

CALIFORNIA COASTAL COMMISSION

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



February 18, 2010

W23a**TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR****SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of Carlsbad, certifying the City's Local Coastal Program Amendment No. 1-08B (Legoland Inner Park), is adequate to effectively certify its local coastal program (for Commission review at its meeting of March 10-12, 2010)**BACKGROUND**

At its September 9, 2009 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment #1-08B, amending both the Land Use Plan and Implementation Plan to update the Carlsbad Ranch Specific Plan to allow coastal development permits for smaller improvements within the existing Legoland Park area to be approved administratively by the Planning Director. By its action adopting Resolution No. CS-066 on October 27, 2009, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications deleted the City's proposal to allow minor changes to the Carlsbad Ranch Specific Plan administratively. Because the Carlsbad Ranch Specific Plan is a certified component of the City's Implementation Plan, any revisions to the Specific Plans without review by the Coastal Commission is inconsistent with the Coastal Act. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Carlsbad is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Mayor Claude A. Lewis
City of Carlsbad
Office of the Mayor
1635 Faraday Avenue
Carlsbad, CA 92008-7314

RE: Certification of the City of Carlsbad Local Coastal Program Amendment
No. 1-08B (Legoland Inner Park)

Dear Mayor Lewis:

The California Coastal Commission has reviewed the City's Resolution No. CS-066 together with the Commission's action of September 9, 2009 certifying City of Carlsbad Local Coastal Program Amendment #1-08B pertaining to amending both the Land Use Plan and Implementation Plan to update the Carlsbad Ranch Specific Plan to allow coastal development permits for smaller improvements within the existing Legoland Park area to be approved administratively by the Planning Director. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of March 10-12, 2010.

By its action on October 27, 2009, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications addressed the deletion of the City's proposal to allow minor changes to the Carlsbad Ranch Specific Plan administratively. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas
Executive Director

cc: Van Lynch

RECEIVED

NOV 05 2009

ORDINANCE NO. CS-066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING A SPECIFIC PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE CARLSBAD RANCH SPECIFIC PLAN AND ACCEPT THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS THAT REQUIRE ALL SPECIFIC PLAN AMENDMENTS BE APPROVED BY THE CITY COUNCIL AND CALIFORNIA COASTAL COMMISSION.

CASE NAME: LEGOLAND INNER PARK
CASE NO.: SP 207(F)/LCPA 90-08(E)


WHEREAS, the Planning Commission did on December 5, 2007 hold a duly noticed public hearing as prescribed by law to consider Specific Plan Amendment (SP 207(F)) and Local Coastal Program Amendment (LCPA 09-08(E)) to amend the text of the Carlsbad Ranch Specific Plan 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; and

WHEREAS, the Planning Commission adopted Planning Commission Resolutions No. 6356 and 6357 recommending to the City Council approval of SP 207(F) and LCPA 90-08(E); and

WHEREAS, the City Council did on February 5, 2008, hold a duly noticed public hearing as prescribed by law to consider said SP 207(F) and LCPA 90-08(E), and introduced Ordinance No. NS-875 to approve SP 207(F), and adopted Resolution No. 2008-028, approving LCPA 90-08(E), the effective date of which was subject to the California Coastal Commission's approval of said LCPA; and

WHEREAS, the City Council did on February 12, 2008, adopt Ordinance No. NS-875, approving SP 207(F), the effective date of which was subject to the California Coastal Commission's approval of LCPA 90-08(E); and

WHEREAS, on September 9, 2009, the California Coastal Commission approved LCPA 90-08(E) with suggested modifications; and

EXHIBIT #1
Resolution of Approval of Suggested Modifications
LCPA #1-08B Legoland Inner Park
 California Coastal Commission

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WHEREAS, the City Council did on October 20, 2009, hold a hearing to consider the California Coastal Commission modifications to SP 207(F) and LCPA 90-08(E); and,

WHEREAS, accepting and administering the California Coastal Commission's suggested modifications, as set forth in this ordinance, is necessary to comply with the California Coastal Act and California Administrative Code.

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

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 the 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 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;~~

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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 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.~~

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 California Coastal Act of 1976, and the California Code of Regulations (Title 14, Division 5.5; California Coastal Commission Administrative Regulations).

EFFECTIVE DATE: This ordinance shall be effective no sooner than thirty days after its adoption but not until certified 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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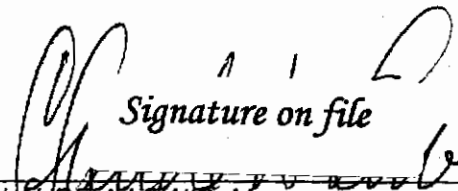
INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the day 27th of October, 2009, and thereafter.

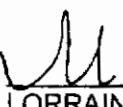
PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 27th day of October, 2009, by the following vote to wit:

AYES: COUNCIL MEMBERS Lewis, Kulchin, Hall, Packard, and Blackburn.
NOES: None.
ABSENT: None.
ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

Signature on file

RONALD R. BALL, City Attorney *22*
10/28/09.

Signature on file

CLAUDE A LEWIS, Mayor *22*

ATTEST:
Signature on file

LORRAINE M. WOOD, City Clerk *putty*

(SEAL)

