

CALIFORNIA COASTAL COMMISSION

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

July 18, 1996

**Wed 13a**

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's actions, certifying its Local Coastal Program Amendments #2-95 (Development Agreements) and #1-96C (Carlsbad Ranch) are adequate to effectively certify its local coastal program amendments (for Commission review at its meeting of August 13 - 16, 1996)

BACKGROUND

At its October 10, 1995 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad's Local Coastal Program Amendment #2-95 amending the implementation plan of the City's LCP. The LCP amendment addressed the processing of development agreements and the Commission action reflected how that process would be integrated with the LCP's administration. At its April 11, 1996 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad's Local Coastal Program Amendment #1-96(C) amending the Mello II and Agua Hedionda land use plans and the City's implementation plan. This LCP amendment involved an updated Carlsbad Ranch Specific Plan which now covers a proposed destination resort and the Legoland theme park in its expanded acreage.

By their actions adopting Ordinance NS-360, addressing development agreements, and Resolution 96-209, addressing the Carlsbad Ranch development, on June 11, 1996, the City Council has acknowledged and accepted all of the Commission's suggested modifications. These actions are reflected in the attached exhibits.

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 amendments. The City's actions have been reviewed and determined to be legally adequate by the Executive Director. Section 13544 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).

(1218A)

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August 19, 1996

Honorable Bud Lewis, Mayor
City of Carlsbad
2075 Las Palmas
Carlsbad, CA 92009

Re: Certification of the City of Carlsbad's Local Coastal Program Amendments
#2-95 (Development Agreements) and #1-96C (Carlsbad Ranch)

Dear Mayor Lewis,

The California Coastal Commission has reviewed the City's Ordinance NS-360 and Resolution No. 96-209, together with the Commission's actions on October 10, 1995 and April 11, 1996, certifying City of Carlsbad Local Coastal Program Amendments #2-95 (Development Agreements) pertaining to all segments of the City's LCP and #1-96C (Carlsbad Ranch/Legoland) pertaining to the Mello II and Agua Hedionda land use plans, as well as the City's implementation plan.

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 August 13-16, 1996. By its actions on June 11, 1996, the City has formally acknowledged and accepted the Commission's certification of the two referenced local coastal program amendments, including all suggested modifications.

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

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ORDINANCE NO. NS-360

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA AMENDING TITLE 21, CHAPTER 21.70 OF THE CARLSBAD MUNICIPAL CODE BY AMENDING SECTIONS 21.70.080(b)(1) AND 21.70.090 OF THE DEVELOPMENT AGREEMENTS CHAPTER TO ACCEPT THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION.

CASE NAME: COASTAL COMMISSION MODIFICATIONS TO THE DEVELOPMENT AGREEMENTS CHAPTER

CASE NO.: ZCA 96-03

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

SECTION 1: That Title 21, Chapter 21.70 of the Carlsbad Municipal Code is amended by the amendment of Section 21.70.080(b)(1) to read as follows:

"21.70.080 (b)(1).

Is consistent with the objectives, policies, general land uses and programs specified in the general plan, the certified local coastal program and any applicable specific plan;"

SECTION 2: That Title 21, Chapter 21.70 of the Carlsbad Municipal Code is amended by the amendment of Section 21.70.090 to read as follows:

"21.70.090.

If the city council approves the development agreement, it shall adopt an ordinance approving the agreement and directing the mayor to execute the agreement after the effective date of the ordinance on behalf of the city. Before execution, each agreement shall be approved as to form by the city attorney.

For projects located within the coastal zone, the City shall forward copies of any proposed development agreement to the California Coastal Commission for review and invite comments as to its consistency with the certified local coastal program.

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption, and the City Clerk shall certify to the adoption of this ordinance and cause 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 held on the 11th day of JUNE, 1996, and thereafter

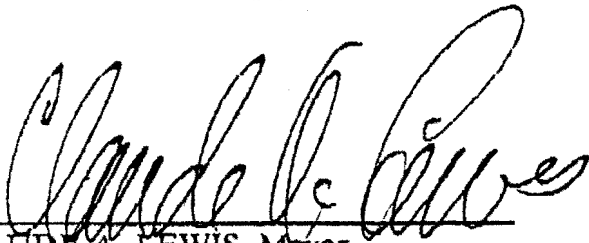
PASSED AND ADOPTED at a regular meeting of said City Council held on the 18th day of JUNE, 1996, by the following vote, to wit:

AYES: Council Members Lewis, Nygaard, Kulchin, Finnila, Hall

NOES: None

ABSENT: None

ABSTAIN: None



CLAUDE A. LEWIS, Mayor

ATTEST:



ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

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RESOLUTION NO. 96-209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACCEPTING SUGGESTED MODIFICATIONS TO THE AGUA HEDIONDA LAND USE PLAN AND THE MELLO II SEGMENT LAND USE PLAN WHICH WERE APPROVED BY THE CALIFORNIA COASTAL COMMISSION AS PART OF THEIR ACTION ON THE CARLSBAD RANCH PROJECT (LCPA 1-96C)
CASE NAME: CARLSBAD RANCH/LEGOLAND
SPECIFIC PLAN AMENDMENT
CASE NO: LCPA 90-08(B)

WHEREAS, California State law requires that the Local Coastal Program, General Plan, and zoning designations for properties in the Coastal Zone be in conformance;

WHEREAS, on April 11, 1996 the California Coastal Commission approved an amendment to the Agua Hedionda Land Use Plan and the Mello II Segment land Use Plan with five suggested modifications;

WHEREAS, before the original amendment request can become effectively certified, the Executive Director of the California Coastal Commission must receive documentation that the City has accepted the suggested modifications;

WHEREAS, the City Council did on the 11th day of JUNE, 1996, hold a duly noticed public hearing as prescribed by law to consider the proposed suggested modifications to the Agua Hedionda Land Use Plan and the Mello II Segment Land Use Plan shown on Exhibit "LCPA 90-08(B)", dated April 11, 1996, attached hereto; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors relating to the Local Coastal Program Amendment.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City
2 of Carlsbad as follows:

- 3 1. That the above recitations are correct.
- 4 2. That based on the evidence presented at the public hearing, the City Council
5 ACCEPTS the suggested modifications adopted by the California Coastal
6 Commission for Local Coastal Program Amendment 1-96C (Carlsbad Ranch)
7 and directs staff to incorporate the modifications into the Local Coastal
8 Program..

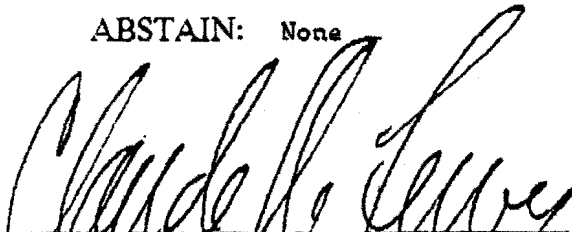
9 PASSED, APPROVED AND ADOPTED at a regular meeting of the City
10 Council of the City of Carlsbad, California, on the 11th day of JUNE, 1996,
11 by the following vote, to wit:

12 AYES: Council Members Lewis, Nygaard, Kulchin, Finnila, Hall


13 NOES: None

14 ABSENT: None

15 ABSTAIN: None

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19 CLAUDE A. LEWIS, Mayor

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22 ATTEST:

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25 ALETHA L. RAUPENKRANZ, City Clerk
26 KAREN R. KUNDITZ, Assistant City Clerk

27 (SEAL)
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CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-4034



CITY OF CARLSBAD LCP AMENDMENT 1-96C
CARLSBAD RANCH
ADOPTED SUGGESTED MODIFICATIONS
APRIL 11, 1996

Agua Hedionda Land Use Plan

- 1. Policy 2.2 of the Agua Hedionda Land Use Plan shall be revised to read:

The south shore agricultural lands shall be designated "Open Space". This area shall be zoned "Exclusive Agriculture" except for the 24.2 acre area adjacent to and north of Cannon Road to be utilized as a golf course which shall be zoned "Open Space" in the implementation phase of the plan. Within the proposed golf course, a public trail with a vista point shall be provided from Cannon Road to the northern edge of the golf course along the westernmost section. The public trail and vista point shall be signed to facilitate and enhance public use and shall be maintained and open to the public. The trail location and vista point may be relocated or removed if necessary in conjunction with development of adjacent areas provided an alternate trail and vista point location is approved. Support facilities (benches, seating areas, trash receptacles) shall be provided at the vista point.

Mello II Segment Land Use Plan

- 2. Policy 2-1(a)(1) CONSERVATION OF AGRICULTURAL LANDS shall be revised to read:

(a) Basic Agricultural Policies

(1) Coastal Agriculture:

Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands. Non-prime agricultural lands identified on Map X, including the 301.38 acre Caritas Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP. Any acreage under the control of a public entity owned, leased or controlled by the City of Carlsbad for a public recreation or open space use shall be exempt from Policy 2-1 and be permitted to convert from an agricultural use without satisfying one of the three conversion options. However, should acreage for a public recreation or open space use no longer be owned, leased or controlled by the City of Carlsbad at some time in the future, the exemption from Policy 2-1 will be voided and one of the three conversion options shall be implemented for said acreage.

3. Option 1 of Policy 2-1(a)(3), CONSERVATION OF AGRICULTURAL LANDS, Conversion Options, shall be corrected to read:

Option 1 - Mitigation (Prime Land Exchange)

Non-prime coastal agricultural lands shall be converted to urban use consistent with the Carlsbad General Plan if, prior to approval of a subdivision map, a mitigation program is in effect that permanently preserves one acre of prime agricultural land within the statewide Coastal Zone for each acre of net impacted agricultural land in the LCP that is converted. For purposes of calculating required mitigation acreage, net impacted agricultural lands are the parcels and acreages designated on Map X and the 301.38 acre Caritas Property, minus the acreage in steep slopes (25% or greater) and areas containing sensitive coastal resources that would preclude development.

4. The first paragraph of Policy 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT shall be revised to read:

This policy provides conditional development standards for the area of approximately 423 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3, Page 93). All such lands owned either by Caritas or Ecke or their successor 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. Any approved Specific Plan (eg. the Carlsbad Ranch Specific Plan) will be incorporated herein by reference as part of the certified Mello II Land Use Plan. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where they are compatible with adjacent uses.

5. Within the "Recreation and Visitor Serving Uses" section of the Mello II Land Use Plan, a new policy shall be added to read:

Policy 6-10 RESTRICTION ON CONVERSION OF PUBLIC FACILITIES, USES OR VISITOR COMMERCIAL USES

Any facility, use or visitor-serving commercial development approved as being open to the public should remain available to the general public. Use conversions or restrictions that serve to be exclusionary shall require prior review through a local coastal program amendment and/or a separate coastal development permit. This requirement shall be noticed on such projects by the recordation of a deed restriction prior to the issuance of a building permit.