

CALIFORNIA COASTAL COMMISSION
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Filed: 2/8/96
49th Day: 3/28/96
180th Day: 8/6/96
Staff: WNP-SD
Staff Report: 3/20/96
Hearing Date: 4/9-12/96

THIC

REGULAR CALENDAR
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-9

Applicant: Carlitas Company

Agent: Hofman Planning

Description: Subdivision of 447.4 acres into 19 parcels (Master Tentative Map for Carlsbad Ranch - C.T 94-09 - Units 1,2 and 3) to allow the development of office, research and development, related light manufacturing, commercial, hotel/timeshare, destination resort, golf course, agriculture, a vocational school campus, and Legoland Carlsbad. Approx. 2,083,900 cu.yds. of grading and installation of roads and drainage improvements is also proposed. Also proposed are provisions ensuring that easements for public access trails shall be dedicated to the City of Carlsbad and the installation of a rest/vista point which includes benches and a trash receptacle on the public pedestrian/golf cart trail located between proposed Lots 5, 17 and 18.

Lot Area	447.5 acres
Zoning	Multiple Commercial Zones
Plan Designation	Multiple Designations

Site: East of Paseo del Norte, North of Palomar Airport Road, South of Cannon Road, Carlsbad, San Diego County. 211-022-01-03, 07-013, 211-023-01-06

Substantive File Documents: Certified Carlsbad LCP Mello II segment, Local Coastal Program Amendments 2-87, 1-88, 1-93, CDP #6-93-34

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the tentative map and associated improvements subject to a number of special conditions addressing agricultural conversion and controls, recordation of public trail and walkway access easements, public use of the proposed golf course/open space, future public access trail improvements, visual resources, grading and erosion controls, and future development. This permit application accompanies, and is contingent upon approval of, an amendment request to the City of Carlsbad Mello II LCP segment Land Use Plan and Implementation Program (LCPA #1-96, including Carlsbad Ranch Specific Plan 207(A)), also scheduled for the April 1996 Commission meeting.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development, as conditioned, will be in conformity with the adopted Local Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Agricultural Conversion. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction against Lots 2,3,5,6,7,8,9,13,14,17 and 18, as shown on Master Tentative Map C.T 94-09. The restriction shall be recorded free of prior liens and encumbrances, except tax liens, and binding on the permittees' successors in interest and any subsequent purchasers of any portion of the real property. The restriction shall indicate the following:

a. The agricultural mitigation fee required in option #3 of Policy 2-1 of the certified Mello II LCP Land Use Plan is applicable to approximately 202 acres (as shown on Attachment C/Exhibit 8) of the Carlsbad Ranch Specific Plan, and includes Lots 2,6,7,9,13,14,17 and portions of Lots 8 and 18 of Master Tentative Map CT 94-09. In the event the proposed golf course on Lots 3 and 5, as shown on Master Tentative Map CT 94-09, is not exempt from Policy 2-1, or the exemption is voided, then the mitigation fee shall be applicable to Lots 3 and 5 consisting of approximately 74 acres.

b. Agricultural mitigation fees for any lot shall be paid to the City upon issuance of a building permit for any improvement constructed on such lot, except for any fees due for the proposed golf course. Any fee due for the proposed golf course shall be paid upon issuance of a grading permit for golf course purposes or, in the event such golf course is initially exempt from the payment of mitigation fees and the exemption is later voided, then such fees shall be paid at the time the exemption is voided.

c. Conversion from agricultural use to a public recreation or open space use which is owned, leased or controlled by the City of Carlsbad shall be exempt from Policy 2-1 of the Mello II LCP Land Use Plan.

d. If at any time in the future, a public recreation or open space use, which was exempt from Policy 2-1, is no longer owned, leased or controlled by

the City of Carlsbad, the exemption from Policy 2-1 will be voided and one of the three conversion options shall be implemented for said acreage.

The form and content of the deed restriction shall be subject to review and approval of the Executive Director, prior to the issuance of the coastal development permit.

2. Agricultural Deed Restriction. Prior to the issuance of the coastal development permit, the applicant shall record a deed restriction against Lot 1 designated Open Space as shown on C.T 94-09, free of prior liens and encumbrances, except tax liens, and binding on the permittees' successors in interest and any subsequent purchasers of any portion of the real property. The deed restriction shall indicate that Lot 1 is designated for continued agricultural use under the certified Carlsbad Local Coastal Program Mello II Land Use Plan and the Carlsbad Ranch Specific Plan, and that conversion to any use other than a permitted use pursuant to the Carlsbad Ranch Specific Plan shall require an amendment to the LCP and the Specific Plan, and an amendment to this coastal development permit. The form and content of the deed restriction shall be subject to review and approval of the Executive Director.

3. Recordation of Public Trail and Walkway Access Easements. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, evidence of compliance with the following, as proposed by the applicant:

a. Revision to the Master Tentative Map for Carlsbad Ranch (C.T. 94-09) to include notes to the effect that the pedestrian, trail and/or access easements shown on the Tentative Map, to implement provision of the pedestrian ways and trails shown on the Dedicated Trail Plan attached as Exhibit 6, shall be for use by the general public, and that easements for the identified trails shall be dedicated to the City of Carlsbad on the final subdivision map (Master TM 94-09 Units 1,2 and 3) which includes the easement area, or an irrevocable offer to dedicate such trail easements shall be given to the City on or before the date such final map is recorded in the Office of the County Recorder.

b. Submittal of evidence of compliance with either the easement dedications or recordation of the offers to dedicate trail easements, prior to issuance of the coastal development permit for the Unit of the Master TM 94-09 which contains the trail easements.

4. Public Use of Golf Course/Open Space. Prior to the issuance of the the coastal development permit, the applicant shall record a deed restriction against Lots 3,5 and 17 as shown on C.T 94-09 revised 10/95, free of prior liens and encumbrances, except tax liens, and binding on the permittees' successors in interest and any subsequent purchasers of any portion of the real property. The deed restriction shall indicate that the future golf course within the Open Space Lots 3 and 5, if managed by the resort or other private entity, shall be open to the public on a fee basis. This restriction is intended to clarify that "open to the public on a fee basis" means the golf course shall be open to the public on a daily fee basis as well as to resort patrons or club members. At least 50% of the tee times must be reserved for

the general public, as opposed to exclusively for resort patrons or club members. Details regarding operation of the facility and other restrictions including, but not limited to, reservation procedures and attendance monitoring, will be developed through future coastal development permits for the golf course and the resort to be developed on the adjacent Tourist Recreation Lot 17. Said restriction shall be recorded in a form and content acceptable to the Executive Director, prior to issuance of this coastal development permit.

5. Future Public Access Trail Improvements. Implementation of the Dedicated Trail Plan as shown on attached Attachment A/Exhibit 6, shall occur concurrent with development of the planning areas which contain the trail easements, and improvements shall be installed prior to occupancy of the development within those lots that include the public trail system. In addition to the trail improvements identified in the Carlsbad Ranch Specific Plan, the applicant has proposed the installation of a rest/vista point which includes benches and a trash receptacle on the public pedestrian/golf cart trail located between proposed Lots 5, 17 and 18. An illustration of the concept is attached as Exhibit 7. Installation of the proposed pedestrian trail improvements on the resort/Legoland trail shall occur prior to occupancy of the Legoland development on Lot 17.

6. Grading/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the City of Carlsbad which incorporate the following requirements:

a. All grading activity shall be prohibited between October 1st and April 1st of any year.

b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the graded areas. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation or agricultural crops in designated agricultural areas, subject to Executive Director approval.

c. All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.

7. Final Grading and Drainage Plans. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, final grading plans approved by the City of Carlsbad for utility, road, and drainage improvements. The plans shall clearly show the existing and finished contours, the topography of the areas to be graded or filled, as well as the existing topography of the

agricultural areas to be left in their natural condition. The plan shall submit a grading schedule which addresses the proposed phasing of grading and insures that agricultural uses will remain in continuous production as long as feasible prior to being graded. To that end, the grading plan shall clearly indicate a) what agricultural areas will be graded (site prepared) to maintain acceptable grades for continuing agricultural production and b) what existing agricultural areas will be graded to be permanently converted to accommodate urban uses. The coastal development permit may be released in phases in accordance with the approved grading schedule and the phasing program identified in the Carlsbad Ranch Specific Plan. All conditions applicable to the parcels and/or development included in the individual phases shall be complied with prior to the issuance of the permit for those phases.

8. Final Landscape Plans. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan for the interim and, if permanent, long-term slope plantings that indicates the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant native or naturalizing plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on use of specimen size street trees consistent with the requirements of the Carlsbad Ranch Specific Plan for those permanent slope areas to be landscaped upon completion of the grading associated with this permit, to provide effective screening of the development from views from major roadways and coastal access routes, i.e. I-5, Palomar Airport Road and Cannon Road. Also, special emphasis shall be placed on landscaping the proposed desiltation basin with native species compatible with the riparian and freshwater marsh vegetation within the existing desiltation basin/drainage area north of Palomar Airport Road. The plant species list and landscape plan shall be reviewed by the Executive Director, in consultation with the State Department of Fish and Game, to guard against introduction of any species which are inherently noxious to, or incompatible with on-site native vegetation and surrounding agricultural crops and floriculture. Said plan shall be submitted to, reviewed and approved in writing by the Executive Director.

9. Future Development. This coastal development permit is for the subdivision of the 447.5 acre site and site preparation, including rough grading, construction of roads, utility, and drainage improvements as shown on TM 94-09. All other development proposals for the site, including but not limited to the subsequent development of the hotel or any other structures, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit(s).

10. LCP Effective Certification. Approval of the coastal development permit is conditioned upon certification of Local Coastal Program Amendment #1-96(C). Accordingly, prior to issuance of the coastal development permit, the applicant shall obtain a written statement of the Executive Director of the Coastal Commission confirming that the Coastal Commission has effectively certified LCPA #1-96(C) in accordance with California Code of Regulations title 14, section 13544.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/LCP History. Proposed is the subdivision and site preparation of 447.5 acres of mostly vacant agricultural land in Carlsbad known as the Carlsbad Ranch (Master Tentative Map for Carlsbad Ranch - C.T 94-09 - Units 1,2 and 3). The site is located east of Paseo Del Norte and west of the future Hidden Valley Road and between Cannon Road and Palomar Airport Road to the north and south, respectively, in the Mello II segment of the Carlsbad LCP. The subdivision would create 19 parcels to allow the development of office, research and development, related light manufacturing, commercial, hotel/timeshare, destination resort, golf course, agriculture, a vocational school campus, and Legoland Carlsbad. Approx. 2,083,900 cu.yds. of grading and installation of roads and drainage improvements is also proposed.

The amended Carlsbad Ranch Specific Plan proposes the creation of nine planning areas. Development standards and design guidelines are specified for each planning area. The proposed planning areas are as follows:

1. Planning Area 1 - Gemological Institute of America
2. Planning Area 2 - Research and Development
3. Planning Area 3 - Hotel/Retail
4. Planning Area 4 - Legoland Carlsbad
5. Planning Area 5 - Resort
6. Planning Area 6 - Specialty Retail
7. Planning Area 7 - Flower Fields
8. Planning Area 8 - Golf Course
9. Planning Area 9 - Natural Open Space

The Coastal Commission approved the original Carlsbad Ranch Specific Plan 207 in 1993 (LCPA 1-93, CDP 6-93-34). A comparison of the acreage by use type is provided below of the previously approved Carlsbad Ranch Specific Plan 207 and the proposed amended Specific Plan 207(A):

	<u>1993 Approval</u>	<u>Proposed Plan</u>
Total Acreage	423.5 acres	447.4 acres
Institutional Uses	17.8 acres	28.9 acres
Office/R&D Uses	44.4 acres	40 acres
Retail Uses	13.6 acres	27.7 acres
Community Hotel	11.1 acres	9.4 acres
Resort	0 acres	52.8 acres
Legoland	0 acres	129.2 acres
Golf	24.5 acres	72 acres
Flower Fields/Agriculture	39 acres	53.4 acres
Agricultural/Open Space	267.3 acres	10.0 acres

Comparison of the Building Square Footage by Use Type

Total Square Footage	1,880,000	2,934,830
Institutional Uses	330,000	550,000
Office/R&D	1,120,000	800,000
Retail	220,000	320,000
Community Hotel	210,000 (280 rooms)	192,080
Resort	0	647,000 (700 rooms)
Legoland	0	425,750

The Carlsbad Ranch is in one ownership and has been held by the Ecke family since the 1950s, during which time the site has been in continuous agricultural production. Presently, 331 acres of the property are under a Williamson Act agricultural preserve contract; approx. 182 acres of agricultural lands would be removed as a result of the amended specific plan. The agricultural/urban boundaries of the contract were amended twice in 1988 as a result of Local Coastal Program Amendments 1-87 and 1-88. In these actions the Commission allowed for adjustments to preserve acreage boundaries involving no net loss of agricultural lands and allowed for urban development for the remaining lands.

2. Preservation of Agriculture/History. Preservation of agricultural use has been addressed in the Mello II Local Coastal Program as follows:

Section 30242 of the Coastal Act states:

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.

In an effort to preserve the agricultural lands of the site consistent with Section 30242 of the Coastal Act, the LCP as originally certified by the Commission in 1981, included special provisions for use of the contiguous 423.5 acre Ecke (Carlitas) holdings. As with all of the agricultural lands of the Carlsbad LCP, the subject lands were treated as non-prime lands even though some of the property could have met the "prime" criteria because of the economic return the land was providing from agricultural production. The Commission's rationale for treating all lands in the LCP as non-prime was that the majority could not meet the prime status, and to treat those that could meet the criteria solely based on economic return would penalize owners of such lands and would provide incentives for taking the most productive lands out of production.

Major amendments to the LCP certified by the Commission in 1985 significantly

changed the policies of the LCP regarding agricultural preservation. Those amendments essentially allowed for conversion of all of the agriculturally designated lands within the City's Mello I and Mello II segments. Such conversion was to be allowed pursuant to either (1) a determination of infeasibility of continued agricultural use based on area wide studies or, (2) participation in a mitigation program designed to offset the loss of agricultural lands or (3) payment of an agricultural mitigation fee. The funds accrued from the fees required under the third option are used in the restoration and enhancement of natural resources, public access opportunities, and agricultural preservation in Carlsbad.

However, at the request of the subject owner, the Carltas property was not included in the LCP amendments approved by the Commission for the remainder of the Mello I and Mello II segment agricultural lands. Subsequently, the Commission has approved the Carlsbad Ranch Specific Plan 208 (LCPA #1-93) and now, Carlsbad Ranch Specific Plan 207(A) LCPA #1-96C, which address agricultural use on the subject property.

In addition to the LCP provisions regarding agricultural preservation, the site is also subject to Williamson Act Agricultural Preserve contracts which provide for tax assessment at a rate lower than fair market value for those acres retained in agricultural use. Prior to this amendment, the contract has been amended twice. The first amendment adjusted the contract boundary in addition to adding botanical gardens, farmer's markets, and a floral auction to the list of permitted uses. The second amendment adjusted the contract boundary resulting in the present configuration of the preserve. At that time, the Carltas acreage under contract was the same as that designated for continued agricultural use in the "mixed use" option of the LCP.

The companion LCP amendment to this coastal development permit at this Commission meeting has revised the Mello II LUP Policy 2-1 (Conservation of Agricultural Lands) to apply it to the area of the Carlsbad Ranch within the agricultural preserve, with the exception of approximately 52.4 acres to be retained for agricultural use and would provide that any acreage under the control of a public entity for use as public recreation or open space will be exempt from policy 2-1. This would allow the proposed golf course to be exempt from the agricultural mitigation program. Thus, this amendment proposes to allow development of lands previously under Williamson Act Agricultural Contract provided compliance with the agricultural conversion mitigation requirements applied to other properties in the Mello II segment is achieved.

To that end the City states that the proposed conversion of agricultural land is supported by goals and policies listed in the General Plan which identify the Flower Field area for preservation with conversion occurring on lands which are not as productive or visible from major public viewpoints. The City has identified that the Flower Fields shall remain in flower production in perpetuity. The landowner must plant an open-field flowering crop every year. If the landowner proposes to change this obligation, a five-year advance notice must be provided along with an alternative agricultural use proposal which must be initiated at the end of the five years. Methods must be analyzed to allow the continuation of flower production. The above is

formalized in a deed restriction and CC&R's restricting Planning Area 7 to agricultural use. In addition, the City retains the right to purchase the Flower Fields should the landowner elect to sell them.

The Commission notes that while only 52+ acres of agricultural lands would remain on the Carlsbad Ranch, these lands would be preserved in perpetuity. Additionally, the majority of the agricultural lands would be converted to tourist-serving uses, priority land uses under the Coastal Act. These uses will provide recreation and public access opportunities on an unprecedented scale in Carlsbad, particularly the projected 2.2 million visitors that will visit the Legoland facility. Thus, the Commission finds the conversion of agricultural lands can be supported subject to the agricultural mitigation requirements of the Carlsbad LCP.

The applicant has chosen the third option designated in Policy 2-1 of the certified Mello II LCP to mitigate the loss of agricultural land on the subject property. The option requires the payment of an agricultural mitigation fee of between \$5,000 and \$10,000 per acre of land converted from agricultural to urban use. The funds accrued from the fees are to mitigate the loss of agricultural land and are used for preservation of agricultural lands in Carlsbad, as well as other uses identified in the certified Mello II LCP land use plan and Section 30171.5 of the Coastal Act..

Special Condition #1 provides that prior to the issuance of the coastal development permit, the applicant shall record a deed restriction against Lots 2,3,5,6,7,8,9,13,14,17 and 18, as shown on Master Tentative Map C.T 94-09. The agricultural mitigation fee required in option #3 of Policy 2-1 of the certified Mello II LCP Land Use Plan is applicable to approximately 202 acres of the Carlsbad Ranch Specific Plan. However, in the event the proposed golf course on Lots 3 and 5, as shown on Master Tentative Map CT 94-09, is not exempt from Policy 2-1, or the exemption is voided, then the mitigation fee shall be applicable to Lots 3 and 5 consisting of approximately 74 acres.

The condition also provides that the agricultural mitigation fees for any lot shall be paid to the City upon issuance of a building permit for any improvement constructed on such lot, except for any fees due for the proposed golf course. Any fee due for the proposed golf course shall be paid upon issuance of a grading permit for golf course purposes or, in the event such golf course is initially exempt from the payment of mitigation fees and the exemption is later voided, then such fees shall be paid at the time the exemption is voided.

Special Condition #2 provides that prior to the issuance of the the coastal development permit, the applicant shall record a deed restriction against Lot 1 designated Open Space as shown on C.T 94-09. The deed restriction shall indicate that Lot 1 is designated for continued agricultural use under the certified Carlsbad Local Coastal Program Mello II Land Use Plan and the Carlsbad Ranch Specific Plan, and that conversion to any use other than a permitted use pursuant to the Carlsbad Ranch Specific Plan shall require an amendment to the LCP and the Specific Plan, and an amendment to this coastal development permit.

Therefore, based on the above and only as conditioned as above, can the Commission find the proposed tentative map and associated grading consistent with the agricultural preservation policies of the certified Mello II LCP, the Carlsbad Ranch Specific Plan.

5. Visitor Accommodations/Priority Uses

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 (in part)

Lower cost visitor and recreational facilities shall be protected encouraged, and, where feasible, provided. Development providing public recreational facilities are preferred.

The Coastal Act promotes and preserves a full range of public access opportunities to and along the shoreline, including the provision of lower cost visitor-serving facilities which serve and support coastal visitors. Section 30222 gives priority for the use of private lands suitable for visitor-serving commercial recreational facilities to the exclusion of residential, general commercial, and other uses. Section 30223 provides that upland areas necessary to support coastal recreational uses shall be reserved.

The Coastal Act mandates that affordable visitor accommodations, as well as low-cost recreational facilities, be provided. Section 30213 addresses both the provision of lower cost visitor and recreational facilities and it establishes a preference for those developments which provide public recreational facilities. The Coastal Commission has had recent concerns over the privatization of visitor-serving uses and public recreational facilities.

The Commission has emphasized the need for the Specific Plan to incorporate lower cost public recreational facilities to the fullest extent possible. The Commission recognizes that the Legoland Park is a commercial recreational use, however, it does not address public recreational needs directly. The specific plan proposes that the proposed resort's golf course would be open to the general public and as such begins to address Section 30213 of the Act more directly. However, golfing is not the sport for everyone and tends to be quite costly considering both equipment and playing fees. Therefore, staff urged the City and project proponent to consider ways in which broader public recreational opportunities could be provided. An extensive public trail system was suggested, with lagoon overlooks, intermittent seating areas and appropriate support facilities, which could be designed in concert with the proposed golf course as a public recreational use.

The proposed master tentative map incorporates a public access trail system that basically follows street and sidewalks on the perimeter of the Carlsbad Ranch and at some key interior streets. A pedestrian promenade and its associated public viewpoints are proposed adjacent to Armada Drive near the ridgeline which will give the public a panoramic view of the ocean to the west. Also, a pathway from Planning Area 6 near Paseo Del Norte to the ridgeline across the flower fields is proposed which will give the public immediate visual and physical access to the flower fields. However, while the master tentative map proposes the trail system the Commission finds a number of special conditions are warranted to insure that public access will be maintained on the Carlsbad Ranch in perpetuity.

Special Condition #3 requires recordation of public trail and walkway access easements. The following has been proposed by the applicant as part of the project description for the proposed tentative map approval and is being memorialized through the attached special condition. That is the master tentative map shall include notes to the effect that the pedestrian, trail and/or access easements shown on the Tentative Map, to implement provision of the pedestrian ways and trails shown on the Dedicated Trail Plan attached as Exhibit 6, shall be for use by the general public, and that easements for the identified trails shall be dedicated to the City of Carlsbad on the final subdivision map which includes the easement area (C.T. 94-09), or an irrevocable offer to dedicate such trail easements shall be given to the City on or before the date such final map is recorded in the Office of the County Recorder. The condition requires submittal of evidence of compliance with either the easement dedications or recordation of the offers to dedicate trail easements prior to issuance of the coastal development permit for the unit of TM 94-09 containing the easements.

Special Condition #5 requires that implementation of the trail shall occur concurrent with development of the planning areas which contain the trail easements, and improvements shall be installed prior to occupancy of the development within those lots that include the public trail system. In addition to the trail improvements identified in the Carlsbad Ranch Specific Plan, the applicant has proposed the installation of a rest/vista point which includes benches and a trash receptacle on the public pedestrian/golf cart trail located between proposed Lots 5, 17 and 18. An illustration of the concept is attached as Exhibit 7. Installation of the proposed pedestrian trail improvements on the pedestrian/golf cart trail shall occur prior to occupancy of the Legoland development on Lot 17. This requirement is consistent with the City of Carlsbad approval of the Tentative Map which specifies the pedestrian promenade and other improvements shall be constructed with the respective phases of development they are located within, to obtain the goals and objectives of the Specific Plan.

As noted, another concern is an increasing privatization of public facilities or visitor-oriented uses. In both expansions to or redevelopment of existing public recreational sites or visitor uses (ie. Pebble Beach and Marineland Resort), the Coastal Commission has begun to question changes in use or operation, such as exclusionary membership requirements or restricted public accessibility, which serve to privatize an otherwise proposed public facility

or visitor accommodation. Therefore, when a facility is proposed as a public use or visitor accommodation open to the public, the Commission wants to assure the facility will operate and remain as a use available to the general public without limitations. Therefore, the Coastal Commission is requiring a deed restriction to be recorded against the property clarifying what the phrase open to the public on a fee basis means.

Special Condition #4 requires that the applicant shall record a deed restriction against Lots 3,5 and 17 to indicate that the future golf course within the Open Space Lots 3 and 5, if managed by the resort or other private entity, shall be open to the public on a fee basis, consistent with the language in the Carlsbad Ranch Specific Plan. This restriction is intended to clarify that "open to the public on a fee basis" means the golf course shall be open to the public on a daily fee basis as well as to resort patrons or club members. At least 50% of the tee times must be reserved for the general public, as opposed to exclusively for resort patrons or club members. Details regarding operation of the facility and other restrictions including, but not limited to, reservation procedures and attendance monitoring, will be developed through future coastal development permits for the golf course and the resort to be developed on the adjacent Tourist Recreation Lot 17. If the golf course is owned, leased or controlled by the City of Carlsbad, the above restrictions will not apply. Only as conditioned, can the the Commission find the proposed subdivision consistent with the certified LCP.

3. Protection of Sensitive Habitat. The certified Mello II LCP requires that sensitive habitat areas be protected from adverse impacts from new development. Because of ongoing agricultural activities, only 16 acres of sensitive vegetation is present on the Carlsbad Ranch. All the resources (naturally vegetated steep slopes, freshwater marsh, riparian habitat) except a mature stand of willows and some cattails in an existing desiltation basin located north of Palomar Airport Road in Planning 4 are well removed from any development that would take place at this time. A requirement of CDP #6-93-34 was that the riparian/freshwater marsh area be preserved as open space, and that deed restriction has been recorded.

In addition, the previous approval reserved the sensitive resources located in the northeast portion of the site (Lot 16) as open space and that deed restriction has been recorded. This portion of the site connects to the enviromentally sensitive Macario Canyon. The Commission found it was appropriate to protect these resources at the subdivision stage consistent with the riparian habitat protection policies contained in the Specific Plan. Additionally, the Commission found that the Specific Plan is supplemented by the resource protection policies in the Mello II LCP which provide for protection of naturally-vegetated steep slope areas. Therefore, preservation of these sensitive areas from future development, at this time, is consistent with the resource protection policies of the Mello II segment of the certified LCP.

4. Scenic Resources/Visual Impact. The site is composed of gently rolling topography and contains three north-south trending ridges. Elevations range from a high of 280 mean sea level (msl) in the northeastern portion of

the site to a low of 60 feet MSL in the southwestern portion of the site. Much of the site is currently in agricultural production.

Development is approved for the top of the ridge, and buildings would be visible along the top of the ridge from many points along I-5, Palomar Airport Road, and Cannon Road, all listed as Scenic Highways in the LCP. The site is a Carlsbad landmark in the spring when the ranunculus' are in bloom; therefore, any development on the site would draw viewer attention, particularly in the spring. Other factors that affect visual resources include grading, which is proposed at 2,045,000 cubic yards. Grading and building simulations have been performed from key viewpoints. These simulations indicate the proposed development is compatible with views of similar urban uses in the adjacent area which include Pea Soup Anderson, Car Country Carlsbad, and other development along Paseo del Norte, Palomar Airport Road, and Cannon Road. In addition, the proposed building setbacks, agricultural buffers, and landscape features provide screening from many viewpoints. The Specific Plan contains development standards and design guidelines (i.e., building coverage standards, agricultural setbacks, building and landscape setbacks, tree planting standards, varied height and rooflines to reduce appearance of bulk, varied compositional elements of street level storefronts to create pedestrian interest, color buildings to surrounding areas, etc.), that will protect the visual quality of the area. The visual impact of the buildout of the Carlsbad Ranch will also be mitigated during the spring by the blooming ranuncules' of the Flower Fields. Thus the Commission finds the amendment can be found consistent with certified LCP.

The project proposes grading in four phases, beginning with the Paseo Center to be followed by north, south, and central phased grading. The EIR states that agricultural uses are anticipated to continue in the central and southern sections until development of those phases begins. Grading for the southern phase will also result in excess earth to be placed in the central area. Again, the EIR states that agricultural uses in the central area area expected to continue while the southern phase is being developed, but notes that agricultural operations may be temporarily interrupted during grading operations. The Commission wants the assurance that agricultural uses will continue as long as possible. Therefore, the Commission finds that approval of the grading in phases is necessary. Special Condition #7 requires final grading plans approved by the City of Carlsbad for utility, road, and drainage improvements. The plans shall clearly show the existing and finished contours, the topography of the areas to be graded or filled, as well as the existing topography of the agricultural areas to be left in their natural condition. The plan shall submit a grading schedule which addresses the proposed phasing of grading and insures that agricultural uses will remain in continous production as long as feasible prior to being graded. To that end, the grading plan shall clearly indicate a) what agricultural areas will be graded (site prepared) to maintain acceptable grades for continuing agricultural production and b) what existing agricultural areas will be graded to be permanently converted to accommodate urban uses.

Special condition #8 requires a final landscape plan to assure that visual impacts are addressed, particularly from views looking from west to east

across the site. The plan must include the use of specimen size trees around the proposed 3-story structures and the hotel to intermittently screen these developments from public views from the major roadways, coastal access routes and significant resources of the area as much as feasible.

Special Condition #9 requires that all future development on the site, including but not limited to the subsequent development of the hotel or any other structures, shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit(s).

5. Erosion/Sedimentation. The certified Mello II LCP calls for the preservation of sensitive habitat in the coastal zone, including lagoons, through the regulation of upstream development.

The project site is located about 1,000 yards from Agua Hedionda Lagoon, one of 19 wetland areas of significant importance as referenced in Coastal Act section 30233. The proposed project involves 2,045,900 cubic yards of grading to be balanced on-site. The grading and improvement of Cannon Road on the north boundary of the project site raises the concern for sedimentation impacts to the lagoon. To guard against adverse impacts of the proposed grading, Special Condition #6 has been attached to the permit.

Special Condition #6 addresses the potential impacts of the proposed grading on the downstream resources of the Agua Hedionda Lagoon. It requires the applicant to submit a grading and erosion control plan for the project. The condition also requires that all grading be limited to the non-rainy season, defined as October 1st to April 1st of each year. As conditioned, the proposed grading is found to be consistent with the grading and erosion control provisions contained in the certified LCP.

7. Local Coastal Program. As mentioned, the subject permit application was submitted with a corresponding application from the City of Carlsbad to amend the Land Use Plan and Implementing Ordinances of the Mello II segment of the LCP regarding the Caritas property.

As amended by companion LCPA #1-96, the LCP allows the conversion of all but 52.4 acres of the Carlsbad Ranch to urban uses. The LCP designates the areas proposed for development appropriate for conversion to urban uses under the mixed use concept. The proposed subdivision is consistent with the combination district designations given to the site in the LCP. With the attached special conditions regarding the preservation of agriculture, preservation of public access, control of erosion and sedimentation etc., the Commission finds that the approved subdivision and grading will be consistent with the local coastal program, as amended, and that a permit may be issued.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission

office.

2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

(6009R)

th 11c

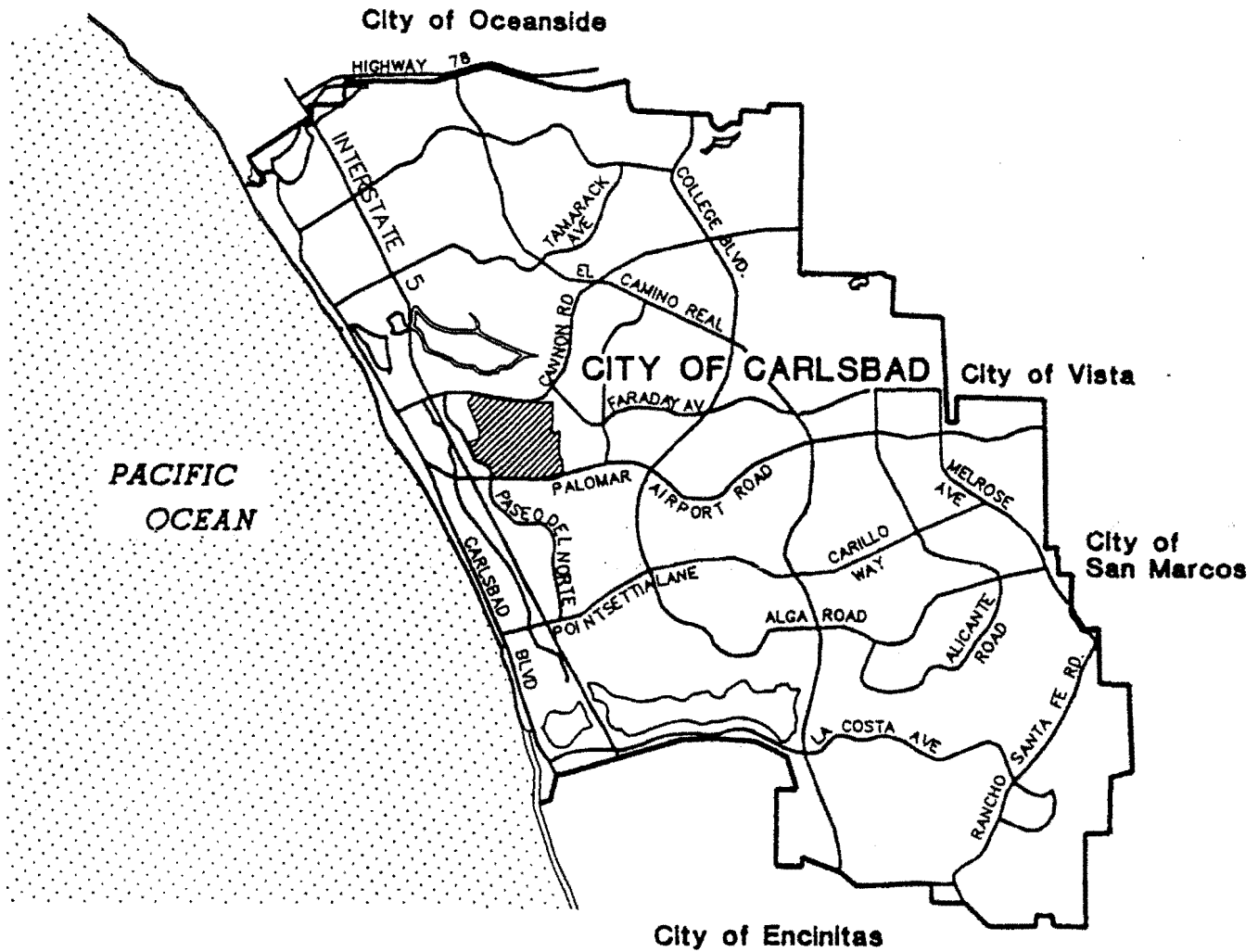


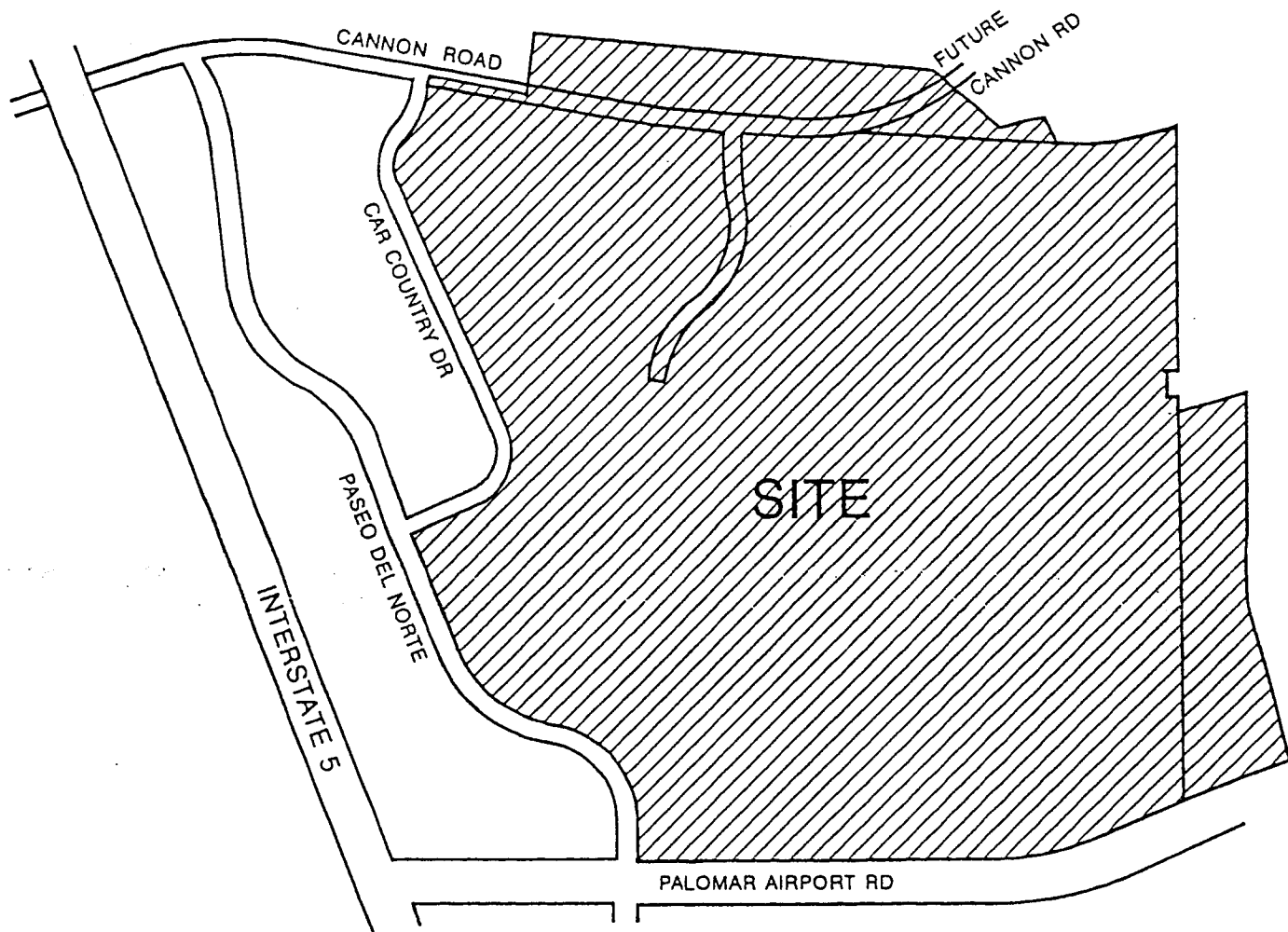
Figure 2

CITY CONTEXT



EXHIBIT NO. /
APPLICATION NO. 0-96-9
Location
California Coastal Commission

LOCATION MAP



CARLSBAD RANCH SPECIFIC PLAN AMENDMENT

EIR 94-01/GPA 94-03/LCPA 94-03/ZC 94-02/
SP 207(A)/SP 144(G)/LFMP 87-13(B)/
AP 76-01(D)/CT 94-09/PUD 94-07/
HDP 94-07/DEVELOPMENT AGREEMENT

EXHIBIT NO. 2
APPLICATION NO. 6-96-29
Site
California Coastal Commission

EXHIBIT NO. 3
APPLICATION NO. 0-96-9
Tentative MAP Summary
California Coastal Commission

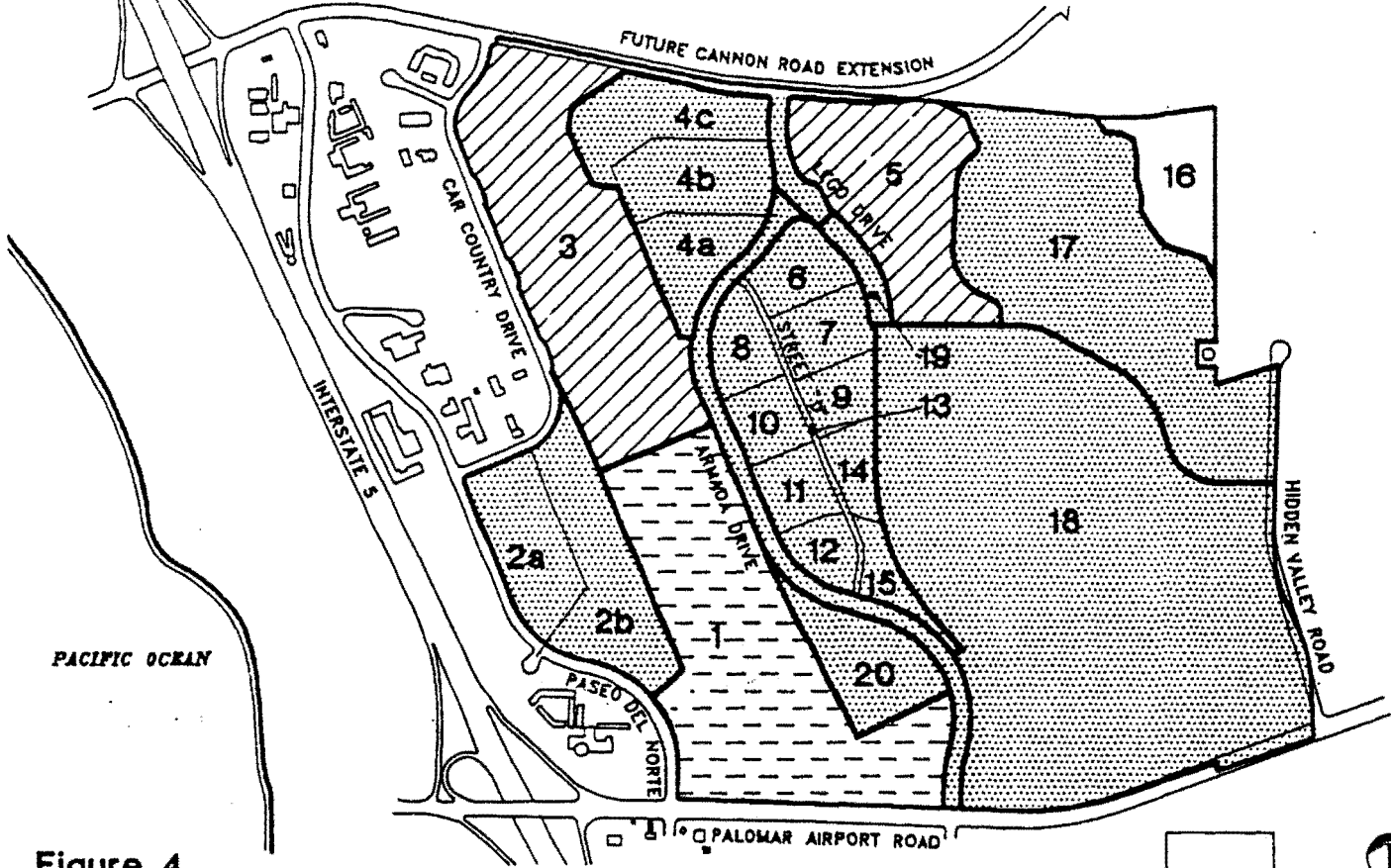


Figure 4
DEVELOPMENT SUMMARY



	DEVELOPMENT AREAS		AGRICULTURAL		GOLF COURSE
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NUMBER	LAND USE	ACRES (NET)	DEVELOPMENT PROGRAM
1	AGRICULTURE	53.42	EXISTING FLOWER FIELDS
2a,b	SPECIALTY RETAIL	26.65	300,000 SF
3	GOLF	45.61	4 HOLES OF GOLF
4a,b,c	G.I.A. VOCATIONAL SCHOOL	28.93	550,000 SF
5	GOLF	26.46	3 HOLES OF GOLF
6-12,14-15	RESEARCH & DEV'T	40.01	800,000 SF
13	STREET "D" (PRIVATE)	1.97	
16	OPEN SPACE	10.00	PRESERVE IN NATURAL STATE
17	RESORT	52.80	700 SUITES; 647,000 SF
18	LEGO FAMILY PARK	128.32	425,750 S.F.
19	LEGO DRIVE (PRIVATE)	0.94	
20	COMMUNITY HOTEL & RETAIL	10.48	212,080 SF; 280 ROOMS
	PUBLIC ROADS	21.81	
TOTAL SPECIFIC PLAN:		447.40 AC	2,934,830 SF

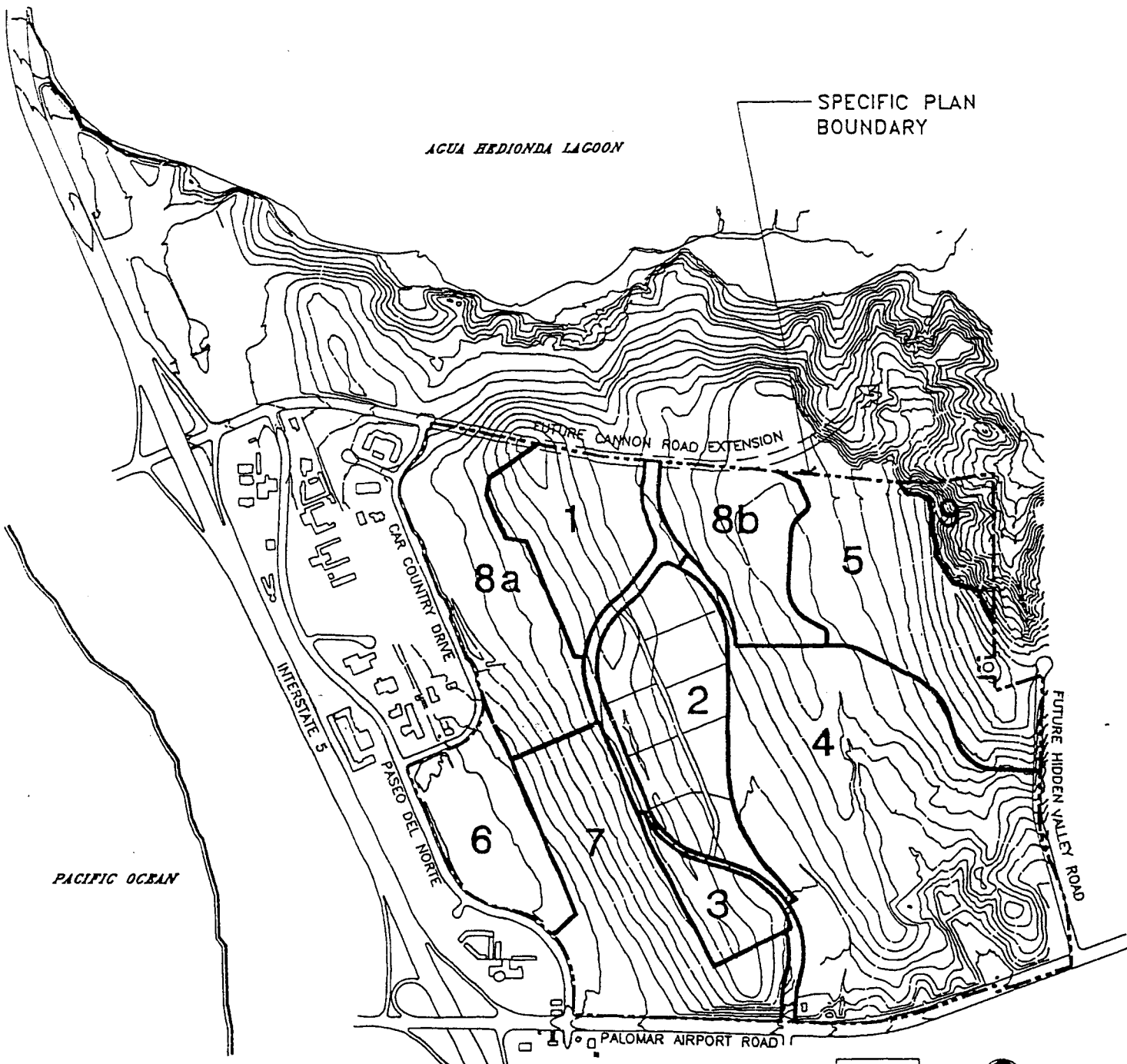


Figure 10

PLANNING AREAS

- | | |
|------------------------------------|---------------------|
| 1 GEMOLOGICAL INSTITUTE OF AMERICA | 6 SPECIALTY RETAIL |
| 2 RESEARCH & DEVELOPMENT/OFFICE | 7 FLOWER FIELDS |
| 3 COMMUNITY HOTEL & RETAIL | 8a GOLF COURSE |
| 4 LEGO FAMILY PARK | 8b GOLF COURSE |
| 5 RESORT | 9 NATURAL OPENSAPCE |

EXHIBIT NO. 4
APPLICATION NO. 096-9
California Coastal Commission

EXHIBIT NO. 5
APPLICATION NO. 0-96-9
California Coastal Commission

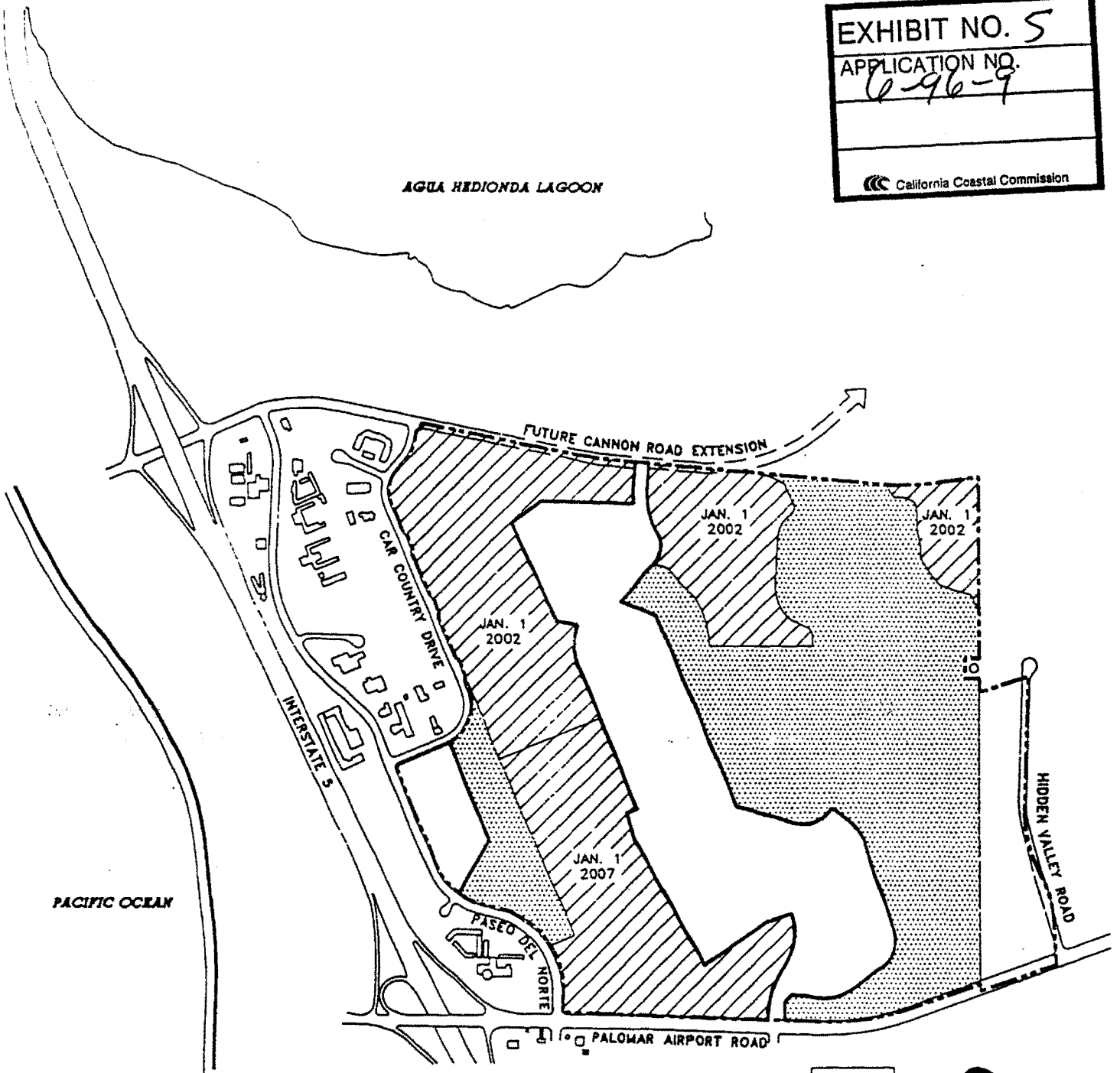



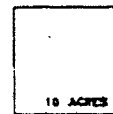


Figure 5

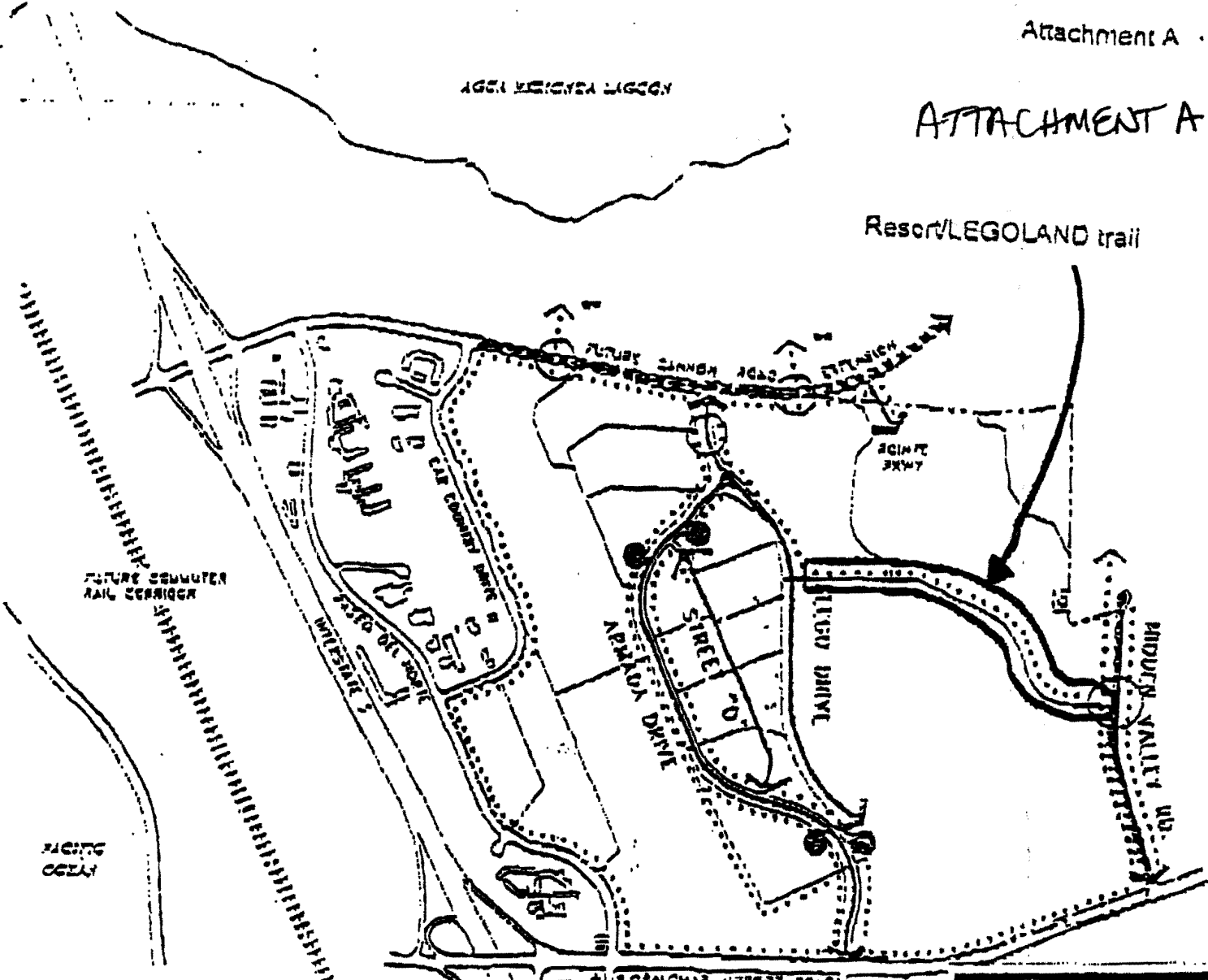
WILLIAMSON ACT LANDS

- 
NON-WILLIAMSON ACT LANDS
 121.08 Acres
- 
WILLIAMSON ACT LANDS REMAINING UNDER CONTRACT
 149.7 Acres
- 
WILLIAMSON ACT LANDS TO BE REMOVED
 181.2 Acres



Attachment A







ATTACHMENT A



Replace Exhibit 6

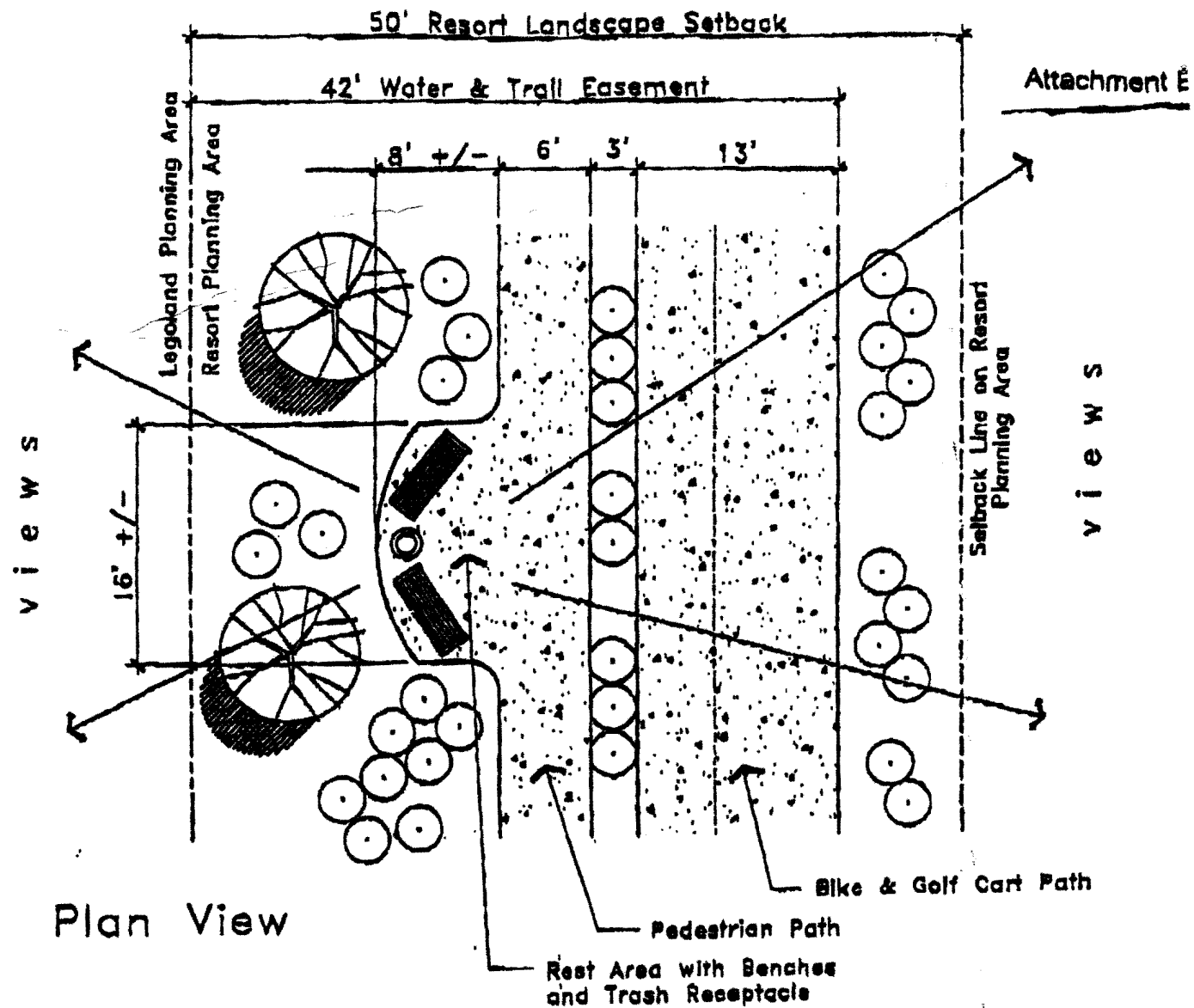
EXHIBIT NO. 6
APPLICATION NO. 6-96-9
<i>Replacement Exhibit</i>
<i>For Trail Plan</i>
<small>California Coastal Commission</small>

DEDICATED TRAIL PLAN

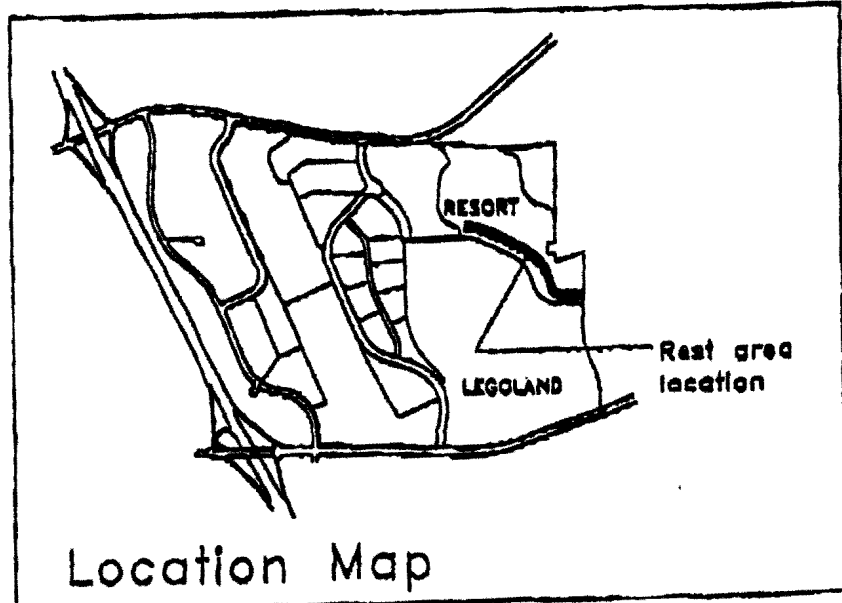
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|---|------------------------------|---|--|
|  | EXISTING CIRCULATION |  | PROJECT PROPOSED PEDESTRIAN WAYS & TRAILS |
|  | PLANNED CIRCULATION |  | GRADE SEPARATED CROSSING FOR PEDESTRIANS & GOLF CARTS |
|  | PROJECT PROPOSED CIRCULATION |  | POTENTIAL TRANSIT STOP LOCATION. THE EXACT LOCATION TO BE DETERMINED AT THE TIME OF SITE DEVELOPMENT PLAN APPROVAL |

- * Trail easements to be dedicated to the City of Carlsbad (or an irrevocable offer to dedicate shall be given to the City)
- ** Designates access points only and no dedicated trail easement outside the boundary of the Master Tentative Map for Carlsbad Ranch (C.T. 94-09)

FOR REFERENCE ORIGINALS TO BE PROVIDED IN ADDENDUM 6-96-9



Plan View



Location Map

EXHIBIT NO. 7
APPLICATION NO. 1096-9
Trail improvement
California Coastal Commission

Figure TRAIL REST AREA

For Reference
Originals To Be Provided
in Affidavit 1096-9

Attachment C

*For Reference
Original to be
Provided in Addendum*

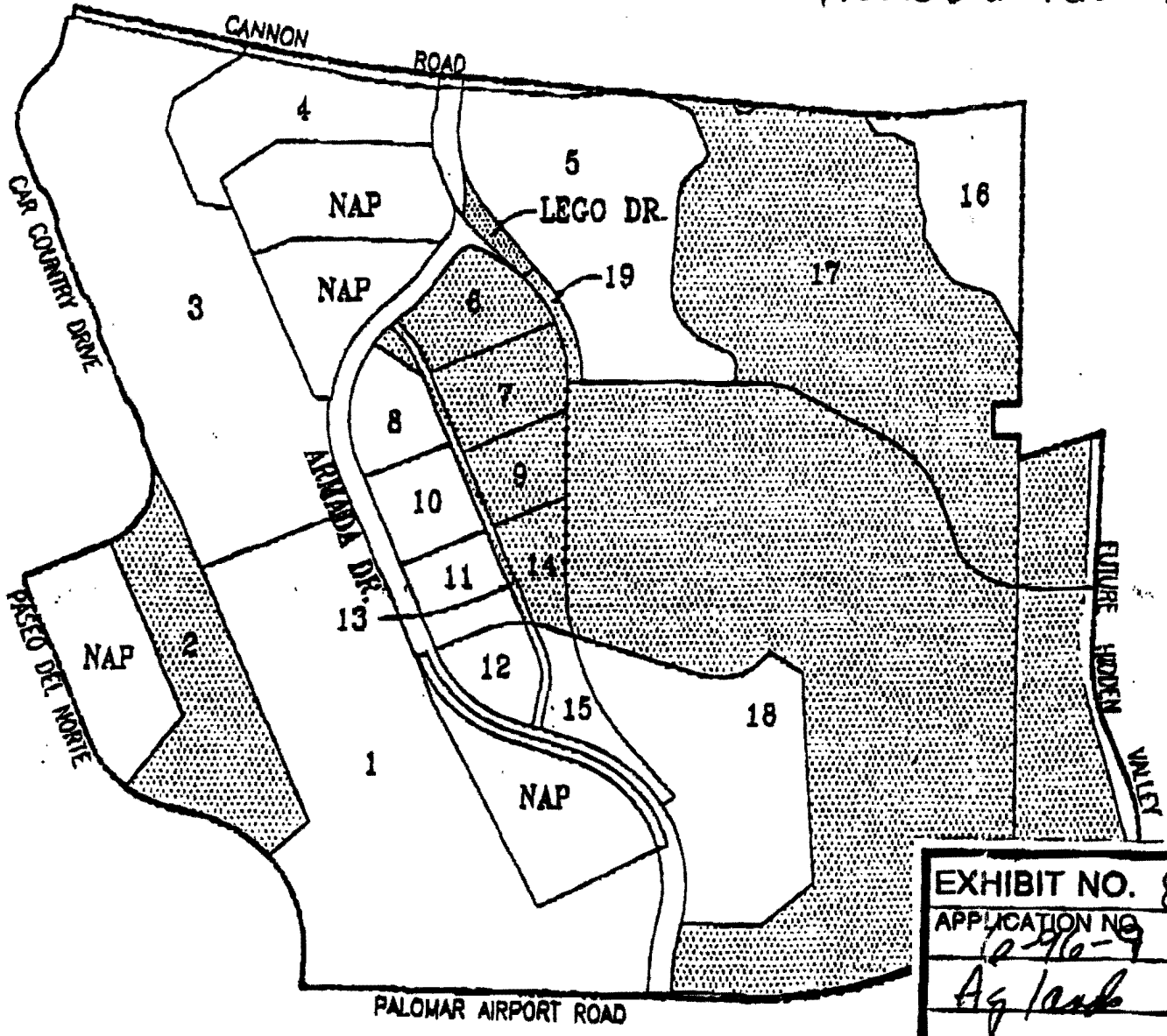
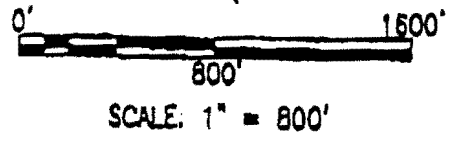


EXHIBIT NO. 8
APPLICATION NO. 0-96-9
<i>Ag Land</i>
California Coastal Commission

ACREAGE ON WHICH CONVERSION MITIGATION FEE WILL BE PAID (202.11 ACRES)
GOLF COURSE LANDS (73.74 ACRES)

LOT NUMBER	AREA (Acres)	LOT NUMBER	AREA (Acres)	LOT NUMBER	AREA (Acres)
1	0.00	8	0.45	15	0.00
2	15.95	9	4.00	16	0.00
3	46.57	10	0.00	17	53.75
4	0.00	11	0.00	18	109.53
5	27.17	12	0.00	19	0.94
6	5.78	13	1.47	ARMADA DR	0.00
7	5.78	14	3.38	LEGO DR	1.08

6-96-9

