

## CALIFORNIA COASTAL COMMISSION

## RECORD PACKET COPY

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



August 21, 1996

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's actions, certifying Local Coastal Program Amendment 1-96B, is adequate to effectively certify its local coastal program amendment (for Commission review at its meeting of September 10-13, 1996)

BACKGROUND

At its April 11, 1996 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment 1-96B, amending both its Land Use Plan and its Implementation Plan. This amendment established a comprehensive updated Land Use Plan component for the Carlsbad Village Redevelopment area including related revisions to several chapters of the Carlsbad Municipal Code. The amendment essentially incorporated a new Village Redevelopment Master Plan and Design Manual into the LCP.

By their actions adopting Resolution No. 280 and Ordinance No. NS-371 on August 13, 1996, the Carlsbad Housing and Redevelopment Commission and the City Council have acknowledged and accepted all of the Commission's suggested modifications for both the Land Use Plan and Implementation Plan. Those documents are attached as exhibits to this item.

As provided for in Section 13544 of the Commission's Administrative 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 13544 of the Commission's Administrative 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).

(1304A)

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(619) 521-8036



September 16, 1996

Honorable Claude A. Lewis, Mayor  
City of Carlsbad  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Re: Certification of City of Carlsbad LCP Amendment 1-96B

Dear Mayor Lewis:

The California Coastal Commission has reviewed the City's Resolution No. 280 and Ordinance No. NS-371, together with the Commission's action of April 11, 1996, certifying Amendment 1-96B to the City's Local Coastal Program.

In accordance with Section 13544 of the Commission's Administrative Regulations, I have made the determination that the City's actions are legally adequate; and the Commission has concurred at its meeting of September 10-13, 1996. By its action of August 13, 1996, the City has formally acknowledged and accepted the Commission's certification of the amendment, including all suggested modifications.

In conclusion, I would like to extend our appreciation to you and all other elected or appointed officials, staff and concerned citizens for working in a cooperative fashion on this matter. 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: Debbie Fountain

(1305A)

1                                    **HOUSING AND REDEVELOPMENT RESOLUTION NO. 280**

2                                    **A RESOLUTION OF THE HOUSING AND REDEVELOPMENT**  
3                                    **COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA TO**  
4                                    **AMEND THE CARLSBAD VILLAGE REDEVELOPMENT AREA**  
5                                    **VILLAGE MASTER PLAN AND DESIGN MANUAL TO BRING IT**  
6                                    **INTO CONFORMITY WITH COASTAL COMMISSION SUGGESTED**  
7                                    **MODIFICATIONS.**

8                                    **CASE NAME: VILLAGE MASTER PLAN AND DESIGN MANUAL**  
9                                    **CASE NO: LCPA 95-10/1-96B**

10                                    WHEREAS, on December 12, 1995, the Housing and Redevelopment  
11                                    Commission took action to approve the new Village Master Plan and Design Manual  
12                                    for the Village Redevelopment Area , and on January 23, 1996, the City Council took  
13                                    action to submit an application for an amendment to the Local Coastal Program for the  
14                                    Village Redevelopment Segment of the Carlsbad Local Coastal Zone (and for all  
15                                    properties located within the Village Redevelopment Project Area) with the California  
16                                    Coastal Commission , including review, approval and certification of the Village  
17                                    Redevelopment Master Plan and Design Manual; and

18                                    WHEREAS, said verified application was reviewed by the California Coastal  
19                                    Commission and approved, with suggested modifications; and

20                                    WHEREAS, the California Coastal Commission has forwarded and the City of  
21                                    Carlsbad acknowledges receipt of the Commission's resolution of certification,  
22                                    including any suggested modifications; and

23                                    WHEREAS, the Housing and Redevelopment Commission accepts and agrees  
24                                    to those modifications to the Village Master Plan and Design Manual as  
25                                    suggested by the California Coastal Commission; and

26                                    WHEREAS, the Housing and Redevelopment Commission, together with the  
27                                    City Council, held a public hearing to hear and consider all testimony and  
28                                    arguments, if any, of all persons desiring to be heard on said modifications and the

3 Housing and Redevelopment Commission considered all factors relating to said  
4 modifications to the Village Master Plan and Design Manual.

5 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Housing and  
6 Redevelopment Commission of the City of Carlsbad, as follows:

- 7 A) That the foregoing recitations are true and correct.
- 8 B) That this approved resolution shall serve as the record of formal action  
9 taken by the Housing and Redevelopment Commission to approve the  
10 modifications to the Village Master Plan and Design Manual as suggested  
11 by the California Coastal Commission in their resolution of certification  
12 dated April 23, 1996.
- 13 C) The Village Master Plan and Design Manual, being the attachment to the  
14 Housing and Redevelopment Commission Resolution No. 271 is hereby  
15 amended to read as follows:
- 16 1. Page 2-25 is revised to eliminate the reference to timeshares  
17 after the word "hotels" in the Land Use Chart in Chapter 2, as  
18 shown in the attached replacement page number 2-25.
  - 19 2. Page 2-26 is revised to add "Timeshares" as a Land Use  
20 Category, on the land use chart, and permit them, on a  
21 provisional basis, in Land Use Districts 1, 2, 3 and 4. The  
22 land use chart reflects that Timeshares shall be a prohibited  
23 use in Land Use Districts, 5, 6, 7, 8 and 9, as shown in the  
24 attached replacement page number 2-26.
  - 25 3. Page 2-32 is revised to eliminate the following language: "The  
26 following uses may be provisionally permitted: Commercial  
27 and Retail Businesses, Mixed Use Projects and Residential  
28 Projects. All provisional uses will be reviewed on a case-by-  
case basis." This language shall be replaced with: "Any other  
use, including commercial and retail businesses, mixed use  
projects or residential projects, shall not be permitted without  
the completion of a Master Plan for the Transportation  
Corridor which would need to be reviewed and approved by  
the California Coastal Commission as a Local Coastal Program  
Amendment," as shown in the attached replacement page  
number 2-32.

25 ....

26 ....

4. Page 2-60 is revised to eliminate the following language for Location and Development Criteria No. 4: "A clear area of at least five feet in width must be maintained for pedestrian use over the entire length of the sidewalk in front of the business." This language shall be replaced with: "A clear area of at least five feet in width of linear paved sidewalk, free of all obstructions, must be maintained to allow adequate pedestrian movement on the sidewalk in front of the business," as shown on the attached replacement page number 2-60.
5. Pages 2-60 and 2-61 are revised to replace the following statement as Location and Development Criteria No. 5: "If installed, all fixtures, barriers, railings, landscaping or combination thereof shall be in place when the cafe is in operation and shall be stationary or permanent, fixed to the sidewalk and contiguous to define the cafe boundary and may be removed when the cafe is closed"; all remaining Location and Development Criteria, following this new No. 5, and including the previous No. 5, shall be renumbered accordingly, as shown on the attached replacement pages number 2-60 and 2-61.
6. Page 3-7 is revised to eliminate the following language under the section entitled Parking Requirements: "District is located within Zone 1 of the In-Lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee." This language shall be replaced with the following: "District is located within Zone 1 of the In-Lieu Fee Parking Program which means that properties east of the AT&SF Railroad Right-of-Way within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee," as shown on the attached replacement page number 3-7.
7. Page 3-17 is revised to eliminate the following language under the section entitled Parking Requirements: "District is located within Zone 2 of the In-Lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee." This language shall be replaced with the following: "District is located within Zone 2 of the In-Lieu Fee Parking Program which means that properties east of the AT&SF Railroad Right-of-Way within the District may be allowed to meet a portion of their on-site parking requirement by paying a fee." The following paragraph shall also be added

to the subject section: "The In-Lieu Fee parking program shall only be permitted in the remaining redevelopment area west of the railroad right-of-way when it can be demonstrated to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information," as shown on the attached replacement page number 3-17.

8. Page 3-22 is revised to eliminate the reference to timeshares from the following paragraph to read as follows: "The boundaries of District 9 are shown in the map provided in Figure 14. District 9 will continue to provide a wide mix of uses with an emphasis upon facilities, goods and services to tourists and regional visitors traveling along the coast. High quality hotels, restaurants and retail shops will be emphasized," as shown on the attached replacement page number 3-22.

9. Page 3-23 is revised to delete the following paragraph from the section entitled Parking Requirements: "District is located within Zone 2 of the In-Lieu Fee Parking Program which means that properties within the District may be allowed to meet a portion of their on-site parking requirements by paying a fee". The deleted paragraph shall be replaced with the following paragraph: "Properties within this District will not be allowed to meet a portion of their on-site parking requirements by paying an in-lieu fee until the City/Redevelopment Agency can demonstrate to the satisfaction of the California Coastal Commission that 1) a bonafide fee has been established to implement such a program; 2) specific sites have been identified where parking facilities will be constructed; and 3) detailed criteria and procedures have been established for the annual assessment of parking utilization subject to the completion of a parking study or other technical information. A local coastal program amendment must be approved by the Coastal Commission before the Parking In-Lieu Fee Program may be implemented within this District," as shown on the attached replacement page number 3-23.

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- 3 11. Page 6-5 is revised to add implementing language for the  
4 Parking In-Lieu Fee Program. The following paragraph which  
5 serves as No. 3 under the Parking Options section is revised to  
6 read as follows: "In-Lieu Fee may be paid toward maintenance  
7 of existing or development of future, public parking facilities  
8 for properties in areas of the Village Redevelopment Area  
9 which are located east of the AT&SF railroad right-of-way. An  
10 in lieu fee parking program shall only be permitted in the  
11 remaining redevelopment area west of the railroad right-of-way  
12 when it can be demonstrated that 1) a bonafide fee has been  
13 established to implement such a program; 2) specific sites have  
14 been identified where parking facilities will be constructed;  
15 and, 3) detailed criteria and procedures have been established  
16 for the annual assessment of parking utilization subject to the  
17 completion of a parking study or other technical information.  
18 The broader program must be first reviewed and approved by  
19 the Coastal Commission as a separate LCP amendment for  
20 areas of the Village west of the AT&SF railroad right-of-way.  
21 (See Page 6-6 for full description of the Agency's proposed In-  
22 Lieu Fee Program for the Village Redevelopment Area)," as  
23 shown on the attached replacement page number 6-5.

24 **PASSED, APPROVED, AND ADOPTED** at a \_\_\_\_\_ meeting of the  
25 Housing and Redevelopment Commission of the City of Carlsbad, California, held on the  
26 \_\_\_\_\_ day of \_\_\_\_\_, 1996 by the following vote to wit:

27 **AYES:**

28 **NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
**CLAUDE A. LEWIS,**  
Chairman

**ATTEST:**

\_\_\_\_\_  
**RAYMOND R. PATCHETT**  
SECRETARY TO THE COMMISSION



ORDINANCE NO. NS-371

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACKNOWLEDGING RECEIPT OF COASTAL COMMISSION RESOLUTION OF CERTIFICATION, ACCEPTING THE COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LCPA 95-10 AND AMENDING SECTION 21.35.020 OF THE CARLSBAD MUNICIPAL CODE IN ORDER TO TAKE ALL ACTIONS REQUIRED TO COMPLETE LOCAL COASTAL PROGRAM AMENDMENT 95-10.

CASE NAME: VILLAGE MASTER PLAN AND DESIGN MANUAL  
CASE NO: LCPA 95-10/1-96B

WHEREAS, on January 23, 1996, the City Council took action to submit an application for an amendment to the Local Coastal Program (LCPA 95-10) for the Village Redevelopment Segment of the Carlsbad Local Coastal Zone, and for all properties located within the Village Redevelopment Project Area, to the California Coastal Commission, including review, approval and certification of the Village Redevelopment Master Plan and Design Manual approved by the Housing and Redevelopment Commission on December 12, 1995; and

WHEREAS, said verified application was reviewed by the California Coastal Commission and approved, with suggested modifications; and

WHEREAS, the California Coastal Commission has forwarded and the City of Carlsbad acknowledges receipt of the Commission's resolution of certification dated April 23, 1996, including suggested modifications; and

WHEREAS, the City Council, together with the Housing and Redevelopment Commission, held a public hearing to hear and consider all testimony and arguments, if any, of all persons desiring to be heard on said modifications and the City Council and Housing and Redevelopment Commission considered all factors relating to said modifications to the Village Master Plan and Design Manual.

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....

1 Ordinance No. \_\_\_\_\_

2 Page 2

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

5 Section I. The City Council does hereby **ACKNOWLEDGE** receipt of the  
6 California Coastal Commission's resolution of certification, dated April 23,  
7 1996, approving the City's Local Coastal Program Amendment 95-10 with  
8 suggested modifications.

9 Section II. The City Council **ACCEPTS** the suggested modifications proposed  
10 by the California Coastal Commission in its conditional approval of LCPA 95-  
11 10.

12 Section III. That Title 21, Chapter 21.35, Section 21.35.020 is amended to  
13 read as follows:

14 "The Carlsbad Village Area Redevelopment Plan as adopted by  
15 Carlsbad City Council Ordinance No. 9591 and the Village Master Plan and  
16 Design Manual as adopted by Carlsbad Housing and Redevelopment  
17 Commission Resolution No. 271, and modified by Carlsbad Housing and  
18 Redevelopment Commission Resolution No. \_\_\_\_\_, are hereby adopted by  
19 reference and incorporated into this chapter."

20 **EFFECTIVE DATE:** This ordinance shall be effective thirty days after its  
21 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it  
22 to be published at least once in a local newspaper of general circulation within fifteen  
23 days after its adoption.

24 **INTRODUCED AND FIRST READ** at a regular meeting of the Carlsbad City  
25 Council on the \_\_\_\_\_ day of \_\_\_\_\_, 1996, and thereafter

26 **PASSED AND ADOPTED** at a regular meeting of the City Council of the  
27 City of Carlsbad on the \_\_\_\_\_ day of \_\_\_\_\_, 1996 by the following vote to wit:

28 **AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

Approved as to form and legality

\_\_\_\_\_  
Ronald R. Ball, City Attorney

\_\_\_\_\_  
**CLAUDE A. LEWIS, Mayor**

**ATTEST:**

\_\_\_\_\_  
Aletha L. Rautenkranz, City Clerk