living units (timeshares) shall be subject to the approval of a Site Development Plan pursuant to Section 21.06 (Qualified Overlay Zone) of the Carlsbad Municipal Code. In addition, a hotel or commercial living unit (timeshare) project shall be subject to the requirements of Section 21.42.010(10) of the Carlsbad Municipal Code. In addition to the above requirements, the City Council shall make the final decision to approve or disapprove the Site Development Plan.

Any other uses proposed for this site that is not specifically addressed herein shall be subject to all applicable processing requirements of the underlying zone and Title 21 (Zoning) of the Carlsbad Municipal Code.

4. Planning Area 4 (LEGOLAND Carlsbad)

~~Any development of the property shall be subject to the approval of a Site Development Plan pursuant to Section 21.06 (Qualified Overlay Zone) of the Carlsbad Municipal Code. Due to the unique nature of LEGOLAND Carlsbad, the Site Development Plan shall be submitted to both the Planning Commission and City Council for review. The City Council shall make the final decision to approve or disapprove the Site Development Plan. This specific plan authorizes and approves a LEGOLAND family park as a permitted use of the Planning Area for zoning purposes and, therefore, a conditional use permit shall not be required pursuant to Section 21.42.010(5)(F) of the Carlsbad Municipal Code.~~

Planning Area 4 contains the entire LEGOLAND theme park. As shown on Exhibit 35, the park is divided into the inner park and the outer park. The inner park contains all of the existing attractions, food services and administrative services and areas for future expansion. The outer park is the area reserved for parking and a large portion of the perimeter landscape buffer. This specific plan authorizes and approves a LEGOLAND family park as a permitted use subject the approval of a Site Development Plan. A Site Development Plan (SDP 96-14) and Coastal Development Permit (CDP 96-16) were approved for the entire park by City Council Resolution 97-670 on May 20, 1997. This specific plan authorizes and approves a LEGOLAND family park as a permitted use of the Planning Area for zoning purposes and, therefore, a conditional use permit shall not be required pursuant to Section 21.42.010(5)(F) of the Carlsbad Municipal Code. Any development of the property shall be subject to the processes as described below.

Outer Park

Any development within the Outer Park shall be subject to the approval of a Site Development Plan pursuant to Section 21.06 (Qualified Overlay Zone) of the Carlsbad Municipal Code.

Inner Park

All future park projects within the Inner Park that comply with the development standards and design guidelines set forth in this Specific Plan shall be processed as a Minor Site Development Plan and Minor Coastal Development Permit subject to Planning Director approval. The Planning Director shall ascertain all facts pertinent to the proposed development and shall approve, conditionally approve, disapprove or give notice of referral to the Planning Commission, together with the findings and reasons for such action. An application for a Minor Site Development Plan/Minor Coastal Development Permit shall be made in accordance with the procedures set forth below:

(1) An application for a Minor Site Development Plan/Minor Coastal Development Permit may be made by the record owner or owners of the property affected or the authorized agent of the owner or owners. The application shall be filed with the Planning Director upon forms provided by him. The application shall be accompanied by adequate plans which allow for detailed review, a legal description of the property and all other materials and information specified by the Planning Director.

(2) At the time of filing the application, the applicant shall pay a processing fee in an amount specified by City Council resolution.

(3) If the applicant contemplates the construction of a LEGOLAND project in phases, the application shall so state and shall include a proposed phasing schedule.

(4) For minor coastal development permits, notwithstanding Section 21.201.080, all applications regardless of the cost of development shall be approved or disapproved by the Planning Director.

Findings of the Planning Director.

In approving a Minor Site Development Plan/Minor Coastal Development Permit, the Planning Director shall make the following findings:

(1) That the requested use is properly related to the site, surroundings and environmental settings, is consistent with the various elements and objectives of the general plan, will not be detrimental to existing uses or to uses specifically permitted in the area in which the proposed use is to be located, and will not adversely impact the site, surroundings or traffic circulation;

(2) That the site for the intended use is adequate in size and shape to accommodate the use;

(3) That all of the yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested use to existing or permitted future uses in the neighborhood will be provided and maintained;

(4) That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use

(5) The development has no adverse effect individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

Notification.

The planning director shall notify the applicant in writing of any decision made on a Minor Site Development Plan/Minor Coastal Development Permit.

Effective Date of Order and Appeal of Planning Director Decision.

The effective date of the Planning Director's decision and method for appeal of such decision shall be governed by Section 21.54.140 of the municipal code.

Development Agreement

Additionally, a Development Agreement may be entered into between the City of Carlsbad and LEGO. This Development Agreement shall not conflict with the requirements of this specific plan.

Amendments to the Site Development Plan

The following types of minor amendments may be approved administratively by the Planning Director:

- a. Changes to the design and location of landscaping within the interior of the park.
- b. Revisions to the design and landscaping of the parking area that will not substantially impact vehicular or pedestrian access.
- c. The relocation of attractions within the interior of the park that will not substantially alter the appearance of the park from any adjacent public road.
- d. Revisions to the architecture of buildings as long as the revisions are in conformance with the Design Guidelines of Section IV.E.3 (LEGOLAND Carlsbad Design Guidelines) of this specific plan.
- e. Any other similar type of revisions determined to be minor in nature by the Planning Director.

~~All other amendments to the Site Development Plan shall be reviewed and approved by the Planning Commission pursuant to the procedures contained within Chapter 21.06 of the Carlsbad Municipal Code and, additionally, the Planning Commission shall have the right to refer any substantial amendments of a controversial nature to the City Council.~~

5. Planning Area 5

Any development of the property including hotels and/or commercial living units (timeshares) shall be subject to the approval of a Site Development Plan pursuant to Section 21.06 (Qualified Overlay Zone) of the Carlsbad Municipal Code.

In addition, a hotel or commercial living unit (timeshare) shall be subject to the requirements of Section 21.42.010(10) of the Carlsbad Municipal Code. In addition to the above requirements, the City Council shall make the final decision to approve or disapprove the Site Development Plan.

Any other uses proposed for this site that are not specifically addressed herein shall be subject to all applicable processing requirements of the underlying zone and Title 21 (Zoning) of the Carlsbad Municipal Code.

6. Planning Area 6

Any development of the property shall be subject to the approval of a Site Development Plan pursuant to Section 21.06 (Qualified Overlay Zone) of the Carlsbad Municipal Code. Any other uses proposed for this site that are not specifically addressed herein shall be subject to all applicable processing requirements of the underlying zone and Title 21 (Zoning) of the Carlsbad Municipal Code.

VIII. SPECIFIC PLAN ADMINISTRATION

A. INTRODUCTION

Approval of this Specific Plan signifies acceptance by the City of a general framework as well as specific development standards for the build out of Carlsbad Ranch. It is anticipated that certain amendments to the specific plan may be necessary during the development of the area. Any amendments to the specific plan shall occur in accordance with the Carlsbad General Plan and the amendment process described in this section. Amendments may be initiated by the City Council or the property owner. →

~~Amendments to the Carlsbad Ranch Specific Plan shall be subject to the review and approval of the City Council provided public input has been solicited through public hearings. The Planning Commission shall first hear and consider all applications for an amendment to the specific plan. The Planning Commission shall prepare a recommendation and findings on all applications for an amendment to the City Council. As required by the Government Code and the California Environmental Quality Act all agencies significantly affected by the amendment to the plan shall also be notified of the proposed action prior to approving the amendment of the specific plan.~~

Depending on the extent and impact of the a proposed Specific Plan Amendment, a subsequent Environmental Impact Report or mitigated negative declaration which focuses on the new impacts may be warranted. Two categories of amendments to the Specific Plan can be processed: Minor and Major Specific Plan Amendments.

B. STATE REQUIREMENTS

As contained in Section 65450, et. seq. of the California Government Code, a specific plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the City's General Plan.

C. LOCAL REQUIREMENTS

~~It is anticipated that certain amendments to the specific plan may be necessary during the development of the area. Any amendments to the specific plan shall occur in accordance with the Carlsbad General Plan. The amendment process is described below. Amendments may be initiated by the City Council or the property owner.~~

~~All amendments shall be submitted to the California Coastal Commission for their review and approval, prior to their enactment, in accordance with the Coastal Act of 1976 and the California Code of Regulations.~~

1. MINOR SPECIFIC PLAN AMENDMENTS

Minor amendments that meet the criteria noted below shall be reviewed for approval administratively by the Planning Director:

- a. Expansions or reductions of up to 10% in area may be allowed by the Planning Director.
- b. Realignment or modification of internal streets serving the project, lot lines, site access locations, easement locations and grading adjustments, if approved by Planning Director and City Engineer.
- c. Minor modifications that do not change the densities or uses of the subject property as determined by the Planning Director.
- d. Modification of design criteria such as minor architectural style or detail changes, landscape treatments, fencing, lighting, etc., provided the modifications are in substantial conformance with purpose and intent of the design criteria in the Specific Plan; and with the baseline approval of the subject project.

A Local Coastal Program Amendment will not be required for Minor Specific Plan Amendments.

2. MAJOR SPECIFIC PLAN AMENDMENTS

All modifications to the Carlsbad Ranch Specific Plan that do not meet the criteria of a Minor Amendment as determined by the Planning Director through the criteria listed above shall require a Major Specific Plan Amendment. Major Amendments to the Carlsbad Ranch Specific Plan shall be reviewed and acted upon by the City Council, after a recommendation of the Planning Commission.

This Specific Plan was prepared pursuant to California Government Code Section 65450, et. seq. and is partial implementation of the Mello II Segment of the Local Coastal Program. All Major Amendments to the Carlsbad Ranch Specific Plan shall be submitted to the California Coastal Commission for their review and approval of a corresponding Local Coastal Program Amendment, prior to their enactment, in accordance with the Coastal Act of 1976 and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).

Major Amendments to the Specific Plan shall be processed in accordance with the applicable requirements of law, which include Section 65450, et. seq. of the California Government Code, the California Coastal Act of 1976, and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).