

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
 3111 CAMINO DEL RIO NORTH, SUITE 200
 SAN DIEGO, CA 92108-1725
 (619) 521-8036



March 18, 1996

th 96

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: CHUCK DAMM, SOUTH COAST DISTRICT DIRECTOR
 DEBORAH N. LEE, ASSISTANT DISTRICT DIRECTOR, SAN DIEGO AREA OFFICE
 LAURINDA R. OWENS, COASTAL PROGRAM ANALYST, SAN DIEGO AREA OFFICE

SUBJECT: STAFF RECOMMENDATION ON MAJOR AMENDMENT NO. 1-96A (Carlsbad Lutheran Homes) TO THE CITY OF CARLSBAD LCP - VILLAGE REDEVELOPMENT AREA SEGMENT (For Public Hearing and Possible Final Action at the Coastal Commission Hearing of April 9-12, 1996)

SYNOPSISSUMMARY OF STAFF'S PRELIMINARY RECOMMENDATION

Staff recommends that, following a public hearing, the Commission certify the Land Use Plan amendment, as submitted.

The motions and resolutions for this action begin on Page 3. The findings for approval, as submitted, begin on Page 3.

SUMMARY OF THE LOCAL COASTAL PROGRAM SUBMITTAL

The Village Redevelopment Area comprises the downtown commercial core of Carlsbad. The proposed submittal comprises a site-specific Land Use Plan amendment for the village redevelopment area to exempt Carlsbad by the Sea Lutheran Homes, which is a professional care facility, from the requirement contained in the certified LUP to provide visitor-serving commercial uses on the ground floor.

BACKGROUND

Together, the Carlsbad Village Redevelopment Plan and Village Design Manual, comprise the Land Use Plan for the Carlsbad Village Redevelopment Area which is part of the City of Carlsbad's certified LCP. The City's certified LCP contains six segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and the subject LCP -- the Carlsbad Village Redevelopment Area. The Commission approved, with suggested modifications, the Carlsbad Village Redevelopment Area and Village Design Manual LCP of the City of Carlsbad's Local Coastal Program on May 14, 1987.

ADDITIONAL INFORMATION

Further information on the Carlsbad Local Coastal Program Amendment No. 1-96/Carlsbad Lutheran Homes submittal may be obtained from Laurinda Owens at the San Diego Area Office of the Coastal Commission at 3111 Camino Del Rio North, Suite 200, San Diego, CA 92108, (619) 521-8036.

PART I. OVERVIEW

A. PLAN AREA DESCRIPTION

The Carlsbad Village Redevelopment Plan area comprises a portion of the "inner-city" of the Carlsbad community. It contains approx. 90 acres of which approximately half is within the coastal zone. In general, the area is geographically bounded by Carlsbad Boulevard (Highway 101) and Garfield Street to the west, Buena Vista Lagoon to the north, I-5 to the east, and Tamarack Avenue to the south. Nearby coastal cities include Oceanside to the north and Encinitas to the south. The very southwest portion of the subject plan area is adjacent to the ocean and the remainder of the sub-area west of Carlsbad Boulevard is within close proximity to the ocean. Because the Village Redevelopment Plan segment area is largely developed, and due to its relatively flat terrain, few of the issues that were addressed in the other segments of the Carlsbad LCP are addressed in the subject segment.

B. STANDARD OF REVIEW

The standard of review for the proposed land use plan amendment is found in Section 30512(c) of the Coastal Act. This section requires the Commission to certify the LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

C. SUMMARY OF PUBLIC PARTICIPATION

The City of Carlsbad Design Review Board held two noticed public hearings on August 16, 1995 and September 6, 1995 with regard to the subject amendment request. In addition, the City of Carlsbad Housing and Redevelopment Commission held a hearing on the proposed LCP amendment on August 16, 1995. Notice of the subject amendment request has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTION.

- A. RESOLUTION I (Resolution to approve certification of the City of Carlsbad Local Coastal Program Land Use Plan amendment, as submitted)

MOTION I

I move that the Commission certify the City of Carlsbad Lutheran Homes Land Use Plan amendment, as submitted.

Staff Recommendation

Staff recommends a YES vote and the adoption of the following resolution and findings. An affirmative vote by a majority of the appointed Commissioners is needed to pass the motion.

Resolution I

The Commission hereby certifies the amendment request to the City of Carlsbad Local Coastal Program LUP, as submitted, and adopts the findings stated below on the grounds that the amendment will meet the requirements of and conform with the policies of Chapter 3 (commencing with Section 30200) of the California Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act; the land use plan, as amended, will contain a specific access component as required by Section 30500 of the Coastal Act; the land use plan, as amended, will be consistent with applicable decisions of the Commission that shall guide local government actions pursuant to Section 30625(c); and certification of the land use plan amendment does meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act, as there would be no feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

PART III. FINDINGS FOR APPROVAL OF THE LAND USE PLAN AMENDMENT

A. AMENDMENT DESCRIPTION

As noted earlier, the proposed amendment request consists of a revision to the Carlsbad Village Redevelopment Plan and Village Design Manual which comprise the certified Land Use Plan for the Carlsbad Village Redevelopment Area. The proposed amendment represents a site-specific amendment to exempt Carlsbad by the Sea Lutheran Homes from the requirement in the certified LUP which specifies that the ground floor of any development be devoted entirely to visitor-serving commercial uses.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that the LCP amendment, as set forth in the resolution for certification, is

consistent with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The Legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

d) Assure priority for coastal-dependent and coastal-related development over other developments on the coast.

e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

C. CONFORMITY OF THE CARLSBAD VILLAGE REDEVELOPMENT PLAN AND VILLAGE DESIGN MANUAL LAND USE PLAN AMENDMENT WITH CHAPTER 3

The review of land use plan amendments are generally analyzed according to thirteen policy groups for findings of Chapter 3 consistency. In this particular LCP amendment request, only one issue is raised with respect to the adequacy of the provision of visitor-serving commercial uses, and therefore, none of the other policy groups are applicable or discussed herein.

1. Recreation/Visitor-Serving Commercial Uses. Section 30222 of the Act states:

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

In addition, adequate land that is suitable for visitor-serving or recreational use should also be reserved for future demand and visitor-serving commercial uses are granted special consideration as a priority use. The existing Carlsbad by the Sea Lutheran Homes, which is a professional care and

residential facility (primarily for the elderly), is proposed to be redeveloped in the future through a coastal development permit including the intensification and expansion of the facility, without a change in use. The site consists of three separate parcels. Parcel A, which is 2.3 acres in size, is located on the west side of Carlsbad Boulevard and is bounded by Christiansen Way to the north, Grand Avenue to the south and Ocean Street to the west. Parcel B, which is .9 acres in size, is one lot located across Grand Avenue to the south from Parcel A, situated on the west side of Carlsbad Boulevard, and is bounded by Garfield Street to the southwest. Parcel C is approx. 12,600 sq.ft. in size and consists of a vacant oceanfront parcel located on the west side of Ocean Street. All of Parcel B and the majority of Parcel A is within the Carlsbad Village Redevelopment LUP area. All of Parcel C and that portion of Parcel A which is west of Garfield Street, however, is within the Mello II LCP segment of the City of Carlsbad's certified LCP. (Reference Exhibit 3). This amendment request only affects the portions of the site contained within the Village Redevelopment Area LCP segment.

This area has functioned as the major thoroughfare for the downtown area and is generally known as Carlsbad Boulevard/Old Highway 101. Specifically, the site of the amendment request is located within Sub-area 5 of the land use plan. The existing character of the surrounding properties is related to tourist, highway commercial activities and the community's local heritage. Surrounding uses on the west side of Carlsbad Boulevard include several restaurants, a church, and a hotel. Further to the west are residential uses. Immediately to the east across Carlsbad Boulevard are a mix of office use, restaurants, retail shops and public parking facilities.

As noted above, the existing certified LUP contains a policy that calls for reserving Sub-area 5 for visitor-serving commercial uses with a specific requirement that all ground floor uses within this sub-area be reserved entirely for such use. Specifically, the policy states,

"This sub-area is located within the coastal zone. Developments entirely devoted to visitor commercial uses are preferred in this sub-area. The entire ground floor of all projects shall be devoted to visitor commercial uses...."

The subject LCP amendment request would exempt Carlsbad Lutheran Homes from the above-cited requirement to provide visitor-serving commercial uses on the ground floor. Section 30222 of the Act requires the Commission to consider not only whether there is an adequate provision of visitor-serving commercial uses not only in terms of existing uses, but also with respect to the reservation of land for visitor-serving commercial uses in the future. As population increases, and the demand for such uses increases as well, there must be assurance that adequate land will be reserved to meet the needs of tourists in this nearshore region. The City has conducted a very thorough land use study of the existing commercial tourist uses within this nearshore area. The findings of that study revealed the following information in terms of land devoted to current, or available for future, visitor-serving uses within Sub-area 5:

	<u>ACRES</u>	<u>PERCENT</u>
Current tourist-serving development within Sub-area 5:	23.77	48.40%
Land reserved for future tourist-serving development within Sub-area 5:	7.99	16.27%
Not anticipated for future tourist-serving development (Carlsbad Lutheran Homes, Army/Navy Academy and St. Michael's Church)	17.35	35.32%
Total current/reserved tourist-serving commercial development within Sub-area 5:	31.76	64.67%

For purposes of clarification, the second category listed that states, "land reserved for future tourist-serving commercial development" includes any presently vacant land or building or any existing uses that are not now presently visitor-serving commercial uses, which when redeveloped, will be required to be developed with visitor-serving commercial uses. As can be seen, approximately two-thirds of the land in this subarea will be reserved for visitor-serving commercial uses in the future.

However, it should be noted that separate from this subject LCP amendment request, the City is also processing a separate LCP amendment which will result in repealing the existing Village Design Manual and replacing it with a new Village Redevelopment Master Plan and Village Design Manual. Essentially, this will result in a new LUP for the redevelopment area. Since the issue regarding adequacy of visitor-serving commercial uses will be raised by both LCP amendments, a brief discussion and analysis of what is being proposed in the other amendment request is warranted in the staff report of the subject amendment request. As part of the Village Redevelopment Master Plan and Design Manual LCP LUP amendment, existing Sub-area 5, where the Lutheran Homes is located, along with the other sub-areas within the redevelopment area, will be re-named with new land use districts and the boundary of Sub-area 5 will be reconfigured and reduced in size. Presently, the sub-area extends to the railroad right-of-way east of Carlsbad Boulevard. The re-configured land use district is smaller with the removal of approximately three to four blocks from this sub-area totaling approx. eight acres. However, because this area is comprised of a comparable mix of uses including visitor-serving commercial, residential, office and other uses, the overall percentage of existing commercial-tourist serving uses and land reserved for future uses remains approximately the same (2/3 of the sub-area) as in the existing LCP. In addition, the separate LCP amendment replacing the existing Village Design Manual still provides for an appropriate mix of commercial uses and will assure that adequate visitor-serving uses may be accommodated both now and in the future.

In summary, for the subject Lutheran Homes amendment, the Commission finds that it can support this site-specific exemption from the visitor commercial commitment. The request reflects a continuing use and the grandfathering of

the professional care facility on the subject site. The site has not been committed to visitor-serving commercial use. In this particular case, the site has a historical presence and the City has sought to exclude this site from the requirement to provide visitor-serving commercial uses in any redevelopment proposal. Although it is appropriate, in general, to mandate the provision of conforming uses when redevelopment occurs, this site-specific exemption for an institutional use can be supported. There remains an adequate provision of visitor-commercial uses, consistent with what presently exists, and future demand should also be accommodated given the existing LUP requirement and the nature of development in what is the central business district of the community. The Commission therefore finds that the subject land use plan amendment for the Lutheran Homes redevelopment may be found consistent with the applicable Chapter 3 policies.

PART IV. 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. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LUP amendment submittal, to find that the LCP, as amended, conforms with the provisions of CEQA. The land use plan amendment to the Carlsbad Village Redevelopment Area segment of the City's LCP consists of exempting an existing development from the requirement contained in the certified LUP to provide visitor-serving commercial uses on the ground floor should it redevelop. As amended, the land use plan will provide sufficient protection for visitor-serving uses including the adequate reservation of land for visitor-serving commercial uses in the future. As such, no significant adverse impacts will result.

Furthermore, this revision should not result in any additional impacts on the environment. Any future development would still have to provide for individual environmental assessment in compliance with CEQA. Therefore, the Commission finds that the approval of subject amendment will not result in any significant adverse impacts to coastal resources and can be found consistent with Chapter 3 Coastal Act policies. Therefore, the Commission finds that no significant, unmitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed amendment.

(0932A)

1 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Design Review
2 Board of the City of Carlsbad, as follows:

- 3 A) That the foregoing recitations are true and correct.
- 4 B) At the end of the State mandated six week review period, starting on June 21,
5 1995, and ending on August 2, 1995, staff shall present to the Housing and
6 Redevelopment Commission a summary of the comments received.
- 7 C) That based on the evidence presented at the public hearing, the Design
8 Review Board recommends APPROVAL of LCPA 95-07 as shown on Exhibit
9 "X", dated August 16, 1995, attached hereto and made a part hereof based on
10 the following findings:

11 Findings:

- 12 1. That the proposed Local Coastal Plan Amendment to exempt Carlsbad By The Sea
13 Lutheran Home from the ground floor visitor commercial requirement in Sub-area
14 5 of the Village is consistent with all applicable policies of the Village Redevelopment
15 segment of the Carlsbad Local Coastal Program, in that the retention of the
16 professional care use at its current location will not have a significant impact on the
17 amount of available visitor serving uses in the Village coastal zone since it represents
18 only 2.56 acres (.5%) of the total Sub-area 5 acreage. Adequate visitor serving uses
19 are available and will be available to satisfy future demand since two-thirds of this
20 sub-area is either currently developed with or reserved for future visitor serving
21 commercial uses and parks, with the remaining one-third of the land area occupied
22 by institutional uses including Carlsbad By The Sea Lutheran Home.
- 23 2. That the proposed amendment to the Village Redevelopment segment of the
24 Carlsbad Local Coastal Program is required to exempt the Carlsbad By The Sea
25 Lutheran Home from the ground floor visitor commercial requirement thereby
26 allowing a necessary and desirable use that is compatible with surrounding uses and
27 integrated into the surrounding neighborhood to redevelop its facility and continue
28 to operate at its existing location.


1 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Design
2 Review Board of the City of Carlsbad, held on the 6th day of September, 1995, by the
3 following vote, to wit:

4 AYES: Vice-Chairperson Welshons, Board Members Savary and Vessey


5 NOES:

6 ABSENT: Board Members Marquez and Noble

7 ABSTAIN:

8
9
10 
11 KIM WELSHONS, Vice-Chairperson
12 DESIGN REVIEW BOARD

13 ATTEST:

14 
15 EVAN BECKER
16 Housing and Redevelopment Director

17
18
19
20
21
22
23
24
25
26
27 EXHIBIT NO. 1
28 Carlsbad LCPA #1-96A
(p. 3 of 5)

August 16, 1995

Vocational educational centers, auto-related services, contractor's yards, laundry and dry cleaning plants, storage areas, cabinet and furniture manufacturing, glass studios and electronic assembly, bakeries, rock shop manufacturing, wholesale sales distributing, moving van companies, and neighborhood commercial uses.

Design

The Design Review Board shall be looking at methods of controlling circulation among competing uses of this sub-area. Of major concern in controlling circulation will be accommodating turning movements of vehicles and adequate safety and convenience provisions maintained for the pedestrian.

SPECIAL TREATMENT AREA: EAST SIDE OF TYLER

In the special treatment area, east side of Tyler Street that fronts on the west side of Roosevelt only uses deemed by the Housing and Redevelopment Commission to be of lesser intensity than the C-M zones uses shall be permitted.

SUB-AREA 5

Traditionally, this sub-area (Exhibit B) functioned as the major north/south thoroughfare for the downtown area and is generally known as old Highway 101. The existing character of this sub-area is one which is related to tourist, highway commercial activities and local heritage.

Goal

This sub-area is envisioned as serving as the major tourist/tourist commercial related center for the Redevelopment Project Area.

Land Use

Uses permitted in the C-T Zone. The following land uses are encouraged within the Sub-area 5:

Travel service areas, bona fide restaurants, convention centers, theatres, novelty shops, souvenir and gift shops, florists, and parking lots.

Incidental and compatible uses such as those allowed in the C-2 and R-3 Zones may be permitted when found by the Housing and Redevelopment Commission not to be incompatible with the above.

"This sub-area is located within the coastal zone. Developments entirely devoted to visitor commercial uses are preferred in this sub-area. The entire ground floor of all projects shall be devoted to visitor commercial uses. Mixed use projects which do

19

except that the Carlsbad by the Sea Professional Care Facility shall be exempt from this commercial requirement.

not meet this criteria including but not limited to time share projects, shall require approval by the Coastal Commission or its executive director as an amendment to the Local Coastal Program. Unless other wise stated in this specific sub-area, residential density allocations may be increased beyond those ranges provided in the General Plan if the Housing and Redevelopment Commission finds that such an increase is consistent with the goals and objectives of the Redevelopment Plan and further, provided that such increases are approved by the Coastal Commission or its executive director as an amendment to the Local Coastal Program."

Design

The design concept in this sub-area is to coordinate tourist, recreational and commercial activities of the beach area with the Village Centre. Special attention in this area shall be given to streetscaping along Carlsbad Boulevard; specifically at the intersections of Carlsbad Boulevard and Grand Avenue and Elm Avenue. The Design Review Board will be concerned with amenities such as viewpoints, gateways, and preserving local landmarks that are, or will be established with any development. (All development plans within this sub-area will require approval by the Coastal Commission.)

SPECIAL TREATMENT AREA: CARLSBAD BOULEVARD

The Carlsbad Boulevard is considered as a special treatment area in that the Housing and Redevelopment Commission is looking for heavy streetscaping and open space amenities along Carlsbad Boulevard. Other areas along Carlsbad Boulevard that will require special attention are the intersections at Carlsbad Boulevard and Grand Avenue, Carlsbad Boulevard and Elm Avenue, and Carlsbad Boulevard and Christiansen Way. The establishment of a public and private partnership in the development of the three aforementioned intersections is a possible alternative to providing additional streetscaping amenities.

SUB-AREA 6

The existing character of this sub-area (Exhibit B) is residential surrounded by a buffer of office/professional uses.

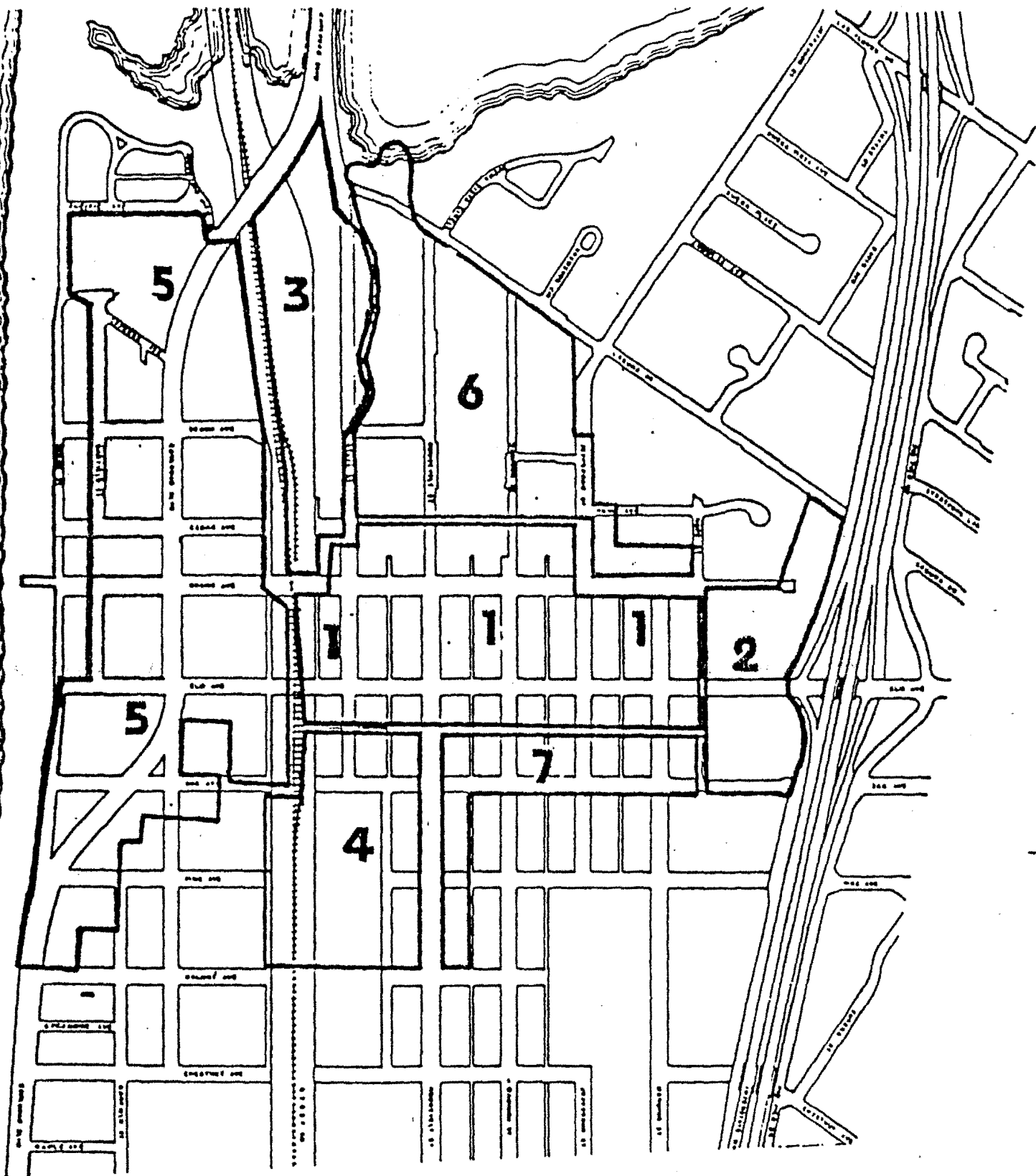
Goal

The area is envisioned as maintaining its existing character of maximizing the office and professional buffer zone around the sub-area.

Land Uses

Uses permitted in the R-3 and R-P zones. The following land uses are encouraged within the sub-area:

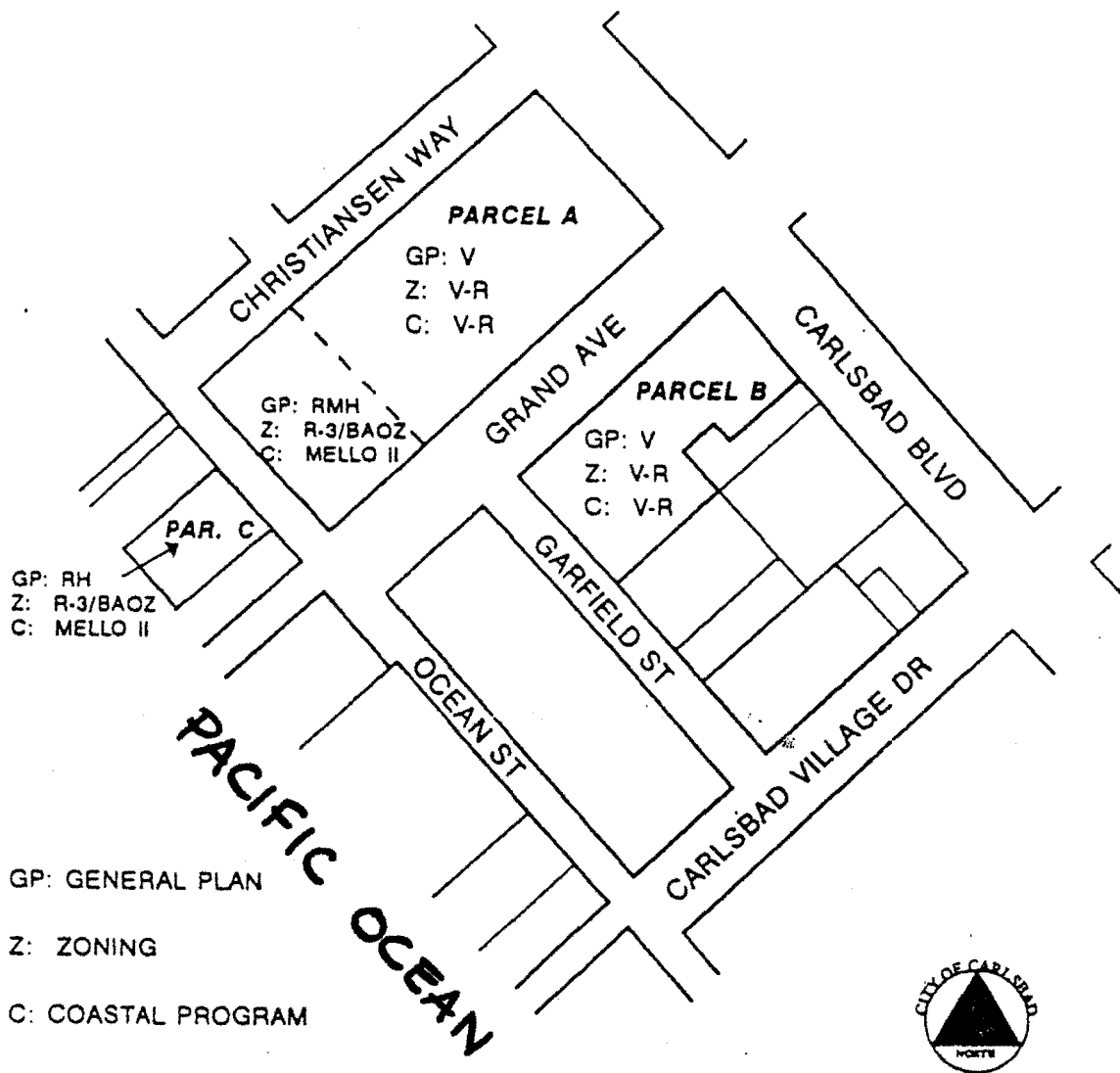
To include but not limited to law offices,



CARLSBAD VILLAGE REDEVELOPMENT PROJECT

SUB-AREA MAP

EXHIBIT NO. 2
 Carlsbad LCPA #1-96A/
 Carlsbad Lutheran Homes
 Existing Boundaries of
 Village Redevelopment Area



**CARLSBAD BY THE SEA
LUTHERAN HOME**

LCPA 95-07/RP 94-06/CUP 94-10/
CDP 94-06/HDP 94-08/V 94-01/
PCD/GPC 95-03

EXHIBIT NO. 3
Carlsbad LCPA #1-96A/
Carlsbad Lutheran Homes
Location Map of Site