

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

619-521-8036

**Wed 17a**

September 23, 1999

**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR  
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO AREA OFFICE  
BILL PONDER, COASTAL PROGRAM ANALYST, SAN DIEGO AREA  
OFFICE****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD AGUA  
HEDIONDA AND MELLO II LCP SEGMENT MAJOR AMENDMENT NO.  
2-99D (For Public Hearing and Possible Commission Action at the Meeting of  
October 12-15, 1999)**

---

**SYNOPSIS****SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending denial of the proposed amendment as submitted and approval if modified as suggested in this report. The proposed changes to rescind the Kelly Ranch Master Plan could result in adverse impacts to coastal resources as submitted. The attached suggested modifications would bring the amendment into conformance with Coastal Act and LCP policies.

The LCP amendment as submitted by the City was driven, in part, by the City's effort in completing its Habitat Management Plan, and, in part, by the property owners desire to obtain a coastal development permit for residential build-out of the Mello II Core Area. However, the LCP submittal only recognizes the role of the HMP for those areas where a "hardline preserve" has been negotiated. Yet, the entire Kelly Ranch property is affected by the City's LCP amendment and the Master Plan is being replaced by standard land use designations and zoning which do not fully recognize the role of the HMP in future build-out of the Kelly Ranch. The City's LCP amendment fails to establish the appropriate policies within the LCP as the standard of review for entire Kelly Ranch property or recognize the role of the HMP in habitat protection for the area consistent with the Coastal Act.

Because the overriding goal of the HMP is habitat protection, the relationship between its requirements and those of the Coastal Act should be acknowledged and reconciled with this LCP amendment. This is especially true because the resource protection policies of the Coastal Act address not only protection of environmentally sensitive habitat areas, but also landform alteration, scenic preservation and public access, all issues raised by build-

out of the 433 acre Kelly Ranch. The Commission must approve the LCPA with suggested modifications designed to establish the appropriate standard of review for future buildout of the Kelly Ranch property, not simply accommodate the proposed Core Area development plan which the City approved as a companion permit and has been appealed by the Commission.

The treatment of Planning Area L remains an area of disagreement between the City and the Commission staff. Because the area has not yet been negotiated as "hardline preserve" and is designated a "standards area" in the HMP, the City believes it is premature to designate the entire planning area as Open Space (previous staff recommendation September 1999 staff report). However, Commission staff believes a residential designation over the entire planning area is not appropriate if a significant portion of the planning area is environmentally sensitive habitat area (ESHA) and should be part of the "hardline preserve". As a means to resolve this conflict, staff is suggesting that an updated biological survey and slope analysis be completed by the City as part of the revised land use plan mapping required to effectively certify this LCP amendment, and that any ESHA be designated as Open Space. A low density residential designation would apply to the remainder of the flat, disturbed portion of the planning area.

Another area of conflict relates to the suggested modifications including reference to the Habitat Management Plan (HMP). Because the document is still draft and has not been accepted by the Resource agencies or the City Council, the City staff has indicated they will not accept suggested modifications that include reference to the HMP. Due to the nature of this LCP amendment, which is being proposed in large part due to the HMP effort, Commission staff does not believe it is possible to review this LCP amendment and revise the standard of review in the LCP without acknowledging the present and future role of the HMP in protection of ESHA and future buildout of the Kelly Ranch.

The City's action approving the LCP amendment was done in connection with approval of CDP 97-43 for residential development within the Mello II segment. The City had hoped the residential project could proceed prior to the on-coming rainy season, so that Cannon Road could also be completed. The project proponent has indicated the grading for the Core Area and completion of Cannon Road are inextricably integrated and that a delay to the issuance of the Core Area permit means an unacceptable delay to completion of Cannon Road.

The appropriate resolutions and motions begin on page 8. The Suggested Modifications begin on page 11. The findings for denial of the Land Use Plan amendments begin on page 18. The findings for denial of the Implementation Plan amendment begin on page 42.

### **SUMMARY OF AMENDMENT REQUEST**

The City of Carlsbad proposes to amend its local coastal program for the Mello II segment of the City of Carlsbad Local Coastal Program (LCP) and the land use plan for the Agua Hedionda Lagoon segment of the LCP. The area of land affected by this LCP amendment is the 433 acre Kelly Ranch, the development of which is governed by the Kelly Ranch Master Plan (which is included with the Agua Hedionda LUP and the Mello

II LCP). The amendment proposes to rescind the Kelly Ranch Master Plan and replace it with standard land use designations and zoning. The certified Kelly Ranch Master Plan is attached as Exhibit 4 and the proposed LCP land use plan is attached as Exhibit 5.

The western portion of Kelly Ranch is addressed by the certified Agua Hedionda LUP which divides this portion of Kelly Ranch into three Planning Areas, A, B and C. This portion of Kelly Ranch is characterized by a large contiguous wetland area within the wetlands boundaries of eastern Agua Hedionda Lagoon as mapped by the State Department of Fish and Game. It includes the wetlands of Agua Hedionda Lagoon and the Wetland Preserve, which is 180+ acres to be dedicated to the Department of Fish and Game. The Wetland Preserve is Planning Area B in both the proposed LCP amendment and the Kelly Ranch Master Plan. The LCP amendment proposes to change the boundaries of Planning areas A, B and C to address the changes in the wetland boundaries that have occurred on the property. Also, the density on Planning Area C would be decreased from RMH (8-12 dua) to RLM (0-4 dua).

Regarding text changes, Land Use Policy 1.2 of the certified Agua Hedionda Land Use Plan is proposed to be deleted. The policy describes allowed uses in the lagoon wetlands and is proposed for deletion because the allowed uses are inconsistent with Policy 3.1 which is far more restrictive and will be retained.

Of the 433 total acres of the Kelly Ranch, approximately 216 acres lie within the Mello II LUP. The Mello II Kelly Ranch property is bounded by Cannon Road on the north and west and El Camino Real to the east. Agua Hedionda Lagoon is located to the west and Macario Canyon to the south. Cannon Road divides the two segments for most of the boundary (see Exhibit 1). The Mello II portion of the Kelly Ranch property contains low lying areas associated with the Wetland Preserve immediately adjacent to the eastern shore of Agua Hedionda Lagoon, and upland areas comprised of steep hillsides and canyons that give way to mesa tops where residential development is proposed. The area can be characterized as highly scenic based on its topography and the presence of several habitat types.

The existing LCP (i.e., Kelly Ranch Master Plan) divides the portion of Kelly Ranch within the Mello II segment into planning areas that are designated for open space, commercial, and residential development (these are Planning Areas E-R). The proposed LCPA modifies most of the planning area names, boundaries and designations from that identified in the Kelly Ranch Master Plan. Areas that were previously designated for residential development are proposed for residential development; however, proposed open space boundaries have changed as a result of implementation of the City of Carlsbad Habitat Management Plan (HMP). In addition, the commercial use designation would be eliminated. The letters assigned to planning areas have been changed in the amendment and the following discussion refers to planning areas as they are identified in the LCP amendment.

Regarding open space, the configuration of previously approved open space boundaries are proposed for modification to accommodate "hardline preserve" areas identified in the City of Carlsbad Draft Habitat Management Plan (HMP). The proposed upland open

space system contains steep and non-steep areas containing primarily coastal sage scrub and southern maritime chaparral that are contiguous and form two corridors on the Kelly Ranch property that provide enough area and habitat for wildlife movement. The proposed open space preserve configuration has been approved by the USF&WS and the CDF&G.

Planning Areas D, G, and H are shown for multi-family residential development. The amendment proposes a redefinition of the Planning Area boundaries and a change from 4-8 dua to 8-12 dua which would be an increase in the allowable residential units for the Planning Areas from that shown in the master plan. However, the LCP amendment proposes a change to the boundaries of Planning Areas I and J and a decrease in the allowable residential units for the Planning Areas from a density of 4-8 dua to 0-4 dua.

Planning Area F has an existing designation of Travel Recreation (T-R) which allows for visitor-serving uses. The developable portion of the site is proposed to be changed to Open Space which is a reduction in the intensity of use from Travel Related Commercial and will accommodate the future use of the site for the Agua Hedionda Lagoon Nature Visitor Center.

Planning Area K contains the Kelly Ranch homestead and is approximately 6.3 acres. The City's submittal indicates approximately 4.3 acres is designated Open Space as part of the "hardline preserve" identified in the HMP; however, the proposed LCP land use plan map and zoning map do not reflect these designations. The land use map indicates a portion of the area to be residential RM (4-8 dua). The zoning map shows the entire planning area (not yet created) to be zoned RD-M-Q.

Planning Area L is shown on the proposed LCP land use plan map and zoning with a residential designation RM (4-8 dua) and it is zoned RD-M-Q. This area is adjacent to the area which has been designated "hardline preserve" in the HMP and contains steep hillsides and coastal sage scrub vegetation.

No changes are proposed in Planning Area E. The land use designation is RM and the zoning R-1. This area is currently under construction with a 144 unit residential subdivision approved under a separate coastal development permit by the City.

The City is proposing text changes to the Policy 3-5 in the certified Mello II LUP applicable to the Kelly Ranch/Macario Canyon area which delete reference to the Kelly Ranch Master Plan and the permit approved by the Commission for the master plan CDP #6-84-617. Finally, the City is proposing to delete Section 21.38.160 from the certified Mello II LCP Implementation Plan. This section applies to the Kelly Ranch/Macario Canyon area. The entire policy is an attachment to this report.

It appears the proposed amendment results in an overall lower density than the existing approved Kelly Ranch Master Plan. The result of the change is a reduction in allowable residential units within the entire 433 acre Kelly Ranch from a maximum of 1400 to 909 dwelling units; however, the Master Plan also stipulates that the maximum density is not guaranteed by the plan, and that each planning area will be evaluated in relation to

topography and site sensitivity to justify the proposed density.

The LCP amendment is proposed to facilitate subdivision and buildout of a large residential development on the Kelly Ranch property, although the Commission is only reviewing the proposed land use and implementation changes at this time. However, the Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act.

### **KELLY RANCH MASTER PLAN/SITE HISTORY**

The proposed Local Coastal Program Amendment (LCPA) request involves the 433-acre Kelly Ranch property located in central Carlsbad, which is bisected approximately in half by the boundary between the Agua Hedionda LCP segment, and the Mello II LCP segment. The Mello II segment overlays the southeastern half, and in 1997 received effective certification, which transferred permit authority to the City of Carlsbad. The Agua Hedionda LCP segment overlaying the remainder of Kelly Ranch has not yet been certified, and permit authority over this segment has not yet been transferred. The boundary between the certified Mello II segment and the uncertified Agua Hedionda segment is largely the alignment of Cannon Road (Area F is within the Mello II segment).

On April 15, 1985 the Coastal Commission approved LCPAs for both Agua Hedionda and Mello II (Major Amendments 1-85), which stipulated that the Kelly Ranch property be governed by the Kelly Ranch Master Plan land use document. At the same hearing the Commission granted a coastal development permit (CDP #6-84-617) for Kelly Ranch.

The developer of CDP #6-84-617 began construction of the project in 1985, but ran into City delays and an economic recession, and eventually filed for bankruptcy and the project was never completed. Development activities conducted by the developer included the rough grading of Cannon Road and portions of the subdivision, and installation of sediment basins and drainage facilities. The property was sold in 1997 to Kelly Land Company, which began a new program of planning on the site.

Cannon Road was permitted for construction by the original CDP #6-84-617, and has recently received an updated (amended) permit (CDP No. 6-97-11). This major arterial roadway is currently under construction. In addition, Kelly Ranch Village "E" has recently received a coastal permit from the City of Carlsbad (CDP No. 96-13), on January 21, 1998 for 144 single-family homes. The Village E development is also presently under construction. In October, 1998, the City issued CDP No. 98-01 for Planning Area "F" to accommodate the Agua Hedionda Lagoon Information Center. This area was designated for visitor serving or neighborhood commercial uses in the original coastal development permit. The information center has been placed on the site and is awaiting completion.

Most recently, the City of Carlsbad approved the Kelly Ranch Core Area coastal permit (CDP 97-43). The Core Area is a 150 acre upland property within Kelly Ranch, situated entirely within the Mello II segment of the Carlsbad LCP. Although Carlsbad's coastal

permit was issued conditional upon Coastal Commission approval of an LCP Amendment, it was appealed by two Coastal Commissioners. The grounds for appeal are the approved development is inconsistent with the existing applicable LCP documents and Carlsbad did not follow proper procedures in conditionally approving the permit before Commission action approving the necessary LCP amendment.

CDP #6-84-617 approved the master subdivision of the 433-acre site to create 20 parcels, rough grading of 120 acres (1.2 million cubic yards), construction of access roads and implementation of wetland restoration programs. The site contains a wide variety of topography and habitat including wetlands, pastureland, field crops, farmland, and steep slopes. The parcels ranged in size from approximately 200 acres to 2 acres. In addition to the subdivision, a 5,400 foot-long portion of Cannon Road, a major arterial, was approved, and three access roads in the southeast portion of the site. The Commission acknowledged the wetlands of Agua Hedionda Lagoon by requiring the dedication of approximately 180 acres as a preserve. The master plan created Planning Areas to be developed under policies 1.2, 3.1 and 3.2 of the Agua Hedionda Land Use Plan and the resource protection policies of the Mello II LCP, including policies 3-5 and Section 21.203 of the Carlsbad LCP (Coastal Resource Protection Overlay Zone) as the standard of review for buildup of development (ref. Exhibits of policy language attached to the staff report). The master plan also provided approximately 77 acres of open space within naturally vegetated steep slope areas (i.e., "dual criteria" areas). While the master plan provided for buildout of a maximum of 1,400 residential units, this figure was an upper limit of permitted density subject to constraints analysis and the application of resource protection policies. In its approval, the Commission waived the agricultural preservation policies in the Mello II LCP due to significant wetland preservation.

Regarding residential densities, although the master plan permitted up to a maximum of 1,400 residential units and the proposed amendment only proposes 909 units based on net developable acres as defined by the City of Carlsbad Zoning Ordinance and the underlying General Plan Land Use designations, it must be noted that the larger number was based totally on gross acreage and not net developable acres, meaning that the number of units would significantly decrease after applying the resource protection provisions of the LUP to the individual planning areas. Previously, the policy identified that densities should be determined based on the Kelly Ranch Master Plan, which is the LCP standard of review approved by the Commission.

### **LCP BACKGROUND**

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties and East Batiquitos Lagoon/Hunt Properties and Village Redevelopment Area. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. The Commission certified the Agua Hedionda Land Use Plan in 1982. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was

certified in 1988. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all of its segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment remains as a deferred certification area until an implementation plan is certified. The subject amendment request affects both the Agua Hedionda and Mello II segments of the LCP.

**ADDITIONAL INFORMATION**

Further information on the submittal may be obtained from **Bill Ponder** 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. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

**Section 30512**

(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.

The standard of review for implementation plans, or their amendments, is found in Section 30513 of the Coastal Act. Pursuant to Section 30513, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

**B. PUBLIC PARTICIPATION**

The City has held both Planning Commission and City Council hearings with regard to the subject amendment request. Each of these local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to the resolution.

- A. RESOLUTION I (Resolution to approve certification of the City of Carlsbad Agua Hedionda Land Use Plan and Mello II LCP Land Use Plan Amendment #2-99D, as submitted)**

**MOTION I**

I move that the Commission certify the Agua Hedionda and Mello II Land Use Plan Amendment #2-99D, as submitted.



Staff Recommendation

Staff recommends a **No** vote and 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 denies the amendment request to the Agua Hedionda and Mello II Land Use Plans, as submitted, and adopts the findings stated below on the grounds that the amendment will not 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 be inconsistent 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 will not meet the requirements of Section 21080.5(d)(2)(i) of the California Environmental Quality Act; as there would be feasible measures or feasible alternatives which would substantially lessen significant adverse impacts on the environment.

- B. RESOLUTION II (Resolution to approve certification of the City of Carlsbad Agua Hedionda and MelloII Land Use Plan Amendment 2-99D, if Modified)**

MOTION II

I move that the Commission certify the Agua Hedionda and Mello II Land Use Plan Amendment #2-99D, if modified.

Staff Recommendation

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

Resolution II

The Commission hereby approves the amendment request to the Agua Hedionda and Mello II Land Use Plan, as modified, 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 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 will 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.

- C. **RESOLUTION III** (Resolution to reject certification of Mello II Implementation Plan Amendment #2-99D, as submitted)

**MOTION III**

I move that the Commission reject the City of Carlsbad Mello II Implementation Plan Amendment #2-99D 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 Commissioners present is needed to pass the motion.

**Resolution III**

The Commission hereby **denies certification** of the Mello II Implementation Plan Amendment, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does not conform with, and is inadequate to carry out, the provisions of the certified land use plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts, which the approval would have on the environment.

- D. **RESOLUTION IV.** (Resolution to approve certification of the City of Carlsbad Mello II Implementation Plan Amendment #2-99D, if modified)

**MOTION IV**

I move that the Commission approve the City of Carlsbad Mello II Implementation Plan Amendment 2-99D if it is modified in conformance with the suggestions set forth in this staff report.

**Staff Recommendation**

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

**Resolution IV**

The Commission hereby **approves certification** of the implementation amendment, as approved with suggested modifications, to the City of Carlsbad's Local Coastal Program on the grounds that the amendment does conform with, and is adequate to carry out, the provisions of the certified land use plan. There are no feasible alternatives or feasible

mitigation measures available which would substantially lessen any significant adverse impacts which the approval would have on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

#### **A. Aqua Hedionda Land Use Plan Revisions**

1. Revised Land Use Plan Map - The City shall prepare a revised LCP Land Use Plan map, to replace existing Exhibit C contained in the certified Aqua Hedionda LCP Land Use Plan, which shall incorporate the following changes:

a. Revisions to the boundaries of Planning Areas A, B, and C as proposed in LCPA #2-99D Kelly Ranch;

b. The land use designation on Planning Area A shall be revised from the proposed RMH (8-15 dua) to RM (4-8 dua);

c. The land use designation on Planning Area B shall be Open Space and the map shall delineate the boundary as that shown on attached Exhibit 11 corresponding to the area to be dedicated as Wetland Preserve to the Department of Fish and Game.

d. The land use designation on Planning Area C shall be revised from RMH to RLM as proposed by the City;

2. Revised Exhibit D – Wetlands – The City shall prepare a revised Exhibit D which shall indicate the boundary of the Wetland Preserve described in (c) above and any wetlands located on proposed Planning Areas A and C.

3. Permitted Uses in Wetlands/Buffers – Section 30233 shall be added to the text of the certified Aqua Hedionda Land Use Plan after Section 30240 on page 22. Additionally, Policy 3.1 shall be revised to read as follows:

3.1 Kelly Property. No uses development shall occur within the boundaries of the wWetland Preserve area, (see foldout exhibit at back of document)-except to the extent those activities necessary for resource maintenance and resource management, farming and grazing, or except as approved by the State Department of Fish and Game if also consistent with Section 30233 of the Coastal Act. No development shall occur within wetlands that are outside of the Wetlands Preserve except to the extent such development is consistent with Section 30233 of the Coastal Act.

a) A buffer strip of at least 100 feet in width shall be maintained in a natural condition around the perimeter of all wetlands or environmentally sensitive habitat areas to protect the functions and values of wetlands. The width of the buffer may be either increased or decreased as determined on a case by case basis, unless in consultation with the State Department of Fish and Game, taking into consideration the type and size of development, the sensitivity of the wetland resources to detrimental edge effects, natural features such as topography, and the functions and values of the wetland, including the

need for upland transitional habitat. determines that a lesser setback or physical barrier is adequate. In no case shall a buffer of less than 50 feet in width be permitted.

b) Fencing shall be required to prevent uncontrolled access of persons or domestic animals into the wetland or environmentally sensitive areas; and

c) No vehicle, pedestrian, or equestrian access shall be permitted within either the wetland, environmentally sensitive, or buffer areas, except for resource management and educational purposes. Access improvements shall be permitted only within the upper half of the required buffer.

4. Landform Alteration – Policy 4.4 shall be revised to read as follows:

4.4 Recognizing the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, development shall be regulated as follows:

a. Development on existing subdivided lots having all of their area in slopes of 25% or greater shall be permitted, but grading shall be limited to minimal site preparation for pole type footings. Driveway, parking areas shall be limited in size and shall be restricted to an area adjacent to the local streets. On site vegetation shall not be disturbed beyond the minimal area needed to be cleared for the construction process, which shall be clearly delineated on approved site plans.

b. Development, grading and landform alteration ~~in~~ of natural steep slope areas (25%) shall be ~~restricted~~ avoided, when feasible. Any unavoidable disturbance shall be minimized to the extent possible. Exceptions may include encroachments by roadway and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable city regulations.

c. Use of the Planned Development (PD) Ordinance and cluster development shall be required in areas containing environmentally sensitive resources, extensive steep slope areas and significant natural landform features.

5. Public Works/Gated Communities – Policy 5.9 (c) shall be revised to read as follows:

c) Dedication of easements and provisions for funding all public improvements required by this plan and other city plans and ordinances, shall be a requirement for new development. Improvements shall include utility extensions, roadways, bicycle and pedestrian access to designated viewpoints, and any other public improvements necessary to accommodate the proposed development. Public access trails to and along the lagoon shall be provided where feasible in consultation with the CDFG. Public access and parking on interior streets shall be required as a condition of subdivision approval either through a public street system or public access easements. No private gated communities shall be permitted between Park Drive or Cannon Road and Aqua Hedionda Lagoon.

6. Water Quality - Add Section 5.10 to read:

Water Quality/Best Management Practices (BMPs). Best Management Practices (BMPs) that are appropriate for residential development, including but not limited to the following shall be implemented:

- Silt traps, catch basins, oil degreasers, and grease traps shall be incorporated into the design of development that increases impermeable surfaces, including parking lots
- A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs
- A street sweeping and cleaning program
- A landscape management plan that includes herbicide/pesticide management
- Solid waste management (trash removal)

Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of development approval at the subdivision stage.

7. Public Views – Add the following to Policy 8.3 which addresses regulation of development located between the road and the shoreline:

e) Any residential subdivision on Planning Area A shall be designed to preserve any natural landform and shall provide a public view corridor at the western property line of sufficient width to preserve the existing view towards the lagoon in that location. At least one additional view corridor shall be provided across the central portion of the site, such that the total width of at least two view corridors is not less than 200 feet. The public view corridor(s) shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor shall be secured through deed restriction or easement as a condition of development approval.

**B. Mello II Land Use Plan Revisions**

8. Revised Land Use Plan Map - The City shall prepare a revised LCP Land Use Plan map, to replace the approved Kelly Ranch Master Plan for the Mello II LCP segment which shall incorporate the following changes:

a. The map shall include a revised Open Space boundary that shall include the cross-hatched area delineating “hardline preserve” on Figure 12 dated 8/24/99 in the draft Habitat Management Plan and attached to this report.

b. The map shall include a revised Open Space boundary for Planning Area L based on an updated biological survey and slope analysis prepared at the direction of the City and approved by the Executive Director. The survey and analysis shall identify and map all contiguous area on Planning Area L comprised of slopes 25% grade or greater or containing native vegetation, including, but not limited to, coastal sage scrub and

southern maritime chaparral habitat. All such mapped areas shall be designated Open Space. Any remaining flatter, disturbed portion of the planning area adjacent to the road shall be designated Residential RM (0-4 dua).

c. The Open Space area that forms the north/south open space corridor shall be revised to include the "breaks" in the corridor that correspond to access roads negotiated with the Resource agencies so there is one contiguous north/south open space corridor.

d. Planning Area F shall be shown as Open Space.

9. Revised Zoning Map – The City shall prepare a revised zoning map as a component of the LCP Implementation Plan which shall incorporate the following changes:

a. The map shall include Open Space zoning over the area designated as Open Space in the revised LCP Land Use Plan map required above.

b. The residential zoning of R-1-Q shall only apply to the area of proposed Planning Area L which is outside the Open Space areas described above.

c. The residential zoning of RD-M-Q shall only apply to the area of proposed Planning Area K that is outside the "hardline preserve" area shown on the Figure 12 dated 8/24/99 in the HMP and attached to this report.

d. Planning Area F shall be zoned Open Space.

10. City Revisions to Policy 3-5 Kelly Point/Macario Canyon Area – The following sections of Policy 3-5 (a) of the certified Mello II LUP shall be revised to read as follows (**bold** indicates Coastal Commission changes to City proposed changes):

(a)(6) ~~For the Kelly Ranch Master Plan area, Residential densities in the 433 acre Kelly Ranch and slope criteria shall be permitted and based on those contained in the City approved Master Plan and as approved by the Coastal Commission in Permit 6-84-617 the underlying General Plan LCP Land Use designation. The actual density permitted on the site will be determined through application of the resource protection provisions of the certified LCP and may be less than the density allowed by the land use plan.~~

(a)(7) Approximately ~~4~~ 2.8 acres located adjacent to the ~~extension of~~ and west of Cannon Road, ~~and as described in coastal development permit 6-84-617. CDP 98-47~~ are designated Open Space with for visitor serving or neighborhood commercial use an interpretive center for Aqua Hedionda designated as a allowable use.

11. Reference to Master Plan and CDP – The following additional changes shall be made to Policy 3-5 (b) to strike reference to the Kelly Ranch Master Plan and CDP 6-84-617 as an LCP standard:

(b) ~~Coastal Commission Permit 6-84-617 Agriculture~~

Due to overriding and extensive wetland preservation and protection provisions of the Kelly Ranch Master Plan as approved by the City and Coastal Commission in permit 6-84-617, agricultural preservation policies are waived.

Agricultural preservation policies for the 433-acre Kelly Ranch remaining areas covered by this policy have been deleted by LCP amendment of 2-85.

12. Environmentally Sensitive Habitat Areas – Rename Policy 3-5 (c) to Environmentally Sensitive Habitat Areas and add subsections (1) d, e and f, as follows:

d) The NCCP process is designed to sustain and enhance a viable upland habitat connection between sensitive lands within Carlsbad and to recognize habitat supporting the California gnatcatcher as environmentally sensitive habitat area (ESHA). In the Kelly Ranch/Macario Canyon area, such a connection is between the Macario Canyon watershed and Agua Hedionda Creek. Lands designated as “hardline preserve” in the Habitat Management Plan (HMP) within the coastal zone constitute ESHA and shall be designated and zoned as Open Space in the LCP.

e) Projects that are located in “standards areas” identified in the Habitat Management Plan (HMP) shall conform to both the certified LCP and those standards developed by the Resource agencies through the HMP process.

f) Access roads shall be a permitted use within designated and zoned Open Space subject to an approved coastal development permit, only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative.

13. Water Quality – Add the following as new subsection Policy 3-5 (c) (6):

Water Quality/Best Management Practices (BMPs). Best Management Practices (BMPs) that are appropriate for residential development, including but not limited to the following shall be implemented:

- Silt traps, catch basins, oil degreasers, and grease traps shall be incorporated into the design of development that increases impermeable surfaces, including parking lots
- A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs
- A street sweeping and cleaning program
- A landscape management plan that includes herbicide/pesticide management
- Solid waste management (trash removal)

Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of development approval at the subdivision stage.

14. Brush Management – Add the following as new subsection Policy 3-5 (e):

All development shall be setback a minimum of 30-feet from designated open space areas to accommodate Zone 1 brush management and landscaping, including trees for screening purposes. All development shall be designed to assure there will be no clearcut of environmentally sensitive habitat areas to establish brush management Zone 1.

15. Vista Points – Provide for the following as new subsection Policy 3-5 (g) and develop a Scenic Resource map indicating the designated vista points:

The City shall require public vista points on Planning Area L and at another location on the ridgeline within Planning Areas I or J and accessible from the community trails system. Support parking shall be provided. Dedication of easements shall be a condition of subdivision approval.

16. Public Trails – Provide for the following as part of the Mello II land use plan and develop a Public Trails map delineating the approved trail system:

The City shall require a public trails system that links a series of community trails between Aqua Hedionda Lagoon, the interpretive center, the street system, open space areas (as permitted by USFWS and DFG) and the approved public vista points. Trails easements shall be dedicated as a condition of subdivision approval. Trail improvements shall be installed concurrent with residential development.

17. Public Streets/Gated Communities - Add the following as new subsection Policy 3-5 (h):

A public street system shall provide access to residential development located in Planning Areas I, J, K and L of Kelly Ranch with on-street parking, as feasible, to support the public trail system and vista points. Private gated communities shall not be permitted within those planning areas.

### **C. Mello II Implementation Plan Revisions**

18. Coastal Resource Protection - Section 21.203 (Coastal Resource Protection Overlay Zone) shall apply to the Kelly Ranch property and shall be amended to provide the following as new provisions.

19. Preservation of Steep Slopes and Vegetation – Add the following as new subsections 21.203.040 A. 1.d-g:

d. Lands designated “hardline preserve” in the Habitat Management Plan (HMP) within the coastal zone shall be designated and zoned as Open Space. Projects that are located in the “standards areas” identified in the HMP shall conform to the certified LCP and the standards developed by the Resource agencies through the NCCP process.

e. Access roads shall be a permitted use within designated and zoned Open Space areas subject to an approved coastal development permit, only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative.



f. All development shall be setback a minimum of 30-feet from designated open space areas to accommodate Zone 1 brush management and landscaping, including trees for screening purposes. All development shall be designed to assure there will be no clearcut of environmentally sensitive habitat areas to establish brush management Zone 1.

g. Due to severe site constraints, innovative siting and design criteria (such as shared use of driveways, clustering, tandem parking) shall be incorporated into approved residential development to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site.

20. Grading Season – Revise Section 21.203.040 (B) 4) e) as follows:

All construction activities shall be planned so that grading will occur in units that can be easily completed with the summer construction season. All grading operations shall be limited from April 1 to October 1 of each year. All areas disturbed by grading shall be planted within 60 days of initial disturbance and prior to October 1 with temporary or permanent (in the case of finished slopes) erosion control methods. The October 1 grading season deadline may be extended to November 15<sup>th</sup> with the approval of the City Engineer subject to implementation by October 1<sup>st</sup> of erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation is completed. Extensions beyond November 15<sup>th</sup> may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as a formal amendment to an existing coastal development permit.

**Exception.** If any of the responsible Resource Agencies prohibit grading operations during the summer grading period in order to protect sensitive environmental resources, then grading activities may be allowed during a portion of the winter grading by a coastal development permit or permit amendment.

21. Water Quality – Add the following as new Sections 21.203.040 (B) 4) j):

Water Quality/Best Management Practices (BMPs). Best Management Practices (BMPs) that are appropriate for residential development, including but not limited to the following shall be implemented:

- Silt traps, catch basins, oil degreasers, and grease traps shall be incorporated into the design of development that increases impermeable surfaces, including parking lots
- A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs
- A street sweeping and cleaning program
- A landscape management plan that includes herbicide/pesticide management
- Solid waste management (trash removal)

Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of development approval at the subdivision stage.

22. Park Purposes – Add the following as new Section 21.203.040 (F):

Park purposes shall be a permitted use compatible with within Macario Canyon provided that any park construction is subject to the erosion and urban runoff control provisions of Section 21.203.

23. Scenic Preservation – Remove Section 21.40.135 Coastal Zone Restrictions from the Scenic Preservation Overlay Zone and move to new Section 21.203.040 (F) (Scenic Preservation) and 21.205.080 (Scenic Preservation) to the municipal code to read as follows:

Within the coastal zone, existing public views and panorama shall be maintained. Through the individualized review process, sites considered for development shall be conditioned so as to not obstruct or otherwise damage the visual beauty of the coastal zone. In addition to the above, height limitations and see-through construction techniques should be employed. Shoreline development shall be built in clusters to leave open areas around them to permit more frequent views of the shoreline. Vista points shall be incorporated as a part of larger projects. The unique characteristics of older communities such as the Carlsbad Village Drive corridor shall be preserved through design requirements which are in accordance with the flavor of the existing neighborhood. Development along ridgelines and/or visible from major coastal access routes and/or designated Scenic Highways or public recreational or resource areas shall be screened from public views through the use of trees as a landscape screen and/or setbacks from the ridgeline and open space areas.

**PART IV. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD  
AGUA HEDIONDA AND MELLO II LAND USE PLAN AMENDMENT 2-99D,  
AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

**1. Aqua Hedionda Land Use Plan**

The City of Carlsbad proposes to amend its local coastal program for the Mello II segment of the City of Carlsbad Local Coastal Program (LCP) and the land use plan for the Agua Hedionda Lagoon segment of the LCP. The area of land affected by this LCP amendment is the 433 acre Kelly Ranch, the development of which is governed by the Kelly Ranch Master Plan (which is included with the Agua Hedionda LUP and the Mello II LCP). The amendment proposes to rescind the Kelly Ranch Master Plan and replace it with standard land use designations and zoning. The western portion of Kelly Ranch is within the Agua Hedionda plan area. The LUP divides the portion of Kelly Ranch in the plan area into three Planning Areas, A, B and C. This portion of Kelly Ranch is

characterized by a large contiguous wetland area within the wetlands boundaries of eastern Agua Hedionda Lagoon as mapped by the State Department of Fish and Game. It includes the wetlands of Agua Hedionda Lagoon and the Wetland Preserve, which is 180+ acres to be dedicated to the Department of Fish and Game and shown as Planning Area B in the proposed local coastal program amendment and the Kelly Ranch Master Plan. Existing Park Drive runs generally east to west adjacent to upland and marsh areas of the lagoon just north of the three planning areas of the master plan (Planning Areas A, B and C) within the Agua Hedionda Lagoon segment. Along the western boundary of the site, in Planning Area A is several previously filled wetland areas. These areas, known as the "fingers" extend outward from Planning Area A. The LCP amendment proposes to change planning area boundaries and include its land area within Planning Area B, and revise density on Planning Area C as follows:

#### Planning Area A & B

The existing designation for Planning Area A is RMH and Planning Area B is Open Space. Both will remain the same. The amendment proposes a boundary adjustment between development Planning Area A and the Agua Hedionda Lagoon ( Planning Area B), which separates the developable portion of the Planning Area A from the lagoon and ultimately reduces the size of Planning Area A. The net effect is a reduction in the allowable residential units.

#### Planning Area C

The existing designation for Planning Area C is RMH and will be changed to RLM. In addition, the amendment proposes an adjustment between Planning Area C and Planning Area B which will reduce the size of Planning Area C. The adjustment is intended to include constrained lands into Planning Area B which is Open Space. The City indicates an RLM designation on this property is appropriate since it is surrounded by single family residential development and there is only one point of access. Residential Medium High has a density range of 8-15 dwelling units per acre (du/ac) and Residential Low-Medium has a density range of 0-4 du/ac. The net effect is a reduction in the allowable residential units which is compatible with the neighborhood and also equates to less Average Daily Traffic (ADT) to the street which accesses the site.

Land Use Policy 1.2 of the certified Agua Hedionda Land Use Plan is proposed to be deleted. The policy describes allowed uses in the lagoon wetlands and is proposed for deletion because the allowed uses are inconsistent with Policy 3.1 which is far more restrictive. The policies are as follows:

#### Policy 1.2

That portion of the "Kelly Property" containing wetland areas shall be designated as open space consistent with the maintenance of the natural resources of the wetlands and floodplain area. Permitted uses shall include maintenance and extension of utility transmission and distribution systems, agriculture, outdoor plant nurseries, fish hatcheries, driving ranges, archery ranges, hiking and

equestrian trails, apiaries, or other non-intensive recreational, scientific or educational uses compatible with resource values. No permanent structures or impermeable surfacing or filling shall be permitted within the 100-year floodplain. Any development of the property shall be subject to regulation by conditional use permit and shall be subject to the approval of the State Department of Fish and Game.

Policy 3.1—Kelly Property

No uses shall occur within the boundaries of the wetland area except those activities necessary for maintenance, resource management, farming and grazing, or as approved by the State Department of Fish and Game

- a) A buffer zone of at least 100-feet in width shall be maintained in a natural condition around the perimeter of all wetlands or environmentally sensitive habitat areas, unless the State Department of Fish and Game determines that a lesser setback or physical barrier is adequate.
- b) Fencing shall be required to prevent uncontrolled access of persons or domestic animals into the wetland or environmentally sensitive areas; and
- c) No vehicle, pedestrian, or equestrian access shall be permitted within either the wetland, environmentally sensitive, or buffer areas, except for resource management and educational purposes.

Policy 3.1 states that no uses shall occur within the boundaries of the wetland area except those activities necessary for maintenance, resource management, farming and grazing, or as approved by the State Department of Fish and Game. By comparison, Land Use Policy 1.2 allows for outdoor plant nurseries, fish hatcheries, driving ranges, archery ranges, and agricultural production. The City found the proposed permitted uses within wetlands are more in line with those accepted in the Mello II LCP and Chapter 3 policies of the Coastal Act.

**2. Mello II Land Use Plan**

Although the Kelly Ranch Master Plan serves as both the Land Use Plan and Implementation Plan, it is part of the certified Land Use Plan of the Mello II LCP. Thus, amendments to the Master Plan are amendments to the LUP and are reviewed for consistency with Chapter 3 policies of the Coastal Act.

The Mello II LCP land use map is proposed for modification to eliminate the existing Kelly Ranch Master Plan land use regulatory document, and replace it with the General Plan Map and zoning standards applicable to a new land use scheme (see exhibits 4 and 5). In addition, LCP text changes are proposed to eliminate references to the Kelly Ranch Master Plan, and to instead refer to the new proposed zoning requirements, as follows:

Existing Land Uses - Kelly Ranch Master Plan	Proposed Land Uses -	Proposed Zoning - Coastal Zoning Map
	Residential Low-Medium (RLM)	R-1-Q
Residential Medium (RM)	Residential Medium (RM)	R-1-Q and R-3-Q
Travel-Recreation Commercial (T-R)		
Open Space (OS)	Open Space (OS)	OS

Of the 433 total acres of the Kelly Ranch, approximately 216 acres lie within the Mello II LUP area with the remaining in the Agua Hedionda Lagoon segment. The Mello II property is bounded by Cannon Road and El Camino Real to the north and east, Agua Hedionda Lagoon to the west and Macario Canyon to the south. Cannon Road divides the two segments for most of the boundary (see exhibit 1). The road joins El Camino Real south of the Agua Hedionda Creek bridge. Portions of the roadway lie within the 100-year floodplain of Agua Hedionda Creek.

The existing LCP (i.e., Kelly Ranch Master Plan) divides the portion of Kelly Ranch within the Mello II segment into planning areas that are designated for open space, commercial, and residential development (these are Planning Areas E-R). The proposed LCPA modifies most of the planning area names, boundaries and designations from that identified in the Kelly Ranch Master Plan. Areas that were previously designated for residential development are proposed for residential development; however, proposed open space boundaries have changed as a result of implementation of the Habitat Management Plan (HMP). In addition, the commercial use designation would be eliminated. The letters assigned to planning areas have been changed in the amendment and the following discussion refers to planning areas as they are identified in the LCP amendment.

#### Planning Areas D, G, and H

The existing designation for these Planning Areas is RM. The amendment proposes a re-definition of the Planning Area boundaries and a change to RMH. The net effect of the change would be an increase in the allowable residential units for the Planning Areas. Residential Medium High has a density range of 8-15 du/ac as compared to a density range of 4-8 du/ac for Residential Medium.

The City indicates the increase in density is appropriate in that, the site is near major sources of employment at the Carlsbad Research Center, Carlsbad Airport Center, Carlsbad Ranch and Legoland California. The site is situated on a Circulation Element Roadway with direct access to Interstate 5. The site has hillside conditions with a great difference in site elevations. The Planning Areas are located at the base of the hillside adjacent to the major roadways which accommodates access and reduces grading requirements. The lagoon and hillsides also geographically separate the site from established residential neighborhoods. The increase in density for these Planning Areas

is also balanced against the reduction in densities of Planning Areas I and J located at the upper reaches of the site.

#### Planning Areas I and J

The existing designation for these Planning Areas is RM. The amendment proposes a re- definition of the Planning Area boundaries and a change to RLM. The net effect of the, change would be a decrease in the allowable residential units for the Planning Areas. Residential Low Medium has a density range of 0-4 du/ac as compared to a density range of 4-8 du/ac for Residential Medium. The City concluded that the reduction in density is appropriate in that these Planning Areas are more difficult to access because of the hillside conditions.

#### Planning Area F

The existing designation for this Planning Area is Travel Recreation (T-R) which allows for visitor-serving uses. The developable portion of the site is proposed to be changed to Open Space which is a reduction in the intensity of use from Travel Related Commercial and will accommodate the future use of the site for the Agua Hedionda Lagoon Nature Visitor Center. The City found this proposed change to be appropriate in that the reduced use intensity will reduce ADT, the potential future use will provide community facilities which will benefit the new residential development and the community at large, and will potentially have lesser offsite impacts to the adjacent Agua Hedionda Lagoon wetlands in the form of less night lighting and less potential of unsupervised entrance and disturbance to the wetlands.

#### Planning Area K

This planning area contains the Kelly Ranch homestead and is approximately 6.3 acres. The City's submittal indicates approximately 4.3 acres is designated Open Space as part of the "hardline preserve"; however, the proposed LCP land use plan map and zoning map do not reflect these designations. The land use map indicates a portion of the area to be residential RM (4-8 du/a). The zoning map shows the entire Planning Area to be zoned RD-M-Q.

#### Planning Area L

The proposed LCP land use plan map and zoning show the entire Planning Area L designated RM (4-8 du/a) and zoned RD-M-Q. It is approximately 5.5 acres and adjacent to "hardline preserve" open space.

#### Planning Area E

No changes are proposed in Planning Area E. The land use designation is RM and the zoning R-1. This area is currently under construction with a 144 unit residential subdivision approved under a separate coastal development permit by the City.

### Open Space

The configuration of previously approved open space boundaries are proposed for modification to accommodate "hardline preserve" areas identified in the City of Carlsbad Draft Habitat Management Plan (HMP). Briefly, the upland open space system that was approved in the Kelly Ranch Master Plan conformed to the "dual criteria" slopes that exist on the site. These dual criteria areas are naturally vegetated slopes (i.e., containing coastal sage scrub or chaparral) that are at least 25% grade. The Carlsbad LCP protects such slopes from development encroachment as dual criteria slopes provide habitat value, stabilize the soils, and have value as a scenic resource.

Since the certification of the Master Plan, the federal government has listed the gnatcatcher as a "threatened" species under the federal Endangered Species Act and the gnatcatcher's habitat, coastal sage scrub, has in many instances been designated by the Commission as environmentally sensitive habitat area subject to Section 30240 of the Coastal Act. In addition, the State has enacted the Natural Community Conservation Planning Act. The City of Carlsbad, the CDF&G and the USF&WS have worked together to implement the NCCP planning process by establishing habitat corridors used by multiple species including the gnatcatcher that will be preserved. The process has resulted in a draft Habitat Management Plan (HMP) that identifies habitat corridors in the Kelly Ranch area. These corridors are identified in the HMP as "hardline preserve" areas and, under the HMP, these areas cannot be developed.

The LCP amendment revises the plans for development of Kelly Ranch to reflect the results of the HMP process. This includes revising the boundaries of the designated open space to include all areas identified as "hardline preserve" in the HMP. The proposed upland open space system contains steep and non-steep areas containing primarily coastal sage scrub and southern maritime chaparral that are more contiguous than the dual criteria areas and which form two corridors on the Kelly Ranch property that provide enough area and habitat for wildlife movement. The proposed open space preserve configuration has been approved by the USF&WS and the CDF&G.

### Text Changes

The City is proposing text changes to the policy in the certified Mello II LUP applicable to the Kelly Ranch/Macario Canyon area as follows. The entirety of Policy 3-5 is an attachment to this report. Policy 3-5(a)(6) is proposed to be revised as follows:

~~For the Kelly Ranch Master Plan area, Residential densities in the 433-acre Kelly Ranch and slope criteria shall be permitted based on those contained in the City approved Master Plan and as approved by the Coastal Commission in Permit 6-84- the underlying General Plan Land Use designation.~~

Policy 3-5(a)(7) is proposed to be revised as follows:

~~Approximately four 2.8 acres located adjacent to the extension of Cannon Road, and as described in coastal development permit 6-84-617 CDP 98-47 are designated for visitor serving or neighborhood commercial use an interpretive center for Agua Hedionda.~~

Finally, the City is proposing to delete Section 21.38.160 from the certified Mello II LCP Implementation Plan. This section applies to the Kelly Ranch/Macario Canyon area. The entire policy is an attachment to this report.

The LCP amendment is proposed to facilitate subdivision and buildout of a large residential development on the Kelly Ranch property, although the Commission is only reviewing the proposed land use and implementation changes at this time. The Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act.

## **B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, is in conformance 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.
- d) 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
- e) private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development 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.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform to Chapter 3 of the Coastal Act or the goals of the state for the coastal zone.

## **C. CHAPTER 3 CONSISTENCY**

### **1. Environmentally Sensitive Habitat Areas**



**a. Agua Hedionda Land Use Plan.**

Section 30233 states in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects ...

Section 30240 states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.

Agua Hedionda Lagoon LUP\_Policy 1.2 is proposed to be deleted and be replaced by existing Policy 3.1.

Planning Area B contains 180+ acres of open space and is known as the Agua Hedionda Lagoon wetlands preserve system. In CDP #6-84-617 the Commission required an irrevocable offer to dedicate in fee title these low lying wetland areas which was recorded in 1985. However, the offer has not yet been accepted. It is expected that the preserve system will be dedicated to the Wildlife Conservation Board as a Wetland Preserve sometime this year. A copy of the draft offer has been given to Commission staff. The Wetland Preserve is also part of the City's Habitat Management Plan (HMP). The HMP is a segment of the state's larger NCCP program that is being developed in response to the listing of the California Gnatcatcher as an endangered species. The focus of the NCCP and HMP is to preserve coastal sage scrub and related upland habitats. The draft HMP identifies the wetland preserve as a "hardline preserve" area that cannot be developed.

While it appears that policy 3.1 is the environmentally preferred policy, when compared to Policy 1.2, with respect to wetlands protection, it still would allow farming and grazing as permitted uses within wetlands. These are not identified as permitted uses within Section 30233 of the Coastal Act. To be consistent with Section 30233, these uses must be deleted from the LUP policy. Regarding permitted uses within the Wetland Preserve, Policy 3.1 must be revised to indicate no uses shall occur within the boundaries of the wetland preserve, Planning Area B, except those activities necessary for maintenance and resource management. Additionally, the certified LUP lacks specific policy language addressing wetland areas outside the Wetland Preserve. Thus, Section 30233 must be added to the text of the certified Aqua Hedionda Land Use Plan to make

clear that uses permitted in all remaining wetlands shall be limited to those identified in Section 30233 of the Coastal Act.

Additionally, with regards to water quality, the LUP contains no provisions that require new development to use Best Management Practices (BMPs) during construction and operation of residential projects to ensure water quality will be preserved through a water quality/urban runoff control plan. Section 30231 of the Coastal Act requires that the biological productivity and quality of coastal waters, wetlands, and estuaries be maintained and restored through, among other means, controlling run-off. Because Kelly Ranch is adjacent to Agua Hedionda Lagoon and its surrounding wetlands, residential development in Kelly Ranch has the potential to adversely affect the water quality of the lagoon and surrounding wetlands. Since the certification of the Kelly Ranch Master Plan, additional BMPs that are helpful in reducing the amount of pollutants in run-off have been identified. Implementation of such BMPs in residential development in Kelly Ranch would reduce the adverse impacts of such development on the lagoon and surrounding wetlands. Since the LCP amendment fails to incorporate certain BMPs, it is inconsistent with Section 30231 and must be denied.

Agua Hedionda Lagoon LUP policy 3.1 also provides for a 100-foot buffer between wetland resources and new development unless reduced by the Department of Fish and Game. A 50-foot buffer zone was approved by the Commission in CDP #6-84-617 in Planning Area A based on a large topographical difference in elevation between the developable portion of the planning area and wetland resources. Since that time the wetlands have expanded and the Commission must consider whether the proposed density is appropriate based on the environmental resources present on the site at this time. The Commission finds that the proposed LUP amendment is inconsistent with Chapter 3 policies because it fails to update the policies relating to the wetland resources and permitted density on Planning Area A to reflect current wetland and ESHA conditions. The previous wetland delineation for Planning Area A was done many years ago and the wetlands in this area have expanded. It may no longer be appropriate to accept a reduced 50-foot buffer within this planning area as Policy 3.1 calls for a 100-foot buffer unless reduced by CDFG.

To be found consistent with Chapter 3 policies, the Commission finds a buffer strip of at least 100 feet in width shall be maintained in a natural condition around the perimeter of all wetlands or environmentally sensitive habitat areas, unless the State Department of Fish and Game determines that a lesser setback or physical barrier is adequate. However, in no case shall a buffer of less than 50 feet in width be permitted. Fencing shall be required to prevent uncontrolled access of persons or domestic animals into the wetland or environmentally sensitive areas. In addition, in order to protect ESHA and wetlands, the LUP should prohibit vehicles, pedestrians, and horses from entering the wetlands, environmentally sensitive, and buffer areas, except for resource management and educational purposes. Further, to the extent access improvements are needed to facilitate access for resource management and education purposes, such improvements should be permitted only within the upper half of the required buffer. No development shall occur within the boundaries of the Wetland Preserve except to the extent necessary for resource maintenance and resource management or as approved by the State Department of Fish and Game if also consistent with Section 30233 of the Coastal Act. No development

shall occur within wetlands that are outside of the Wetlands Preserve except to the extent such development is consistent with Section 30233 of the Coastal Act.

Further, the Commission has found on many occasions that high densities associated with residential development proposals near wetland areas has resulted in adverse impacts to such resources. These resources are directly adversely impacted by intrusion from humans and pets and indirectly adversely impacted by the introduction of erosion and pollution (sedimentation, insecticides, pesticides etc.) into wetlands.

The wetlands surrounding Agua Hedionda Lagoon are an environmentally sensitive habitat area under Section 30240 of the Coastal Act. Therefore, residential development on Planning Area A, which is immediately adjacent to these wetlands must be consistent with both Section 30231 of the Coastal Act, and Section 30240(b), which requires that development in areas adjacent to ESHA must be sited and designed to prevent impacts which would significantly degrade the ESHA. For the above reasons, the Commission finds the land use designation of RMH (8-15 dua) is too high a density for this area. Residential development at this density could result in adverse impacts to the nearby wetlands and lagoon through human and pet intrusion, erosion, and polluted run-off. Because the Land Use Plan amendment fails to reduce the density of Planning Area A to reflect the need to protect the expanded ESHA wetlands, the LUP amendment is inconsistent with Chapter 3 policies of the Coastal Act. The density on proposed Planning Area A should be revised from the proposed RMH (8-15 dua) to RM (4-8 dua).. Additionally, the City shall prepare a revised Exhibit D as part of the certified LUP, which shall indicate the boundary of the Wetland Preserve as shown in the documents prepared for dedication purposes (ref. Ex. 11). Also, the revised wetlands map should include any wetlands located on proposed Planning Areas A and C.

Additionally, the Commission is concerned about the protection of upland resources (i.e., naturally vegetated steep slopes). Existing LUP policy 4.4 restricts development, grading and landform alteration on steep slope areas (25% grade and greater). However, the policy does not state that development of steep hillsides should be avoided, if feasible. Any unavoidable disturbance shall be minimized to the extent possible. Since the LUP amendment fails to reflect this need, it is inconsistent with Chapter 3 policies of the Coastal Act. Thus, for all of the above reasons, the Commission finds the proposed LUP amendment inconsistent with Chapter 3 policies of the Coastal Act.

#### **b. Mello II Land Use Plan**

Section 30240 of the Coastal Act requires that new development be sited and designed to not have an adverse impact on coastal resources. The Commission finds that the proposed amendment is inconsistent with Chapter 3 policies regarding preservation of environmentally sensitive habitat areas for the following reasons.

The Kelly Ranch Master Plan was approved with an extensive upland open space system, which contains two environmentally sensitive habitats--coastal sage scrub (CSS) and southern maritime chaparral (SMC) on most of the steeply sloping hillsides. The proposed LCP amendment would accommodate a pattern and density of residential development on the Kelly Ranch with a revised open space system from that approved in

the Kelly Ranch Master Plan. The revised open space plan would permit 13.7 acres of "dual criteria" slopes to be impacted by grading. "Dual criteria" slopes are designated in the certified Mello II LCP as naturally-vegetated steep slopes at least 25% grade. There is a total 61.6 acres of dual criteria slopes onsite within the 150 acres encompassing the Core Area where the majority of residential development is proposed. While much of the proposed impact is limited to slopes isolated from the main landforms of the site or slopes which have been disturbed by previous grading or agricultural activities, several canyons are proposed to be filled which were found worthy of preservation in the Commission's previous approval of the Kelly Ranch Master Plan.

Although the previously approved Kelly Ranch Master Plan was approved with an extensive open space system, it is not in conformance with the NCCP requirements which have been developed since certification of the master plan. The proposed amendment will allow development in conformance with the City's Habitat Management Plan (HMP), and has been approved by the USF&WS and CDF&G. However, while the City approved the open space system based on its consistency with the HMP, as noted above, it is not consistent with all the resource protection provisions of the certified LCP. Policy 3-5 requires that for those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. Uses of slopes over 25% may be made to provide access to flatter areas if there is no less environmentally damaging alternative available. The Commission notes that the City only protected the environmentally sensitive habitat areas that were negotiated with the resource agencies to find consistency with the HMP. The City's approval did not address protection of dual criteria slopes, notably a number of small canyons on the hillside areas that are proposed to be filled. The existing master plan recognizes the habitat value of these areas and calls for their protection. Additionally, the City's approval fails to address landform alteration or visual impact associated with grading of steep hillsides.

As noted, Policy 3-5 allows use of slopes over 25% grade to provide access to flatter areas if there is no less environmentally damaging alternative available. The existing master plan allows approximately 4 acres of impact to dual criteria slopes for the road system. The proposed amendment proposes approximately 6 acres of impact for the road system as engineered. The road, known as HH, in the southeast corner of the core area is of special concern as it proposes significantly more impact into dual criteria areas than the previous design approved in the master plan. The City states it is the least environmentally damaging alignment based on the fact that it provides the sole access to the Kirgis parcel to the south which is also part of the HMP as a "Standards" area. (A Standards area is an area that is proposed for inclusion into the open space preserve of the HMP but it still being negotiated). Presently road HH stubs out beyond the southern property line of the core area onto the Kirgis parcel. The alignment has been accepted by the resource agencies as consistent with the HMP. They found that although it bisects the large open space area that runs north/south on the property, each portion of open space is capable of sustaining a viable wildlife corridor for plants and animals. The sponsor of the LCP amendment also provides the following:

Considering that Village I and more directly Village "J" constitute islands of developable lands surrounded largely by dual criteria lands, and City of Carlsbad safety policies require two separate accesses for each, the locations chosen were picked specifically for their low level of environmental impact.

The Village I accesses are located in virtually the same location as in CDP 6-84-617, within areas only marginally considered dual criteria. Note that the Village "J" access however has been removed from its previous location within a valley of mature SMC vegetation (including Del Mar manzinita), to its proposed location up a more gradual slope, characterized by disturbed CSS and CSS. Further, its fill slopes are proposed for CSS revegetation, minimizing its impact. The northern Village "J" crossing is situated at the same location in the master plan project, and this location avoids dual criteria lands almost entirely. In addition, the USF&WS, CDF&G and the City of Carlsbad have all approved these crossings specifically because they are located within the environmentally preferred location for such accesses.

However, while recognizing the approval of the above agencies, the Commission finds that their main charge is habitat protection, a value which can apply to hillside areas regardless of slope. The Commission, however, has considered steep, naturally vegetated hillsides worth of protection for their scenic value and to protect natural landforms and thereby minimize erosion and downstream sedimentation, in addition to habitat value.

Regarding open space preservation, the existing Kelly Ranch Master Plan designates approximately 53.8 acres of dual criteria slopes out of a total 71 acres in open space. The proposed amendment designates approximately 72 acres, including steep and non-steep area and vegetated and unvegetated areas in open space as part of the HMP preserve, with 47.9 acres of that being dual criteria slopes. Two areas of previously approved open space are proposed for development. One is a long, narrow canyon area in Planning Areas J and O of the Kelly Ranch Master Plan. Although it is separated from the main north/south trending open space corridor that occurs to the east, it remains a significant open space corridor. The other area is a large amount of open space in Planning Areas H and K of the master plan which again is isolated from the open space system running north/south and east/west on the subject site. However, this area also has habitat value and would be protected under the dual criteria habitat provisions of Policy 3-5 and the Coastal Resource Protection Overlay zone.

It is difficult to determine what density would be permitted within each individual planning area of the master plan if all dual criteria areas were not developed. Section 21.53.230 of the municipal code requires that area comprising "undevelopable lands (i.e., beaches, wetlands, slopes over 40% grade, etc.)" not be used when calculating allowable density on property proposed for development; however, 50% of dual criteria areas can be used when calculating density. Section 21.53.120(e) provides that no more than 50% of the portion of a site containing 25% to 40% slopes may be used for calculating allowable residential density. The LUP policies also require that any permitted density

should be clustered on the non-sensitive, flatter, portions of the site and natural landforms should not be significantly altered. Therefore, if the maximum permitted density cannot be accommodated on a parcel consistent with the resource protection policies of the LUP, the resource protection policies shall prevail.

Regarding one of the individual planning areas that make up the Core Area (all the planning areas east of Cannon Road), Planning Area "L" is designated Residential Medium on the proposed LUP map and is designated R-1 on the proposed zoning map. This planning area is shown as a "standards area" in the City's draft Habitat Management Plan which means that the Resource agencies have indicated that a portion of the area should be considered for incorporation into the "hardline preserve". The Commission finds that this area contains a significant amount of naturally-vegetated steep slopes or coastal sage scrub or southern maritime chaparral vegetation. These slopes and vegetation provide valuable habitat for the gnatcatcher as well as other sensitive species. In addition, these slopes are contiguous with the already existing "hardline preserve" area. Therefore, the Commission finds that the naturally-vegetated steep slopes in this area are environmentally sensitive habitat area (ESHA) as is any coastal sage scrub or southern maritime chaparral vegetation.

It appears there is a portion of this planning area that is flat and disturbed and includes an existing unimproved road. It is not possible to determine at this time the exact acreage of environmentally sensitive habitat area (ESHA) located within the proposed planning area limits without an updated biological survey and slope analysis of current conditions. The City indicates that because the planning area has not yet been designated "hardline preserve", it is premature to designate the entire planning area as Open Space. The planning area will be designated a "standards area" in the HMP and draft "standards" read as follows:

There are two properties within this zone that are designated as standards areas: the Kirgis property and the Callahan property. Both properties are required to avoid impacts to any identified Narrow Endemic plant populations. Impacts to coastal sage scrub and southern maritime chaparral habitats shall also be avoided, with impacts limited to smaller fragments, edges, lower quality areas, and areas devoid of sensitive species. The Kirgis property shall be allowed a maximum of 25% of the parcel for development purposes. The Callaghan property shall be allowed a maximum of 50% of the parcel for development purposes. Both properties shall place their development on the least environmentally sensitive portion of the property.

The Commission finds, as proposed in the LCPA, a residential land use designation and zoning for this entire planning area is inconsistent with Section 30240 of the Coastal Act and the certified LCP policies addressing encroachment on steep slopes with native vegetation. If the site were a legal parcel, the current LCP provisions would prohibit development of slopes 25% grade and over which contain coastal sage scrub or southern maritime chaparral. If all or nearly all of the parcel is such slopes, a maximum 20% of the site could be graded. Therefore, it appears the draft "standards" may permit a development footprint that would exceed that permitted by the current LCP policies.

Additionally, the Mello II land use plan, as proposed by the City, would allow from 4-8 duos on approximately 3.8 net acres where a parcel has not yet been created. This would allow potentially 22 to 30 residential units on that residentially designated site. Therefore, as submitted, the proposed Mello II land use plan is inconsistent with Chapter 3 policies of the Coastal Act. The Commission finds this is the appropriate time to determine the resource constraints in the planning area, designate existing ESHA as Open Space, and apply the residential land use designation and zoning only to that portion of the planning area able to accommodate development consistent with the Coastal Act and current LCP policies.

Regarding brush management, the existing master plan text contains fire suppression guidelines that require a fuel modification zone be established around new development so that vegetation clearance will be kept to the minimum necessary for fire safety. Aside from the Master Plan, the Mello II LUP does not contain brush management provisions. Thus, the proposed amendment would eliminate the only brush management policies applicable to Kelly Ranch. Furthermore, since the certification of the Master Plan, the Commission has updated the fire suppression provisions within the City of Carlsbad LCP segment for the Aviara development on the north shore of Batiquitos Lagoon. The Commission needed to update these policies because they were developed before coastal sage scrub was found to be ESHA and before the fire departments began requiring larger areas of vegetation clearance to protect structures. Because Kelly Ranch contains significant areas of coastal sage scrub, the policies applicable to development of Kelly Ranch must include updated brush management policies that reflect the ESHA status of coastal sage scrub as well as the need to reduce vegetation clearance for visual and erosion control purposes. Therefore, because this current fire suppression language is not provided within the existing text of the Mello II LCP, the Commission cannot find that the amendment is consistent with Section 30240 and other Chapter 3 policies of the Coastal Act and must be denied. Inclusion of the updated fire suppression language in the form of a suggested modification will be necessary to find the amendment consistent with Section 30240 of the Act.

Additionally, with regards to water quality, the LUP contains no provisions that require new development to use Best Management Practices during construction and operation of residential projects to ensure water quality will be preserved through a water quality/urban runoff control plan. As described in the findings for denial of the Agua Hedionda Lagoon LUP amendment, such policies are necessary for the LUP to be consistent with Chapter 3 policies of the Coastal Act. Without such provisions, the amendment must be denied. Based on the above, the Commission finds that the proposed amendment cannot be found consistent with Chapter 3 policies of the Coastal Act and must be denied.

## **2. VISUAL RESOURCES**

### **a. Aqua Hedionda Land Use Plan**

Section 30251 of the Coastal Act provides in part:

#### ***Section 30251***

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In recognition of the unique scenic and natural resource values of Agua Hedionda Lagoon, the City adopted detailed provisions in the Agua Hedionda LUP aimed at preserving and protecting the visual quality of the lagoon. The project site is highly visible from traffic on I-5 and El Camino Real. The Carlsbad LCP recognizes that the lagoon and surroundings present a scenic open space break from the intense urban development characteristic of the Southern California coastal zone. Excellent views and vistas are afforded the public from such vantage points along Carlsbad Blvd., I-5, Adams Street, the subject property and Park Drive. Cannon Road is designated as a Scenic Highway. As a result, the City included the following policies in the LUP which are relevant to the subject property:

Policy 8.3 Development located adjacent to scenic roadways, or located between the road and the shoreline, shall be regulated as follows:

- b) Where no significant elevation difference exists between the shoreline and the first parallel public road, permitted development in the intervening area shall provide a view corridor, of a width equivalent to at least one-third of the road frontage of the parcel, which shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road.
- c) On all property adjoining the shoreline, permitted development shall be designed to "step down" in height, to avoid casting shadows on shoreline areas and to produce a perceived transition from open space areas to developed areas ...
- d) Any development proposed to be located on or near a significant landform (e.g., Agua Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variations of roof lines to complement the topography

The proposed amendment proposes large areas of open space including the wetlands and associated upland habitat areas of the site. In response to Section 30251 of the Coastal Act, one of the issues addressed in the Land Use Plan was the preservation of public views from Park Drive. This street is a designated scenic corridor, which runs along the north shore of the lagoon. The policies of the LUP require that development of the lots, which lie between Park Drive and Agua Hedionda Lagoon, be designed so as to preserve the views from Park Drive.



The policies call for the view preservation to occur through either: (a) the siting of structures at elevations below that of Adams Street adjacent to the property or (b) the preservation of one-third of the width of the parcel as a "view corridor". The preferred method for preserving such views lies in the siting of all (portions of) structures on a site at an elevation, which is below that of the elevation of the adjacent scenic roadway. This would allow passers-by to see over the structure(s) to the lagoon and surrounding areas. The Commission is concerned about the views from and to Planning Area "A". This parcel currently has a large amount of fill that was deposited during the grading of a nearby residential subdivision which obscures views across the site to the lagoon and wetlands from Park Drive.

The Commission finds that to be consistent with the Coastal Act and the above LUP policy, any development on Planning Area A should be designed to preserve any natural landform, preserve the existing view corridor at the western property line, and provide an additional view corridor in the central portion of the site. However, due to the fact that the public's view is currently blocked across the majority of the site, and that an unobstructed view of the lagoon exists immediately east of the planning area, the requirement for a view corridor encompassing a distance of 1/3 of the road frontage (400 +/- ft.) is not required. The Commission finds sufficient view preservation will occur with a requirement that at least a 200-foot width of corridor be provided at least two locations across the site, one being at the western property line. The public view corridor should be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor should be secured through deed restriction or easement as a condition of development approval.

The Commission is also concerned about landform alteration in this visually significant area. Existing policy 4.4 of the Agua Hedionda LUP recognizes the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, and requires that new development limit grading and vegetation removal to minimal site preparation to preserve natural landforms. The policy requires development, grading and landform alteration of steep slope areas (25% grade) shall be restricted although exceptions may include encroachments by roadway and utilities necessary to reach developable area. Finally, it provides that use of the Planned Development (PD) Ordinance and cluster development shall be required in areas containing environmentally sensitive resources, extensive steep slope areas and significant natural landform features. The Commission notes this policy was one of the first policies regarding landform alteration to be certified in San Diego County almost 18 years ago. This language has evolved over the years to include other ways of preventing excessive landform alteration while providing reasonable development expectations to permittees. Thus, the Commission finds it is necessary to update the Agua Hedionda LUP with the current language and, as such, must deny the current amendment request, as submitted.

#### **b. Mello II Land Use Plan**

As noted, the Mello II portion of the LCP amendment request contains low lying areas associated with the Wetland Preserve immediately adjacent to the eastern shore of Agua Hedionda Lagoon, and upland areas comprised of steep hillsides and canyons that give way to mesa tops where the single family planning areas, Planning areas I and J, are proposed. This area is yet to be developed and is probably the most rural and open space lands that are remaining within the City's coastal zone. Distant views from I-5 and the

ocean exist from many parts of the property. Also to the north is the floodplain of Agua Hedionda Creek and its associated riparian corridor and floodplain. Much of the property has been farmed, although it generally is too steep for cultivated crops. As noted, Cannon Road runs generally parallel to the creek between El Camino Real and the westerly limits of the Kelly property. The area can be characterized as highly scenic based on its topography and the presence of several habitat types.

Although the LCP amendment allows for substantial residential development in an uncommonly scenic area, it fails to provide for any public vista points. This is a major shortcoming considering the size and topography of the Kelly Ranch and the viewshed across Agua Hedionda lagoon to the ocean. Few, if any, other areas in Carlsbad afford such expansive views in all directions. The residential development allowed under the LCP amendment will result in grading of natural landforms, development of a highly scenic area, and the addition of residential development that will increase the use of coastal resources in the area. Allowing this development without mitigating the adverse impacts on visual and recreational resources is inconsistent with Sections 30250, 30251, and 30252 of the Coastal Act. The Commission finds that the impacts of residential development that will be allowed under the LCP can be mitigated if the LCP provides for public vista points in the area.

One particularly appropriate place for such a viewpoint is the aforementioned Planning Area L. Planning Area L is a steep hillside that climbs to a flat area along the spine of a ridge at approximate elevation 250 feet. The views from this spine across Agua Hedionda Lagoon are spectacular and unique from this vantage point. The Commission finds the environmentally sensitive portions of this planning area should be designated in the LCP as open space for its habitat value as part of an important wildlife corridor, and it will likely be designated "hardline preserve" in the HMP. However, a public vista point on the non-sensitive portion of this planning area could be achieved without adversely affecting its role as part of the wildlife preserve. Another prime location for spectacular panoramic views would be within Planning Areas I or J and accessible from the community trails system. Because the proposed LCP amendment fails to provide such an important public amenity, it must be denied.

Additionally, the Commission finds that landscape screening of development located along ridgelines is necessary to preserve scenic views from Scenic Highways and public open space and resource areas. This language should be added to the policy addressing scenic preservation within the coastal zone and revisions should be made to the location of that policy to assure it is applicable to all coastal zone development and future buildout of Kelly Ranch.

### **3. Public Access**

#### **a. Agua Hedionda Land Use Plan**

Section 30212 of the Coastal Act provides that adequate public access must be provided by new development. Planning Areas A through C are located between Agua Hedionda Lagoon and the first coastal roadway. The lagoon is somewhat unique in its status as a multiple-use wetland area.

The lagoon provides an extensive range of water-related passive and active recreational uses, as well as providing sensitive habitat for plants and animals. In preparing the LUP, the Commission and the City were aware of the need to balance competing uses. Because of this, while public access is desired, the LUP provides for controlled access, limiting the access to pedestrian use only. In this case, the LUP identifies (Policy 7.1) that a bike route is proposed along Park Drive between the western property line and the intersection of Park Drive and Kelly Drive to the northeast. The LUP also identifies that pedestrian access should be provided along the north shore of the lagoon; however, this public trail is not proposed within the lands which are affected by this amendment request. It should be noted that the master plan originally approved an interpretive center to be sited within Planning Area A; however, this facility has been relocated to Planning Area "F" which is located within the Mello II segment.

Policy 5.9 (c) of the Agua Hedionda Lagoon LUP provides that dedication of easements and provisions for funding all public improvements required by this plan and other city plans and ordinances, shall be a requirement for new development. Improvements shall include utility extensions, roadways, bicycle and pedestrian access to designated viewpoints, and any other public improvements necessary to accommodate the proposed development. A public access concern relates to residential development being proposed in Planning Areas "A" and "C". If proposed as gated communities, both vehicular and pedestrian access would be prohibited through the interior of the sites, and the interior street system would not meet public street standards with respect to width, design or setbacks.

In prior Commission actions, the Commission has found that gated communities are inconsistent with the public access policies of the Coastal Act. The Commission has found that the construction of gated communities in the coastal zone, particularly adjacent to recreational or scenic resources, either directly impacts public access, or has a "chilling" effect on the public's perceived ability to access coastal resources. The subject sites are immediately adjacent to the 180+ acre Wetland Preserve on the north shore. Moreover, there is currently physical and visual access to the lagoon across the property. Fencing and gating the entire developed area would alter existing access. The Commission finds it appropriate to require that the site not be gated. Also, public streets or public access easements on private streets must be proposed to be consistent with the public access provisions of the Coastal Act.

The Commission further finds it is not necessary that the interior streets be upgraded to meet public street standards in all cases. In some instances, a private street system could provide on-street parking spaces and access easements could assure access is available to the public through the street system. If design constraints prohibit such a scenario, then public streets would be required. With regional population growth continuing, the need for adequate support facilities becomes ever more critical. Thus, the Commission finds the maximum possible number of public parking spaces must be provided to find the amendment consistent with the access provisions of the Coastal Act because of its proximity to coastal waters and a significant coastal public recreational area. Public streets with on-street parking, as feasible, and no private gates shall be permitted for any residential development located between Park Drive or Cannon Road and Aqua Hedionda Lagoon. Additionally, public access to the lagoon should be provided through a public trail system along the planning area, if acceptable to the Department of Fish and Game. Without such provisions, the Commission finds the amendment must be rejected as not being consistent with Chapter 3 policies of the Coastal Act.

## **b. Mello II Land Use Plan**

Section 30212 of the Coastal Act provides that adequate public access must be provided by new development. The existing Kelly Ranch Master Plan in the Mello II segment contains no specific requirement for public pedestrian access into or through the subject area other than a trail shall be provided along Cannon Road (sidewalk). The City of Carlsbad Open Space Element requires public dedication of a trail system both along the southern frontage of Cannon Road, and along an interior road through Village J, located at the top of the ridgeline. The City found the accommodation of these two trails would be a public benefit, and will be in greater compliance with Coastal Act policies regarding public access. Additionally, the proposed Village F site will accommodate an interpretive center, intended to provide information to the public regarding the adjacent lagoon wetlands, and incorporate a trail system within the planning area. However, the Commission finds that while the above access provisions are laudable, they do not go far enough to assure adequate public access in this large and important section of the coastal zone.

Section 30212 of the Coastal Act provides that adequate public access must be provided by new development. In its approval of the Aviara Master Plan, on nearby Batiquitos Lagoon, the Commission found a trail system was necessary to find master plan development consistent with the public access and recreation requirements of the Coastal Act. In that case, the trail system links a series of upland community trails to the North Shore Trail which follows the northern shore of Batiquitos Lagoon. The North Shore Trail is an important local and regional visitor destination point for hikers, bicyclists and bird-watchers. The trail system provides the upland linkages to the lagoon and addresses the recreational demand of future residents and impacts on existing public recreational facilities. The Commission has found both the upland community trails and the North Shore Trail are necessary public access and recreation components of the Aviara Master Plan.

There are parallels between the Aviara Master Plan and the subject Kelly Ranch property. Both are large planned developments that are situated near lagoons and enjoy significant amounts of open space because of the resources that inhabit the areas. While the Kelly Ranch is not immediately accessible to the shoreline of Agua Hedionda Lagoon, it is immediately upland of the 180+ acre Wetland Preserve and the floodplain of Agua Hedionda Creek, thereby affording destination points where the coastal visitor can learn about and enjoy the resources of the lagoon and its environs. As noted, Planning Area F is the home of an interpretive center whose objective is to provide a meeting place for the public to learn about and enjoy the resources of the lagoon and its environs. The current amendment does not propose an extensive community trail system. As a result, the Commission finds the LUP amendment cannot be found consistent with Section 30212 of the Coastal Act and must be denied.

## **4. Intensity of Development/Density Modifications**

### **a. Agua Hedionda Land Use Plan**

Section 30250 of the Coastal Act requires that new development be concentrated in areas able to support it without adversely affecting coastal resources and states, in part:

**Section 30250.**

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....

The proposed amendment involves modification of land uses and applicable zoning for Kelly Ranch. The City of Carlsbad found this redistribution of land uses necessary to comply with land use regulations adopted since the most recent 1985 LCP modifications for the affected property ( i.e., the City's Growth Management Program, which requires stricter limits on densities and developable properties, and the Draft Habitat Management Program, which is an outgrowth of the "threatened" listing of the California gnatcatcher). The proposed amendment results in a net reduction in allowable dwelling units from the existing LCP allowable Kelly Ranch Master Plan capacity of 1400 units to 909 units.

Regarding the Agua Hedionda Lagoon planning areas, the LCP amendment proposes to retain the existing land use designations that were approved in the Kelly Ranch Master Plan, with the exception of Planning Area C. In Planning Area C, a downzoning is proposed in recognition of wetland resources that have expanded onto the planning area since the time of approval of the master plan. The Commission finds this downzoning to be appropriate given the present environmental conditions of the site. Planning Area A is proposed at the same density as approved in the master plan. In this case, similar to Planning Area C, the Commission finds that a downzoning is appropriate, again, given the expansion of wetlands that has occurred within the planning area. However, since the downzoning is not proposed, the amendment must be denied.

**b. Mello II Land Use Plan**

The proposed increase in residential intensity within Planning Areas D, G and H is acceptable, subject to application of the resource protection policies which address preservation of dual criteria slope areas. The site is near major sources of employment at the Carlsbad Research Center, Carlsbad Airport Center, Carlsbad Ranch industrial and commercial centers, and the LegoLand California amusement park. The site is also situated on an arterial roadway, with direct access to I-5. Planning Areas D, G and H are characterized by some of the more flat terrain on Kelly Ranch, at the base of the upland hillsides. Areas D, G and H are also physically separated from established residential neighborhoods by the Agua Hedionda Lagoon. However, the area encompassed by these planning areas contains two pockets of dual criteria slopes. As noted, one is a long, narrow canyon area in Planning Areas J and O of the Kelly Ranch Master Plan. Although it is separated from the main north/south trending open space corridor that occurs to the east, it remains a significant open space corridor. The other area is a large amount of

open space in Planning Areas H and K of the master plan which again is isolated from the open space system running north/south and east/west on the subject site. However, this area also has habitat value and would be protected under the dual criteria habitat provisions of Policy 3-5 and the Coastal Resource Protection Overlay zone.

The proposed decrease in residential intensity in Planning Areas I and J is appropriate in that these areas are more difficult to access because of rougher terrain and hillside conditions, and their high visibility from surrounding areas. Finally, the proposed Planning Area F land use change is appropriate in that the reduced use intensity (from T-R uses) will allow greater preservation of natural open space, will substantially reduce ADT, and have less offsite impacts to the adjacent Agua Hedionda Lagoon wetlands in the form of less night lighting and less potential of unsupervised entrance and disturbance to the wetlands.

However, the proposed density on Planning Area L is inappropriate given its prominent location on the ridgeline and its integral role in the HMP. As noted, because the hardline preserve area has not yet been negotiated for the property, its inclusion in the hardline preserve will ensure that a viable east/west trending habitat corridor will exist. The Commission is concerned that failure to address the environmentally sensitive nature of Planning Area L at this time is inconsistent with Section 30240 of the Coastal Act and could affect the implementation of the HMP with corresponding adverse impacts to adjacent resource areas. Thus, the Commission finds that the proposed amendment is inconsistent with Chapter 3 policies regarding land use densities and must be denied.

**V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD AGUA HEDIONDA LAND USE PLAN AMENDMENT #2-99D - IF MODIFIED**

The standard of review for LUP submittals or amendments is their consistency with and ability to carry out the provisions of Chapter 3 policies of the Coastal Act. As noted, the City found the proposed LUP redesignations are required to bring the Kelly Ranch regulations in line with modern requirements for habitat preservation, growth management, and other land use regulatory programs adopted since 1985. However, as noted above, the Commission found that the amendment must be denied for several reasons. These reasons are tied to changes that have occurred since the Commission approved the master plan and reflect current standards of environmental review.

As noted, the emergence of the City's Habitat Management Plan as an important program in resource protection has resulted in a greater emphasis being placed on protection of environmental resources, both wetland and upland. The Agua Hedionda LUP was approved in 1982 with no provisions specifying what permitted uses are within wetlands. This is a major oversight which the Commission is addressing in this action by requiring through a suggested modification that any projects that are proposed in sensitive areas be consistent with Section 30233.

In this case, there has been significant expansion of wetlands over the years on Planning Areas A - C since the extent of such areas was initially surveyed. A 50-foot buffer was previously required on Planning Area A that may no longer be appropriate based on current environmental conditions on the site. The Commission is requiring in this action that an updated wetland delineation and

wetland buffer determination be done to determine the appropriate locations for development and resource preservation. The suggested language will assure consultation with the California Department of Fish and Game to determine the impacts of a proposed density on the wetland habitat as it exists today. Also, considering there will be a need for a buffer to provide important functions, including absorption of polluted runoff and upland transitional value.

Additionally, because the proposed density of Planning Area A would create an expectation of relatively intense development in a wetland area, a revised LUP map must be submitted which identifies that reduced density will occur on Planning Area (from the proposed RMH [8-15 dua] to RM [4-8 dua]). As noted, the Commission has found on many occasions that high densities associated with residential development proposals near wetland areas has resulted in adverse impacts to such resources. These resources are directly impacted by intrusion from humans and pets and indirectly impacted by the introduction of erosion and pollution (sedimentation, insecticides, pesticides etc.) into these environmentally sensitive areas. As revised, the Commission can find the proposed LCP amendment consistent with Section 30250 of the Coastal Act.

In addition, with respect to identifying an appropriate boundary between new development and coastal resources, the Commission finds a revised LCP Land Use Plan map, to replace existing Exhibit C contained in the certified Agua Hedionda LCP Land Use Plan, must be developed to include revisions to the boundaries of proposed Planning Areas A, B, and C as proposed in LCPA #2-99D Kelly Ranch. Additionally, the land use designation on proposed Planning Area B shall be Open Space. The City must prepare a revised Exhibit D as part of the LUP which delineates the boundary of the Wetland Preserve consistent with the offer of dedication to the Department of Fish and Game. Also, the exhibit must show the wetlands existing on Planning Areas A and C.

As noted, the Agua Hedionda LUP recognizes the scenic nature of the area and provides that public views be maintained between the first coastal road and the lagoon. In this case, the three planning areas within the Agua Hedionda segment that were part of the Kelly Ranch Master Plan are all located between the first coastal road (Park Drive) and the lagoon and as such the LUP requires that view corridors be maintained. Of special concern is Planning Area A as it is proposed with the highest residential density and already has an artificial landform that currently blocks views over a significant portion of the planning area. To ensure that existing views will be preserved and any natural landforms are maintained, the Commission is approving a suggested modification that calls for reservation of a view corridor at the western property line (from Park Drive) and an additional view corridor in the central portion of the site. Because currently the public view is blocked across the majority of the site and unobstructed views of the lagoon exist immediately east of the planning area, the Commission finds a total width of at least 200 feet in at least two view corridors is sufficient to meet the requirements of the Coastal Act.

Regarding landform alteration and impacts to steep slopes, Policy 4.4 of the LUP shall be revised to provide that development, grading and landform alteration of natural steep slope areas (25% grade shall be avoided, when feasible. Currently, the policy restricts development of such slopes. The revised language is more in line with accepted standards of steep slope preservation. It requires that any unavoidable disturbance shall be minimized to the extent possible and that exceptions may include encroachments by roadways and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative.

Regarding public access concerns, based on the location of the planning areas in the Agua Hedionda segment between the first coastal road and the sea, Policy 5.9 (c) shall be revised to read that no private gates shall be permitted for any residential development located between Park Drive or Cannon Road and Aqua Hedionda Lagoon. Additionally, public streets with on-street parking shall be provided within the developable portions of the planning areas, as feasible, so that a parking reservoir will be available for coastal visitors for future use as recreational and access demands increase in the area. If adequate public access can be provided through public access easements across private streets, that is also a viable alternative. Finally, although access improvements are encouraged, Policy 3.1 shall be amended to identify that access improvements shall be permitted only within the upper half of any required buffer between development and wetland resources. In this way access will be provided without adversely affecting the resource values of the identified wetland, and in consultation with the California Department of Fish and Game.

Regarding water quality concerns, the Commission finds that all applicable BMPs, including but not limited to curb inlet stenciling, solid waste management (trash removal) silt and grease traps and street sweeping, shall be incorporated into the project design through a water quality/urban runoff control plan and monitoring program as a condition of development approval to ensure the discharge from any proposed outlet is consistent with local and regional standards. The Commission finds that as modified, the proposed amendment can be found consistent with Chapter 3 policies of the Coastal Act.

#### **VI. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT #2-99 - IF MODIFIED**

The standard of review for LUP submittals or amendments is their consistency with and ability to carry out the provisions of Chapter 3 policies of the Coastal Act. As noted, the City found the proposed LUP redesignations are required to bring the Kelly Ranch regulations in line with modern requirements for habitat preservation, growth management, and other land use regulatory programs adopted since 1985.

However, the Commission found above that the amendment must be denied for several reasons. Regarding areas where the proposed revisions do not adequately protect environmentally sensitive habitat, the Commission finds that Policy 3-5 of the Mello II LUP must be updated to recognize the importance of such habitat within the Mello II plan area. The policy shall be amended to state that the City's Habitat Management Plan (HMP) is designed to sustain and enhance a viable upland habitat connection between sensitive lands within Carlsbad and to recognize the habitat supporting the California gnatcatcher as environmentally sensitive habitat (ESHA). In the Kelly Ranch/Macario Canyon area, such a connection is between the Macario Canyon watershed and Agua Hedionda Creek. Those portions of the "hardline preserve" that exist on lands within the coastal zone should be designated and zoned as open space in the LCP. Projects that are located in the "standards areas" should conform to both the certified LCP and those standards developed by the Resource agencies as part of the HMP process. The Commission finds such language must be added to the LCP to serve as the standard of review for future buildout of Kelly Ranch.



Such issues are raised by the proposed designation of the entirety of Planning Area L for residential development. This is one of the individual planning areas that make up the Core Area (all the planning areas east of Cannon Road), Planning Area "L" is designated Residential Medium on the proposed LUP map and is designated R-1 on the proposed zoning map. This planning area is shown as a "standards area" in the City's draft Habitat Management Plan which means that the Resource agencies have indicated that a portion of the area should be considered for incorporation into the "hardline preserve". The Commission finds that this area contains a significant amount of naturally-vegetated steep slopes or coastal sage scrub or southern maritime chaparral vegetation. These slopes and vegetation provide valuable habitat for the gnatcatcher as well as other sensitive species. In addition, these slopes are contiguous with the already existing "hardline preserve" area. Therefore, the Commission finds that the naturally-vegetated steep slopes in this area are environmentally sensitive habitat area (ESHA) as is any coastal sage scrub or southern maritime chaparral vegetation.

The Commission finds it is appropriate to determine the extent of this planning area that constitutes ESHA at this time, prior to designating the entire planning area for residential use in the LCP. Therefore, the attached suggested modification requires an updated biological survey and slope analysis to be prepared at the direction of the City and approved by the Executive Director. The survey and analysis shall identify all contiguous area on Planning Area L comprised of slopes of 25% grade or greater or containing native vegetation, including but not limited to, coastal sage scrub and southern maritime chaparral habitat. In this way the ESHA will be identified and that area designated as Open Space. The remaining flat and disturbed portion of the site will be designated low density residential. Any future development on that portion of the planning area must adhere to the resource protection, brush management and landscaping requirements of the certified LCP. Additionally, the suggested modifications require the location of a vista point on the non-sensitive portion of Planning Area L due to the expansive views offered from this high point of the Kelly Ranch property.

While the LCP must be changed to acknowledge the important planning goals of the HMP, it must also be revised to ensure that buildout of the planning areas will be consistent with existing resource protection policies contained in the Mello II LUP. In that regard existing Policy 3-5(a)(6) should be revised to indicate the residential land use designations represent a maximum density that may be permitted subject to application of the steep hillside and other applicable resource protection provisions of the certified LCP. The actual density permitted on a site will be determined through application of the resource protection provisions of the LCP and may be less than the density allowed by the land use plan.

Additionally, the proposed land use map indicates a break in the designated Open Space area to accommodate a secondary access road across the negotiated "hardline preserve" to access Planning Area J. However, that access road has not yet been determined to be in conformance with the steep hillside and resource protection policies of the LCP under an approved coastal development permit. Therefore, the Commission believes it is more appropriate for the land use plan to show the area as open space to provide a contiguous habitat corridor. The Commission is suggesting an additional policy that would acknowledge an access road may be a permitted use in

a open space area if approved by the Resource agencies and by an approved coastal development permit (pending and subject to Coastal Commission approval on appeal). This approach keeps the option open of a secondary access road, if there is no less environmentally damaging alternative and the road is necessary, but protects the area as open space in any event. If an area is designated as "hardline preserve" it is considered ESHA and such road or other development would not be permitted.

Updated brush management standards should also be incorporated to ensure that vegetation removal associated with fire safety be kept to the minimum necessary to ensure that sensitive habitats are not adversely impacted. Brush management standards should be implemented in Zone 1 which require a minimum 30-foot wide development setback from required open space areas to incorporate landscaping for screening purposes. No clearcut of sensitive vegetation shall occur to establish fire protection for Zone 1.

Regarding water quality concerns, the Commission finds that all applicable BMPs, including but not limited to curb inlet stenciling, solid waste management (trash removal), silt and grease traps and street sweeping, shall be incorporated into the project design through a water quality/urban runoff control plan and monitoring program as a condition of development approval to ensure the discharge from the proposed outlet is consistent with local and regional standards. The Commission finds that as modified, the proposed amendment can be found consistent with Chapter 3 policies of the Coastal Act.

## **PART VII. FINDINGS FOR DENIAL OF THE CITY OF CARLSBAD MELLO II LCP IMPLEMENTATION PLAN AMENDMENT #2-99D, AS SUBMITTED**

### **A. AMENDMENT DESCRIPTION**

The amendment proposes to change the zoning within the master plan from Planned Community (PC) to R1 (Planning Area E), R-1-Q (Planning Areas C, I and J), R-3-Q (Planning Areas D, G, and H), RD-M-Q (Planning Areas A, K and L), OS (Planning Area B) and OS (Planning Area F). The "Q" overlay, which requires Planning Commission review and approval of a Site Development Plan (SDP), is being applied to each zoning designation with the intent of insuring that future development of the Planning Areas will be visually and physically compatible with each other similar to the intent of a Master Plan. Each zoning designation corresponds to a General Plan designation. The R-1(-Q) implements the RLM land use designation which is characterized by single family residential development, the R-3-Q and RD-M-Q implement the RMH General Plan designation which is characterized by attached multi-family residential development and OS implements the OS General Plan designation which is characterized by improved and natural open space. Approval of the zone change eliminates the requirement for a master plan on this property.

The Coastal Commission in 1984 consistent with its zoning, Planned Community (PC), originally approved the Kelly Ranch Master Plan. The PC zone is intended to provide a method to encourage the orderly implementation of the General Plan, allow for the comprehensive planning of all necessary public facilities, and provide a framework for

phased development by the comprehensive planning and development of large tracts of land under unified ownership in accord with an adopted master plan.

The project also proposes to repeal section 21.38.160 of the certified municipal code. The City found the elimination of this section was a "housekeeping" item in that with adoption of the proposed land use and implementation plan amendments, a master plan would no longer be required for the Kelly Point and Macario Canyon. A discussion of this ordinance known as "Additional Standards – Upper Agua Hedionda Watershed" follows.

## **B. SUMMARY FINDINGS FOR REJECTION**

1) Purpose and Intent of the Ordinance. The purpose and intent of the Section 21.38.160 (proposed to be deleted from the LCP) is to provide additional development standards for the upper Agua Hedionda watershed which includes Kelly Point and Macario Canyon, implement the goals and objectives of the resource protection provisions of the Carlsbad LCP; assure resources and constraints are properly identified and incorporated into the planning process; preserve and/or enhance the aesthetic qualities of natural landforms and manufactured slopes by designing projects which relate to the slope of the land; minimize the amount of project grading, assure that grading will be done in an environmentally sensitive manner whereby lagoons and riparian ecosystems will be protected from increased erosion and assure no substantial impacts to natural resource areas, wildlife habitats or native vegetation areas will occur.

2) Major Provisions of the Ordinance. The major provisions of the ordinance include supplementing the underlying zoning by providing additional resource protective regulations within designated areas to preserve, protect and enhance the habitat resource values of Kelly Point and Macario Canyon, and steep sloping hillsides; to provide regulations in areas which provide the best wildlife habitat characteristics; to encourage proper lagoon management; and to deter soil erosion by maintaining the vegetative cover on steep slopes. Section 21.38.160 is a part of the PC Zone. It states that a master plan is required, it designates maximum density of development, it references Coastal Development Permit 6-84-617, it identifies information which shall be included in a master plan, and it reiterates many of the requirements of the Coastal Resource Protection Overlay Zone Chapter 21.203 of the Carlsbad Zoning Ordinance. (See attachments for the full text of ordinance sections 21.38.160 and 21.203).

3) Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In the case of the subject LCP amendment, the City's Municipal Code serves as the Implementation Program for the Carlsbad LCP. The Mello II LUP has a number of provisions that protect coastal resources, including naturally vegetated steep slopes. Policy 3-5 of the Mello II LUP is a site specific policy for the Kelly Ranch property. It has provisions which state that grading and erosion control on sensitive "dual criteria" (naturally vegetated and over 25% grade) slopes is prohibited unless the application of the policy would preclude any reasonable use of the property. The policy does not apply to the

construction of roads on the City's Circulation Element or the development of utility systems.

As previously noted, the portion of the Kelly Ranch property known as the Core Area contains 61.6 acres of slopes greater than 25% with sensitive species. The existing certified Master Plan, which serves as the LUP and IP, allowed encroachment into some dual criteria slope areas through the anticipated residential buildout (ref. Ex. 12). However, there are areas of open space retained within the residential planning areas that are not shown as open space on the proposed land use plan.

However, each Planning Area within the Kelly Ranch property must comply with the slope and resource preservation policies of the certified Mello II LCP and Section 21.203 of the municipal code. Any application for development within a planning area shall require a slope analysis, biological resource map during Site Development Plan review. The overlay zone identifies five areas of protection. They are 1) steep slopes and vegetation; 2) drainage, erosion, sedimentation, habitat; 3) landslides and slope instability; 4) seismic hazards; and 5) floodplain development. The policy states that slopes of 25% grade and over shall be preserved in their natural state unless application of the policy would preclude reasonable use of the property. Also, since disturbance of 25% slopes may be required to access flatter portions of the site and, thus, allow a reasonable use of the property, the policy further states that such encroachment may be allowed, if there is no less environmentally damaging alternative available. These policies will apply to the Kelly Ranch property as a result of deletion of Section 21.38.160.

While 21.203 contains the above provisions, there are several provisions in 21.38.160 which are not in 21.203. These are important provisions that were included in Policy 3-5 to find it consistent with Chapter 3 policies of the Coastal Act. These include a provision that due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, and pole construction) shall be incorporated into the master plan to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site and park purposes shall be a permitted use (i.e., on the Macario Canyon site) subject to the erosion control provisions of Section 21.203. Thus, while the Commission can support the repeal of 21.38.160 because the bulk of its provisions exist in 21.203, it finds that the preceding provisions must be made part of 21.203.

Regarding water quality concerns, the Mello II LCP does not contain recent language requiring new development to employ best management practices when developing upland of sensitive areas like Agua Hedionda Lagoon. Therefore, because the proposed amendment is not consistent with the resource protection provisions of the certified land use plan, the amendment must be denied.

Regarding view preservation, the current LCP ordinance does not specifically address the need for landscape screening of residential development located along prominent ridgelines. Additionally, as currently drafted there is a technical problem of applying the scenic preservation policy to all development within the coastal zone unless the

development is within a Scenic Preservation Overlay Zone. The City has not developed such an overlay zone for the majority of the coastal zone and, therefore, argues the policy is not applicable. This discrepancy must be addressed in order to find the ordinances adequate to carry out the certified LUPs.

**PART VIII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LCP IMPLEMENTATION PLAN AMENDMENT #2-99D, IF MODIFIED**

The standard of review for implementation plans is Section 30513 of the Coastal Act. Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. As noted, the City found the proposed LUP redesignations are required to bring the Kelly Ranch regulations in line with modern requirements for habitat preservation, growth management, and other land use regulatory programs adopted since 1985. However, the Commission found above that the amendment must be denied for several reasons because it could not be found to be consistent with the resource protection provisions of the Mello II LUP.

However, the attached Suggested Modifications address incorporation of the hardline preserve areas as open space, establish brush management standards, require use of BMPs to improve the quality of discharged runoff, and require landscape screening and implementation of the Scenic Preservation Overlay Zone for the Kelly Ranch property. Specifically, Section 21.203 (Coastal Resource Protection Overlay Zone) shall be revised to apply to the Kelly Ranch property and shall be amended to provide the following as new provisions: lands designated "hardline preserve" in the draft Habitat Management Plan (HMP) within the coastal zone shall be designated and zoned as Open Space; projects that are located in the "standards areas" identified in the draft HMP shall conform to the certified LCP and the standards developed by the Resource agencies through the NCCP process; access roads shall be a permitted use within designated and zoned Open Space areas subject to an approved coastal development permit, and only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative; all development shall be setback a minimum of 30-feet from designated open space areas to accommodate Zone 1 brush management and landscaping, including trees for screening purposes; all development shall be designed to assure there will be no clearcut of environmentally sensitive habitat areas to establish brush management Zone 1; due to severe site constraints, innovative siting and design criteria (such as shared use of driveways, clustering, tandem parking) shall be incorporated into approved residential development to minimize paved surface area; dwelling units shall be clustered in the relatively flat portions of the site; all construction activities shall be planned so that grading will occur in units that can be easily completed within the summer construction season; all grading operations shall be limited from April 1 to October 1 of each year; all areas disturbed by grading shall be planted within 60 days of initial disturbance and prior to October 1 with temporary or permanent (in the case of finished slopes) erosion control methods. The October 1 grading season deadline may be extended by an approved amendment to the coastal development permit and subject to an interim erosion control plan addressing temporary and emergency erosion control

measures designed to prohibit discharge of sediment off-site during and after the grading operation is completed.

Regarding the preservation of water quality, Best Management Practices (BMPs) that are appropriate for residential development, including but not limited to the following shall be implemented: silt traps, catch basins, oil degreasers, and grease traps shall be incorporated into the design of development that increases impermeable surfaces, including parking lots; a public education program shall be implemented which is designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs; a street sweeping and cleaning program, a landscape management plan that includes herbicide/pesticide management and solid waste management (trash removal). Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of development approval at the subdivision stage.

Regarding the preservation of public access and recreation, park purposes shall be a permitted use compatible with within Macario Canyon provided that any park construction is subject to the erosion and urban runoff control provisions of Section 21.203.

Regarding scenic preservation, the suggested modification relocates the regulation that addresses scenic values so that a Scenic Preservation Overlay Zone is not required for the regulation to be applicable to all development within the coastal zone. The suggested modification adds the regulation to Section 21.203.040 (F) (Scenic Preservation) and 21.205.080 (Scenic Preservation) to provide that within the Mello I and Mello II segments, existing public views and panorama shall be maintained. As revised, development along ridgelines and/or visible from major coastal access routes and/or designated Scenic Highways or public recreational or resource areas shall be screened from public views through the use of trees as a landscape screen and/or setbacks from the ridgeline and open space areas.

In summary, with the above revisions, the Commission finds the proposed amendment is in conformance with the visual, access and recreation and resource protection policies of the certified Mello II LCP

#### **IX. 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 LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. The City of Carlsbad has prepared and certified an EIR (EIR 98-05) for the Kelly Ranch Core Area; however, the Commission has found that several significant impacts associated with the proposed LCP Amendment remain and has proposed suggested modifications to make the amendment request consistent with Chapter 3 policies of the Coastal Act and the Carlsbad LCP. As a result of these modifications, the Commission finds that the proposed amendment does conform to CEQA provisions. The LCP amendment to the Agua Hedionda Lagoon and Mello II segments of the City's LCP proposes changes to the land use designations and zoning of properties within the City's coastal zone, and eliminates the existing Master Plan requirement. The changes will not result in an intensity of land use incompatible with the surrounding area or have adverse impacts on coastal resources as modified. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant unmitigated adverse environmental impacts.

(Carlsbad LCPA2-99Dkellyranchfnlstfrpt10.99)

Wed 17a

RESOLUTION NO. 99-162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATION, MITIGATION MONITORING AND REPORTING PROGRAM AND ADDITIONAL INFORMATION APPROVING AMENDMENTS TO THE GENERAL PLAN, ZONE 8 LOCAL FACILITIES MANAGEMENT PLAN, AND APPROVING A TENTATIVE TRACT MAP, HILLSIDE DEVELOPMENT PERMIT, COASTAL DEVELOPMENT PERMIT AND PLANNED UNIT DEVELOPMENT TO CREATE A 178 LOT SUBDIVISION ON PROERTY GENERALLY LOCATED SOUTH OF THE AGUA HEDIONDA LAGOON AND EAST OF MACARIO CANYON WITHIN LOCAL FACILITIES MANAGEMENT ZONE 8.

CASE NAME: KELLY RANCH  
CASE NO.: EIR 98-05/GPA 97-07/ZC 97-07/ZCA 99-03/  
LCPA 97-09/MP 174(B)/LFMP 87-08(B)  
CT 97-16/HDP 97-17CDP 97-43/PUD 99-02

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

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did on April 7, 1999, hold a duly noticed public hearing as prescribed by law to consider an Environmental Impact Report, Findings of Fact, Statement of overriding Consideration, Mitigation Monitoring and Reporting Program, General Plan Amendment, Zone Change, Zone Code Amendment, Local Coastal Program Amendment, Master Plan Amendment, Local Facilities Management Zone Amendment, Tract Map, Hillside Development Permit, Coastal Development Permit, and Planned Unit Development; and

WHEREAS, the City Council of the City of Carlsbad, on the day 11th of May, 1999, held a duly noticed public hearing to consider said matters and at that time received recommendations, objections, protests, and comments of all persons interested in or opposed to the Environmental Impact Report, Findings of Fact, Statement of Overriding Consideration, Mitigation Monitoring and Reporting Program and Additional Information, General Plan Amendment, Zone Change, Zone Code Amendment, Local Coastal Program Amendment, Master Plan Amendment, Local Facilities Management Zone Amendment, Tract Map, Hillside Development Permit, Coastal Development Permit, and Planned Unit Development.



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

3 1. That the above recitations are true and correct.

4 2. That the City Council certifies Supplemental EIR 98-05, Findings of Fact,  
5 Statement of Overriding Consideration, Mitigation Monitoring and Reporting Program and  
6 Additional Information and approves GPA 97-07, ZC 97-07, ZCA 99-03, LCPA 97-09, MP  
7 174(B), LFMP 87-08(B), CT 97-16, HDP 97-17, CDP 97-43, PUD 99-02 and that the findings  
8 and conditions of the Planning Commission as amended in Resolutions No. 4491, 4492, 4493,  
9 4543, 4494, 4495, 4496, 4497, 4498, 4499, and 4500 on file with the City Clerk and made a part  
10 hereof by reference are the findings and conditions of the City Council in this matter.

11 3. That Planning Commission Resolution No. 4497 is hereby amended by  
12 the City Council as follows:

- 13 a. That the first sentence of Condition No. 24 is revised to read "This  
14 approval is for subdivision of the property into 178 lots."  
15 b. That Condition No. 28 is revised to read "A deed restriction shall be  
16 placed on Lot 162 limiting a portion of its use to day care and on Lot  
17 167 for use by the Agua Hedionda Lagoon Foundation as a  
18 Nature/Visitor Center."  
19 c. That Condition No. 31 is hereby deleted.

20 4. That the Zone Change, ZC 97-07, is approved as shown in Ordinance  
21 NS- 482, on file with the City Clerk and incorporated herein by reference.

22 5. That the Zone Code Amendment ZCA 99-03 and Local Coastal Program  
23 Amendment, LCPA 97-09, are approved as shown in Ordinance NS- 483, on file with  
24 the City Clerk and incorporated herein by reference.

25 6. That the Master Plan Amendment, MP 174(B), is approved as shown in  
26 Ordinance NS- 484, on file with the City Clerk and incorporated herein by reference.

27 7. This action is final the date this resolution is adopted by the City Council.  
28 The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial  
Review" shall apply:

"NOTICE TO APPLICANT"

"The time within which judicial review of this decision must be  
sought is governed by Code of Civil Procedure, Section 1094.6,  
which has been made applicable in the City of Carlsbad by  
Carlsbad Municipal Code Chapter 1.16. Any petition or other  
paper seeking judicial review must be filed in the appropriate court  
not later than the nineteenth day following the date on which this  
decision becomes final; however, if within ten days after the  
decision becomes final a request for the record of the deposit in an  
amount sufficient to cover the estimated cost or preparation of  
such record, the time within which such petition may be filed in  
court is extended to not later than the thirtieth day following the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

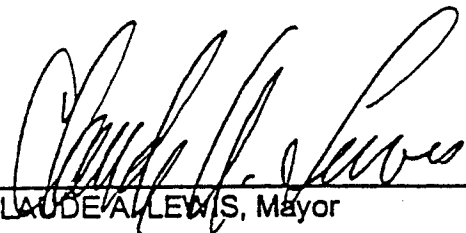
date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008"

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 11th day of May 1999, by the following vote, to wit:

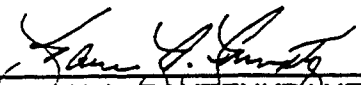
AYES: Council Members Lewis, Finnilla, and Nygaard

NOES: None

ABSENT: Council Members Hall and Kulchin

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

ATTEST:

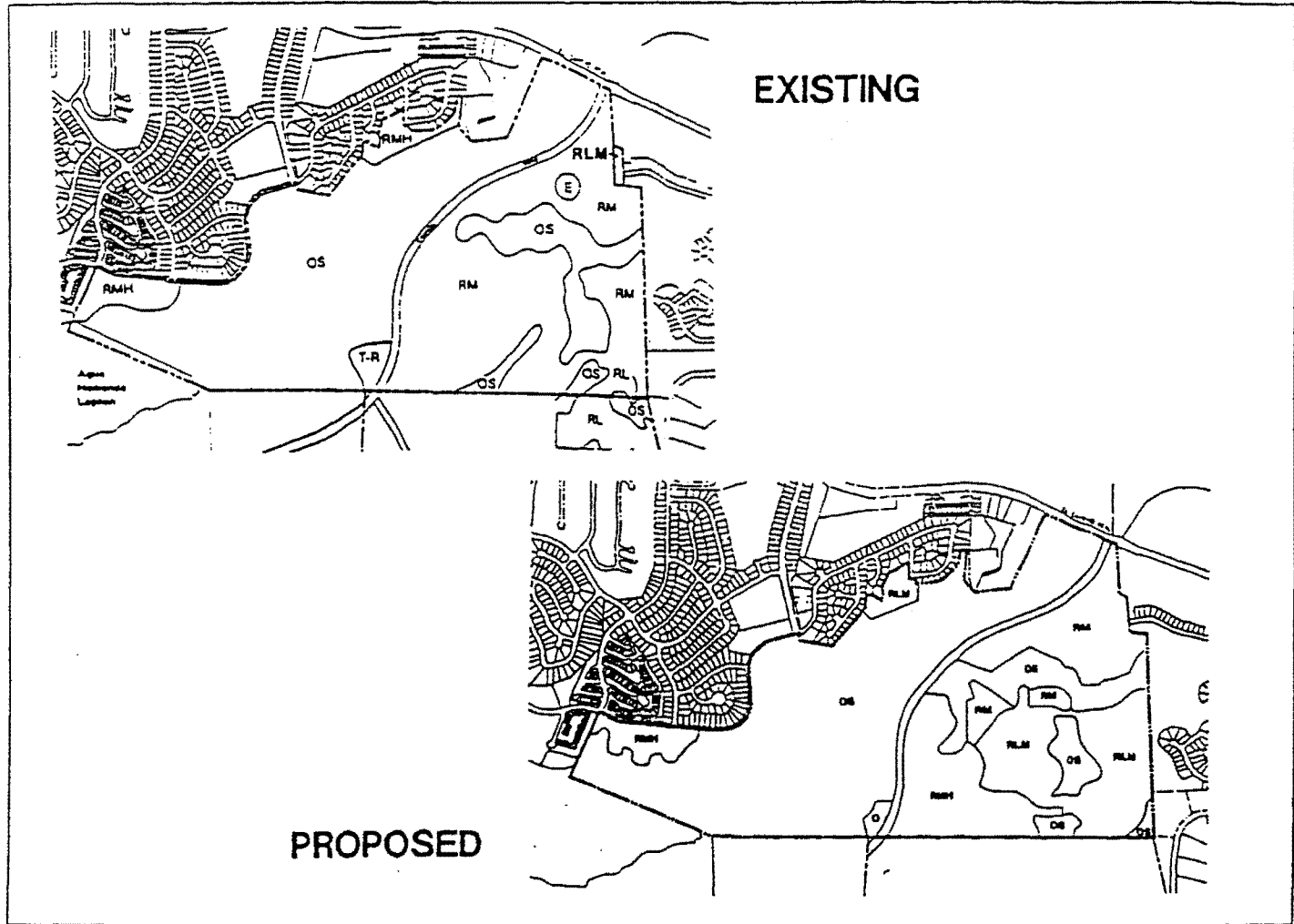
  
\_\_\_\_\_  
ALETHA L. RAUTENKRANZ, City Clerk  
KAREN R. KUNDTZ, Assistant City Clerk  
(SEAL)

# LOCAL COASTAL PROGRAM

LCPA: 97-09

draft

final



Project Name:			Related Case File No(s):		
Property/Legal Description(s): A portion of Lot "I" of Rancho Agua Hedionda and a portion of Lot "F" of Rancho Agua Hedionda, all in the City of Carlsbad, County of San Diego, State of California, according to map thereof No. 823, filed in the office of the County Recorder of San Diego on November 16, 1896.			EIR 98-05/GPA97-07/ZC97-07/ZCA 99-03/MP 174(B)/CT 97-06/HDP 97-17/CDP 97-43/PUD 99-02		
LCPA Map Designation Change			Approvals		
Property	From:	To:	Council Approval Date:		
A. 208-020-38	RM/OS/T-R	RLM/RM/RMH/OS/O	Resolution No:		
B. 208-020-17,41	RM/OS	RM/OS	Effective Date:		
C. 207-010-23	RMH/OS	RLM/RMH/OS	Signature:		
D. 208-020-40	RM/OS	RLM/OS			
E. 208-020-36	RLM	RM			

LCPA 97-09 TEXT  
April 7, 1999

Agua Hedionda

The Agua Hedionda LCP map Exhibit C shall be changed to reflect the modified Coastal Program Land Use Map.

Land Use policy 1.2 shall be deleted.

Mello II

Policy 3-5(a)(6) shall be revised as follows:

Residential densities in the 433 acre Kelly Ranch shall be permitted and based on the underlying General Plan Land Use designation.

Policy 3-5(a)(7) shall be revised as follows:

Approximately 2.8 acres located adjacent to Cannon Road, and as described in CDP 98-47 are designated for an interpretive center for Agua Hedionda and for child care facilities under either Residential-Professional (RP) zoning or a future Community Facilities (CF) zone if one is created.

### POLICY 3-5 KELLY POINT/MACARIO CANYON AREA

The Kelly Point/Macario Canyon area shall be designated for Planned Residential/Agriculture development. The area affected by this policy, and development regulations applicable to this master plan area, are described below:

(a) Maximum Density of Development

- (1) All slopes greater than 25 percent shall result in an allowable development intensity of 1 dwelling unit per ten acres;
- (2) All slopes greater than 20 percent, but less than 25 percent, shall result in a development intensity of 1 dwelling unit per five acres;
- (3) All slopes greater than 15 percent, but less than 20 percent, shall result in a development intensity of 1 dwelling unit per acre;
- (4) All slopes greater than 10 percent, but less than 15 percent, shall result in a development intensity of 2 dwelling units per acre;
- (5) All areas with a slope of less than 10 percent shall result in a development intensity of 6 units per acre.
- (6) ~~For the Kelly Ranch Master Plan area, Residential densities in the 433 acre Kelly Ranch and slope criteria shall be permitted and based on those contained in the City approved Master Plan and as approved by the Coastal Commission in Permit 6-84-617 the~~ *underlying General Plan Land Use designation;*
- (7) Approximately ~~4~~ 2.8 acres located adjacent to ~~the extension of Cannon Road, and as described in coastal development permit 6-84-617~~ *CDP 98-47* are designated for ~~visitor serving or neighborhood commercial use~~ *an interpretive center for Agua Hedionda.*

(b) Coastal Commission Permit 6-84-617

Due to overriding and extensive wetland preservation and protection provisions of the Kelly Ranch Master Plan as approved by the City and Coastal Commission in permit 6-84-617, agricultural preservation policies are waived.

Agricultural preservation policies for the remaining areas covered by this policy have been deleted by LCP amendment of 2-85.

(c) Drainage and Erosion Control

Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified in the PRC Toups maps. The slope mapping and analysis shall be prepared during the CEQA

- a) Soils investigation conducted by a licensed soils engineer has determined the subject slope are to be stable and grading and development impacts mitigatable for at least 75 years, or life of structure.
  - b) Grading of the slope is essential to the development intent and design.
  - c) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.
  - d) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if not interruption of significant wildlife corridors occurs.
  - f) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.
- (3) **Drainage and Runoff Rates:** Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.
- (4) **Installation Timing of Drainage and Runoff Control Measures:** The appropriate measures shall be installed prior to onsite grading.
- (5) **Required Open Space Easements on Undeveloped Slopes:** All undevelopable slopes shall be placed in open space easements as a condition of development approval.

(d) **Park Purposes (Marcario Canyon):**

Park purposes shall be a permitted use compatible with this land use designation provided that any park construction is subject to 3-5 C above.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO. \_\_\_\_\_

A ZONE CODE AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO REPEAL SECTION 21.38.160 OF THE CARLSBAD MUNICIPAL CODE RELATING TO DEVELOPMENT REQUIREMENTS IN KELLY POINT AND MACARIO CANYON.  
CASE NAME: KELLY RANCH  
CASE NO.: ZCA 99-03/LCPA 97-09

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

SECTION 1: That Section 21.38.160 of the Carlsbad Municipal Code is hereby repealed.

SECTION 2: When effective, this ordinance will also constitute an amendment to the Mello II and Agua Hedionda segments of the City's Local Coastal Program according to exhibits LCPA 97-09 and LCPA 97-09 Text attached hereto.

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. *(Notwithstanding the preceding, this ordinance shall not be effective within the City's Coastal Zone until approved by the California Coastal Commission.)*

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the \_\_\_\_\_ day of \_\_\_\_\_ 1999, and thereafter.

///  
///  
///  
///  
///  
///  
///  
///  
///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PASSED AND ADOPTED at a regular meeting of the City Council of the City  
Carlsbad on the \_\_\_\_ day of \_\_\_\_\_ 1999, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

\_\_\_\_\_  
ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)



"21.38.160 Additional Standards - Upper Agua Hedionda Watershed.

The Contents of a Master Plan for Kelly Point and Macario Canyon area as identified by the Carlsbad Local Coastal Program shall include the following additional information required below and be approved in accordance with the following additional development standards:

(a) Permits - Required. Developments as defined in Chapter 21.04.107, (including but not limited to land divisions) require a coastal development permit subject to the requirement of this zone. All uses in this zone are subject to the procedural requirements of Chapter 21.201. Prior to or simultaneously with the approval of any division of land or any other development, a master plan of development for the property containing the requirements specified below shall be submitted and approved.

(b) Maximum Density of Development. The Master Plan shall be approved subject to a maximum density of development as follows:

(1) All slopes greater than 25 percent shall result in an allowable development intensity of 1 dwelling unit per ten acres;

(2) All slopes greater than 20 percent but less than 25 percent shall result in a development intensity of 1 dwelling unit per five acres;

(3) All slopes greater than 15 percent but less than 20 percent shall result in a development intensity of 1 dwelling unit per acre;

(4) All slopes greater than 10 percent but less than 15 percent shall result in a development intensity of 2 dwelling units per acre;

(5) All areas with a slope of less than 10 percent shall result in a development intensity of 6 units per acre;

(6) For the Kelly Ranch Master Plan area, residential densities and slope criteria shall be permitted and based on those contained in the City approved master plan and as approved by the Coastal Commission in Permit 6-84-617.

(7) Approximately 4 acres located adjacent to the extension of Cannon Road, and as described in Coastal Development Permit 6-84-617 are designated for visitor-serving or Neighborhood Commercial use.

The plan required as a part of the Master Plan shall be certified as accurate by a registered engineer or other qualified professional to be true and accurate containing reasonably accurate estimates of the amount of cut and fill. The plan shall show the existing and the finished topography of the ground to be graded and filled, including a site plan of the proposed residential or commercial development in the same scale so that it can be superimposed upon the topographic map.

The Master Plan shall include a topographic map at a scale sufficient to determine the above but no less than 1" = 100 feet having a contour interval of 5 feet with overlays delineating areas of greater than 10, 15, 20, and 25 percent slopes. A map showing the type of soil erodibility, and class based on the Land Use Capability Classification System of the Soil Conservation Service shall be submitted in the same scale as the slopes. The Master Plan shall show the computation of the densities and acreage of soils.

(c) Erosion, Drainage, Sedimentation. Subject to the modifications, additions, or exceptions expressed below, as a part of the permit application, the applicant shall submit an erosion, sedimentation and drainage plan, prepared by a qualified professional,

(i) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least 75 years, or life of structure.

(ii) Grading of the slope is essential to the development intent and design.

(iii) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.

(iv) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.

(v) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.

(vi) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(3) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of Agua Hedionda Lagoon and other environmentally sensitive areas.

(4) The appropriate measures shall be installed prior to onsite grading.

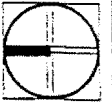
(5) All undevelopable slopes shall be placed in open space easements as a condition of development approval.

(6) A site specific technical report shall be required addressing the cumulative effects of developing each subwatershed and recommending measures to mitigate both increased runoff and sedimentation. It shall be reviewed and prepared according to the Model Erosion Control Ordinance contained in the Master Drainage Plan, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that stormdrains are allowed for those western portions of the watershed which have already been incrementally developed.

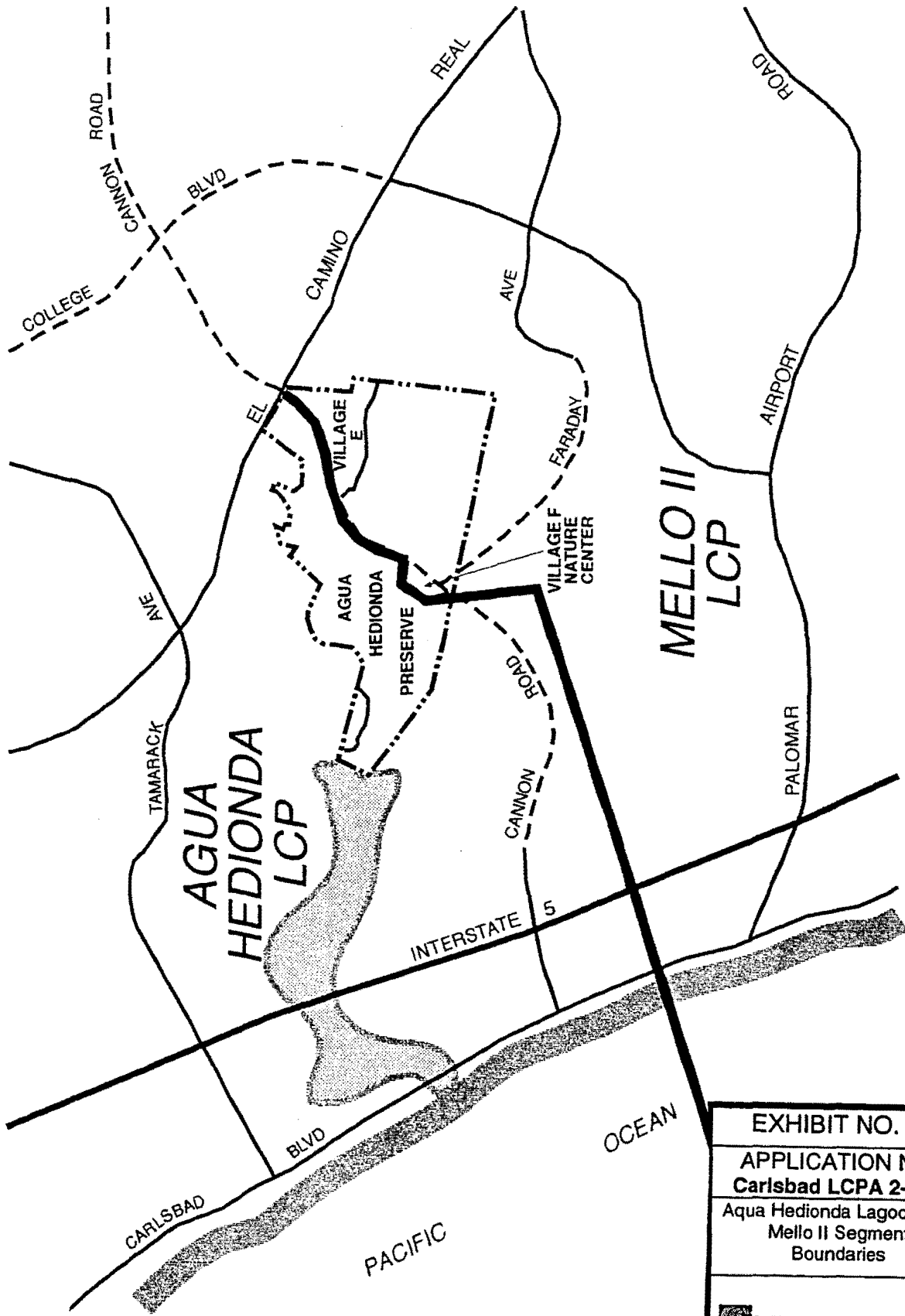
(7) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:

(A) Submittal of a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps and energy dissipators and shall not be concentrated in one area or a few locations.

(B) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage



LCP SEGMENT BOUNDARIES

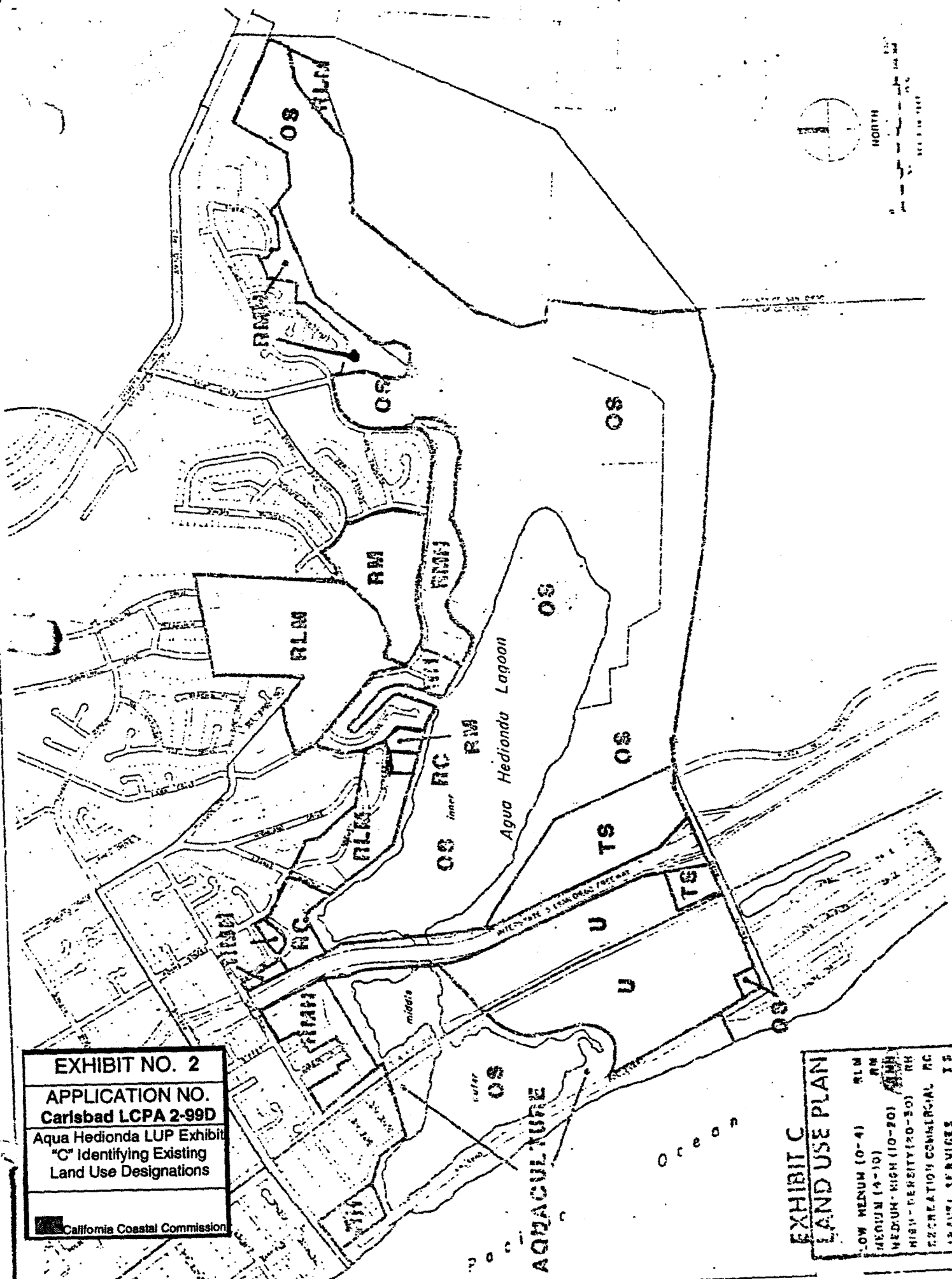


AGUA HEDIONDA LCP

MELLO II LCP

EXHIBIT NO. 1
APPLICATION NO.
<b>Carlsbad LCPA 2-99D</b>
Aqua Hedionda Lagoon and Mello II Segment Boundaries
California Coastal Commission

PLANNING SYSTEMS

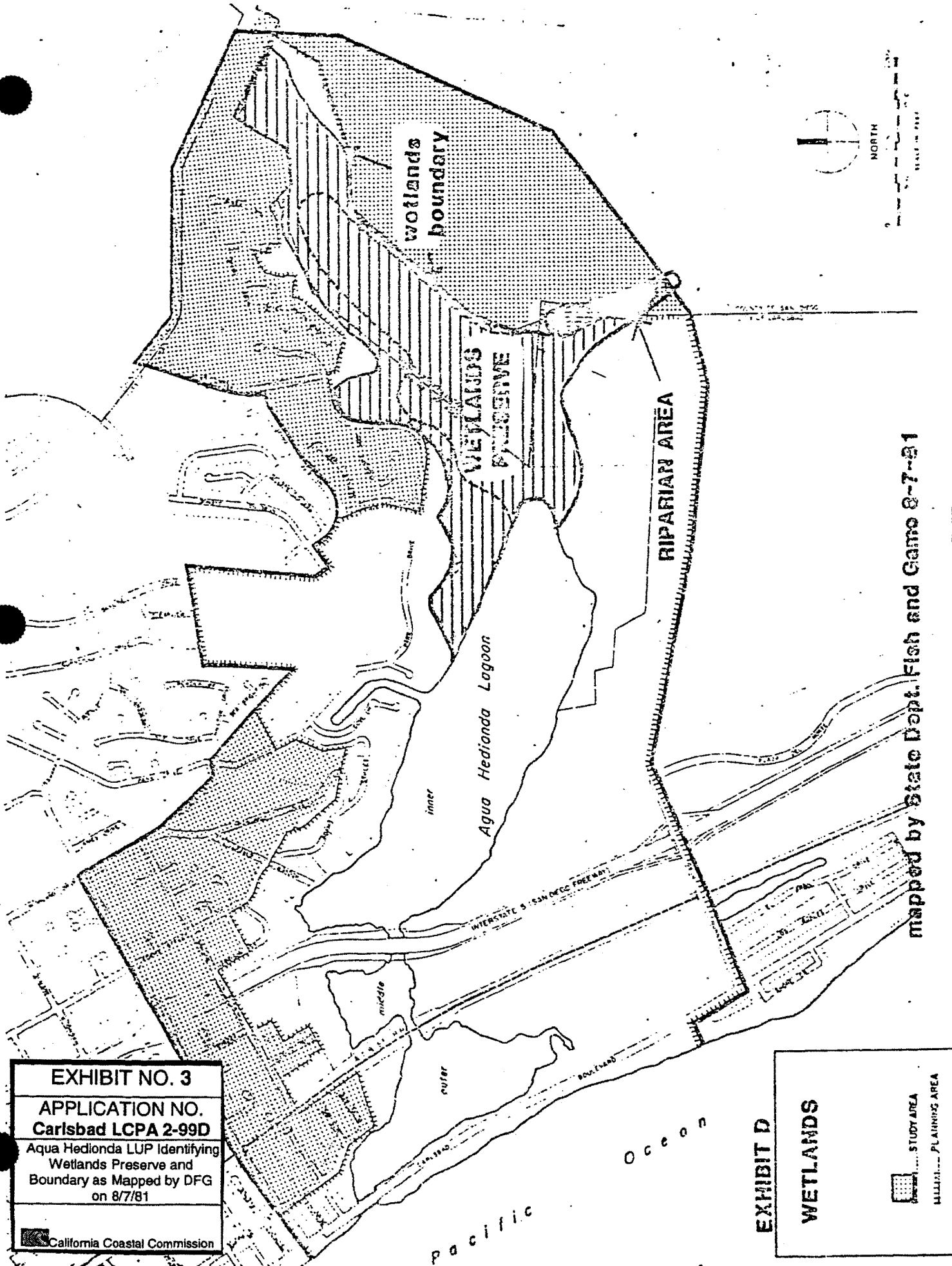


**AQUA HEDIONDA LCP**

**EXHIBIT NO. 2**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
 Aqua Hedionda LUP Exhibit  
 "C" Identifying Existing  
 Land Use Designations  
 California Coastal Commission

**EXHIBIT C**  
**LAND USE PLAN**

LOW MEDIUM (0-4)	RLM
MEDIUM (4-10)	RM
MEDIUM-HIGH (10-20)	RLM
HIGH-DENSITY (20-50)	RM
RECREATION COMMERCIAL	RC
TRAVEL SERVICES	TS
OPEN SPACE	OS
UTILITIES	U



mapped by State Dept. Fish and Game 8-7-81

# AGUA HEDIONDA LAGOON LCP

**EXHIBIT NO. 3**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
 Aqua Hedionda LUP Identifying  
 Wetlands Preserve and  
 Boundary as Mapped by DFG  
 on 8/7/81

California Coastal Commission

**EXHIBIT D**

**WETLANDS**

STUDY AREA

PLANNING AREA

**EXHIBIT NO. 4**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**

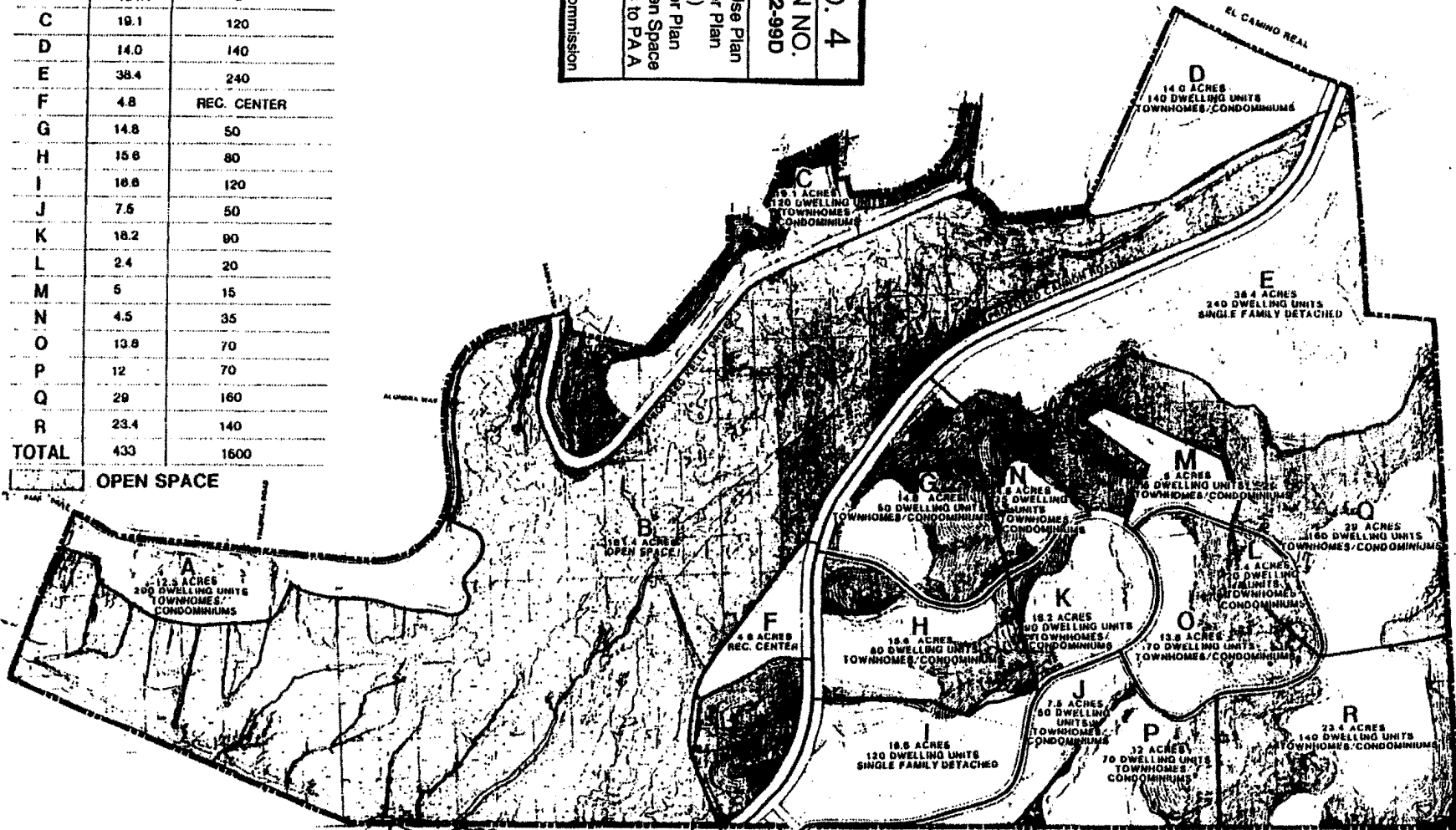
Existing LCP Land Use Plan  
 Kelly Ranch Master Plan  
 (as Proposed)  
 The certified Master Plan  
 includes PA D as Open Space  
 & revised boundaries to PAA

California Coastal Commission

**STATISTICAL SUMMARY**

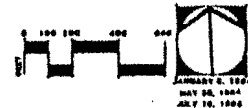
PLANNING AREA	APPROX. ACRES	NUMBER OF DWELLING UNITS
A	12.5	200
B	181.4	0
C	19.1	120
D	14.0	140
E	38.4	240
F	4.8	REC. CENTER
G	14.8	50
H	15.6	80
I	18.6	120
J	7.5	50
K	18.2	90
L	2.4	20
M	5	15
N	4.5	35
O	13.8	70
P	12	70
Q	29	160
R	23.4	140
<b>TOTAL</b>	<b>433</b>	<b>1600</b>

**OPEN SPACE**



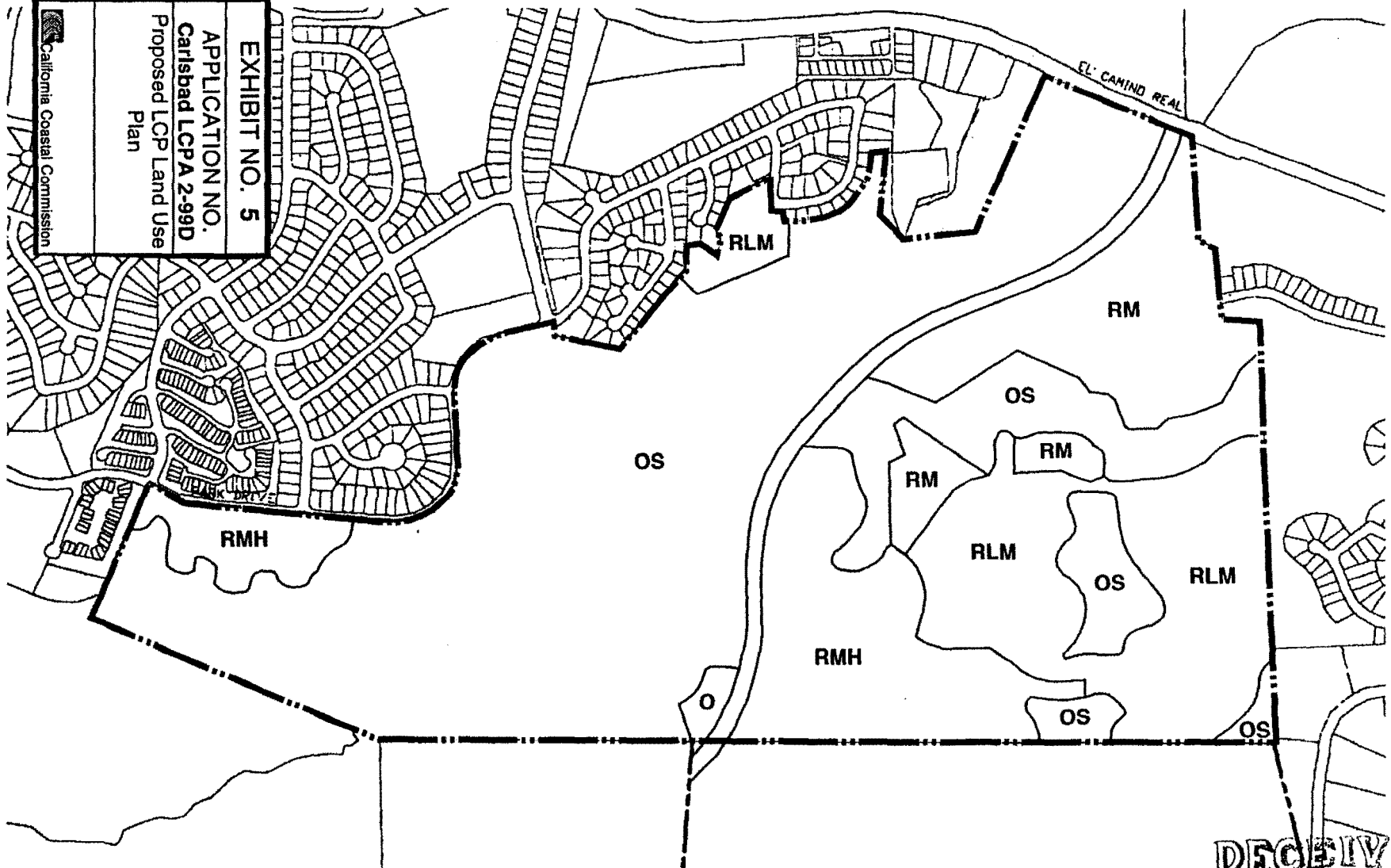
**MASTER PLAN**  
**KELLY RANCH A PLANNED COMMUNITY**  
 CAL COMMUNITIES & KALFMAN AND BROAD OF SOUTHERN CALIFORNIA

FLORIAN MARTINEZ ASSOCIATES  
 1000 S. GARDEN AVENUE  
 SUITE 100  
 ANAHEIM, CALIF. 92805  
 TEL. (714) 771-1100



Note: See Back of Report for Full Scale Map.

California Coastal Commission  
 EXHIBIT NO. 5  
 APPLICATION NO.  
 Carlsbad LCPA 2-99D  
 Proposed LCP Land Use  
 Plan



**LEGEND**

- RL** Residential Low Density
- RLM** Residential Low-Medium Density
- RM** Residential Medium Density

- RMH** Residential Medium-High Density
- N** Neighborhood Commercial
- OS** Open Space
- O** Office

**RECEIVED**

AUG 23 1999

CALIFORNIA  
 COASTAL COMMISSION  
 SAN DIEGO COAST DISTRICT

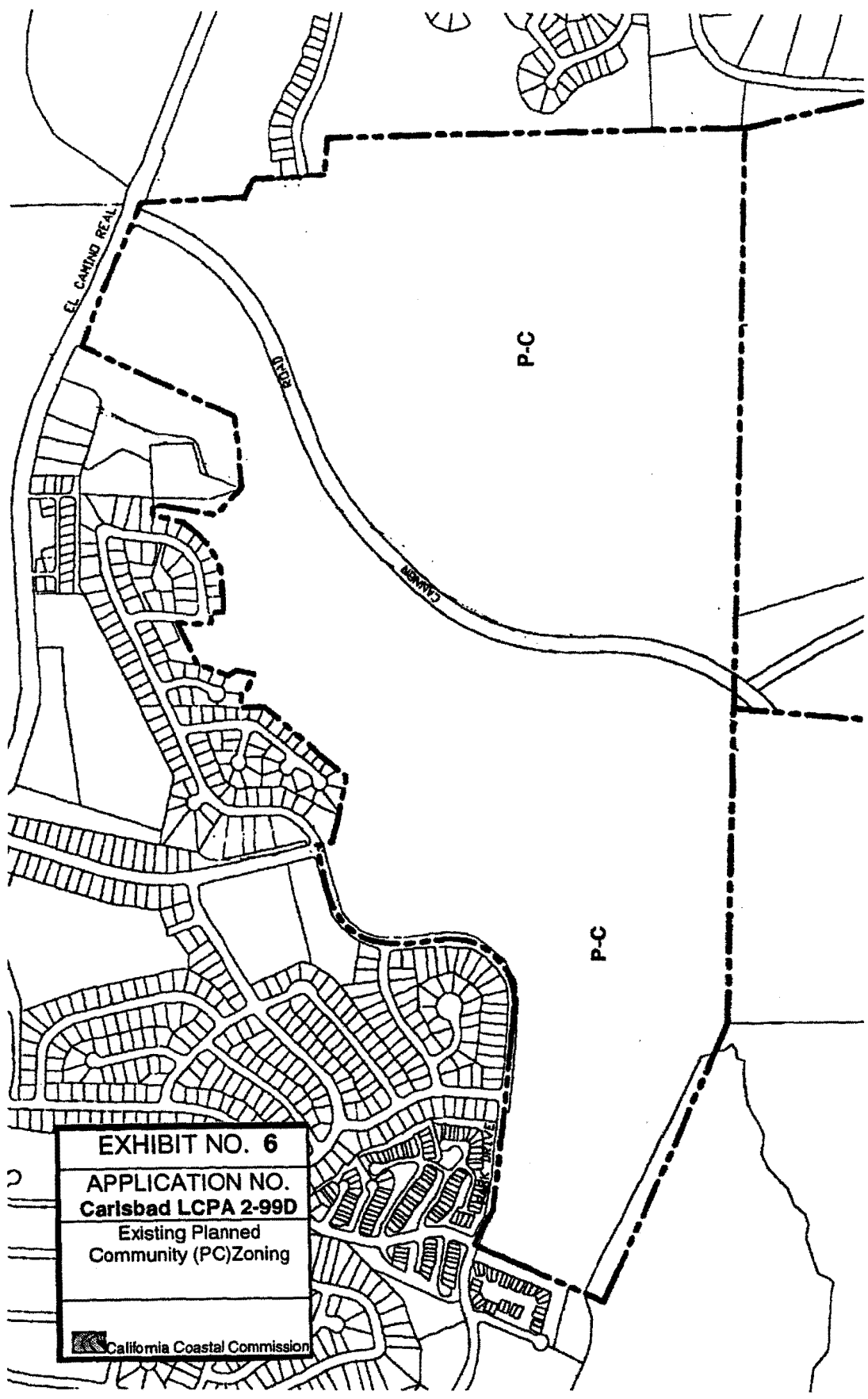


**KELLY RANCH - GENERAL PLAN (PROPOSED)**





# KELLY RANCH - ZONING (EXISTING)

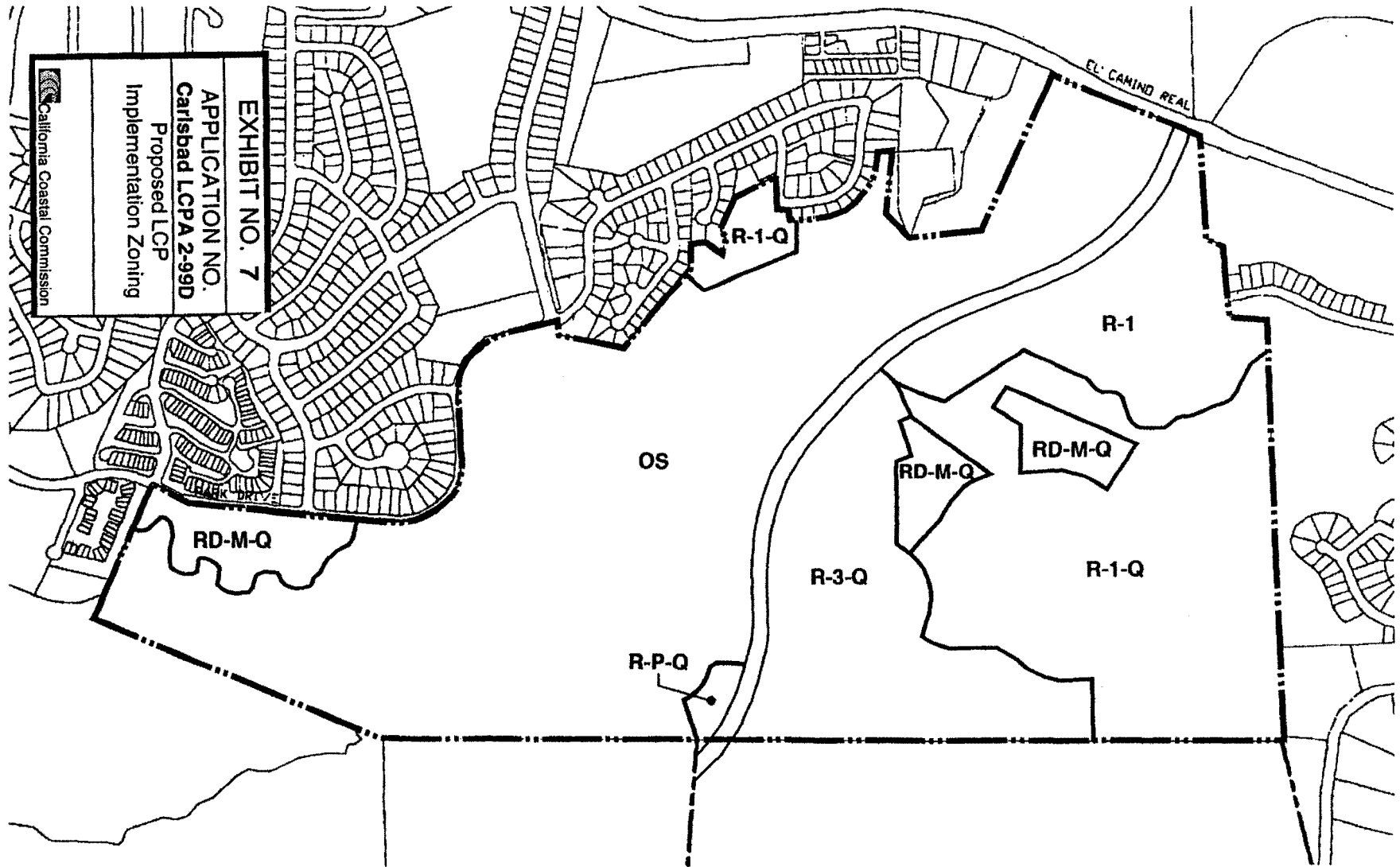


**EXHIBIT NO. 6**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
 Existing Planned  
 Community (P-C) Zoning

California Coastal Commission

- LEGEND**
- OS Open Space
  - P-C Planned Community





**LEGEND**


- |  |   |
|--|---|
| <b>R-1-Q</b> Single Family Residential (Qualified Overlay)     | <b>R-P-Q</b> Residential-Professional (Qualified Overlay) |
| <b>R-3-Q</b> Multiple Family Residential (Qualified Overlay)   | <b>PC</b> Planned Community                               |
| <b>RD-M-Q</b> Residential Density-Multiple (Qualified Overlay) | <b>OS</b> Open Space                                      |

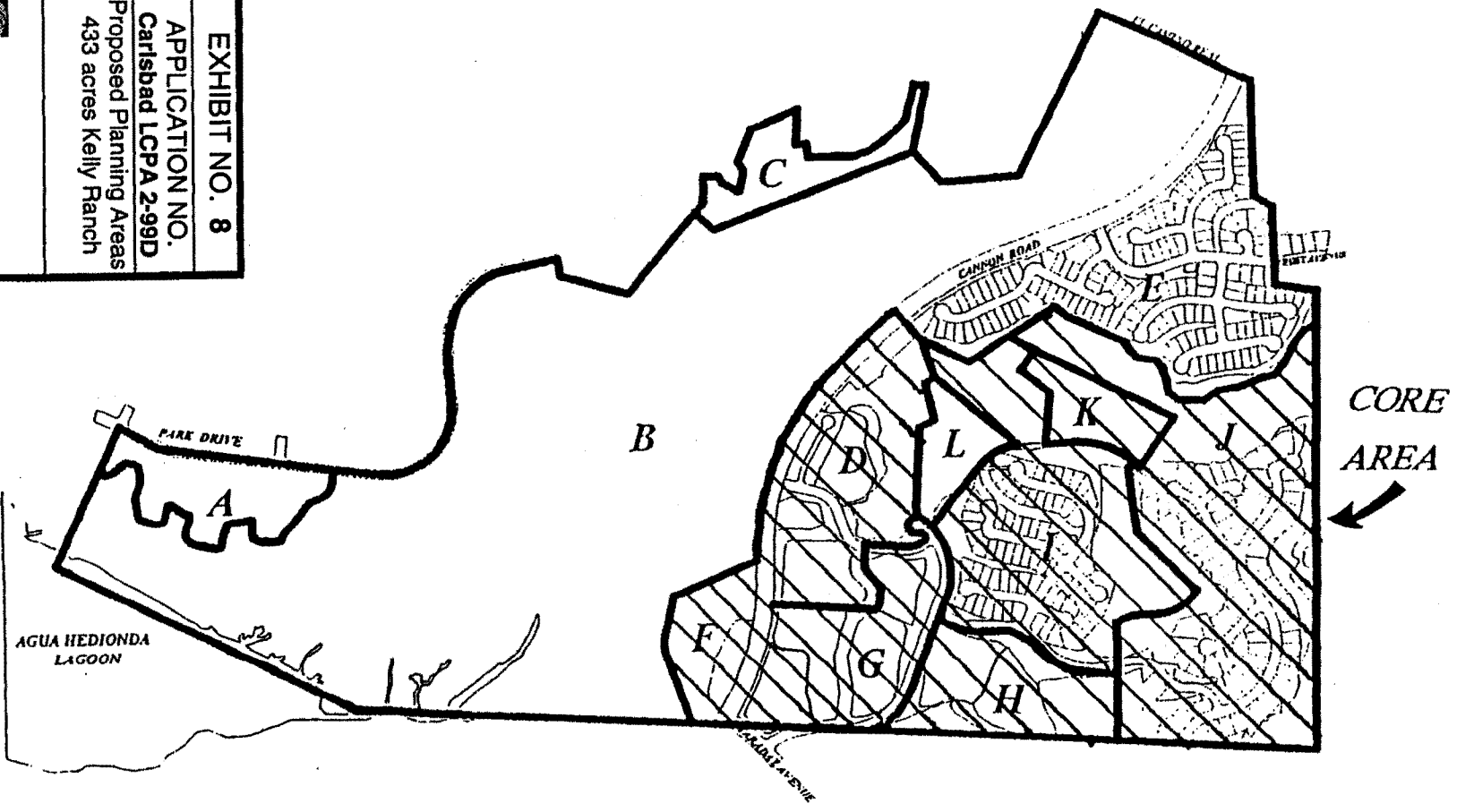


**KELLY RANCH - ZONING (PROPOSED)**



1.19

 California Coastal Commission	EXHIBIT NO. 8
	APPLICATION NO.
	Carlsbad LCPA 2-99D
	Proposed Planning Areas 433 acres Kelly Ranch



NOTE: PLANNING AREA "L" NOT A PART

SOURCE: Project Design Consultants  
 DATE: 1997

**Table 1.1.1  
Kelly Ranch General Plan, Master Plan & Zoning Data**

PROPOSED GENERAL PLAN										PROPOSED PROJECT			ZONING	
"Core Area"	Open Space				General Plan			Range of Units		# of dwelling units			Zone Designations	
	Gross Acres	Con-strained	Open Space	Net Acres	Designation	GMCP	TOR	GMCP	TOR	Market Rate	Afford-able	Total	Existing	Proposed
Area D	27.0	11.9	7.7	7.4	RMH	11.5	15.0	85	111	80	0	80	PC	RDM R-3
Area G	21.3	5.7	0.0	15.6	RMH	11.5	15.0	179	234	174	0	174	PC	RDM R-3
Area H	14.6	2.5	2.2	9.9	RMH	11.5	15.0	114	148	109	0	109	PC	RDM R-3
Subtotal	62.9	20.1	9.9	32.9	-	-	-	378	493	363	0	363	-	-
Affordable (a)	-	-	-	-	-	-	-	0	115	0	132	132	-	-
Total	62.9	20.1	9.9	32.9	-	-	-	378	493	363	132	495	-	-
Area F	7.8	2.3	3.1	2.4	N	-	-	-	-	0	0	0	PC	C-1
					OS/Q									Q-S/R-P
Area I	36.3	3.9	10.3	22.1	RM	6.0	8.0	122	176	73	0	73	PC	R-1
					RLM	3.2	4.0	70	88					
Area J	55.0	8.3	18.4	28.3	RLM	3.2	4.0	90	113	87	0	87	PC	R-1
Area K	6.3	0.8	4.3	1.2	RM	6.0	8.0	7	9	1	0	1	PC	RDM
Subtotal	105.4	15.3	36.1	54.0	-	-	-	167	210	161	0	161	-	-
Area L (NAP)	5.5	1.7	0.0	3.8	RM	6.0	8.0	22	30	0	0	0	PC	BDM PC
Subtotal	110.9	17.0	36.1	57.8	-	-	-	189	240	0	0	0	-	-
Total	173.8	37.1	46.0	90.7	-	-	-	567	733	524	132	656	-	-

EXISTING GENERAL PLAN									
"Core Area"	Acres				General Plan			Range of Units	
	Gross	Con-strained	Open Space	Net	Designation	GMCP	TOR	GMCP	TOR
Area F	7.8	2.3	2.9	2.6	T-R	-	-	0	0
Areas D, G - L	166.0	34.8	42.9	88.3	RM	6.0	8.0	529	706
Subtotal	173.8	37.1	45.8	90.9	-	-	-	529	706
"Non-Core" Area									
Areas A,C	20.9	3.2	0.0	17.7	RMH	11.5	15.0	203	266
Area B	192.5	0.0	192.5	0.0	OS	-	-	0	0
Area E	45.0	7.3	2.0	35.7	RM	6.0	8.0	214	286
Subtotal	258.4	10.5	194.5	53.4	-	-	-	417	551
TOTAL	432.2	47.6	240.3	144.3	-	-	-	946	1,258


**General Plan Legend**

N = Neighborhood Commercial  
 OS = Open Space  
 RM = Residential Medium Density 4-8  
 RLM = Residential Low-Medium Density 0-4  
 RMH = Residential Medium-High Density  
**Zoning Legend 8-15**  
 C-1 = Neighborhood Commercial  
 PC = Planned Community  
 R-1 = One-family Residential  
 RD-M = Residential Density-multiple  
 OS = Open Space  
 R-P = Residential Professional

KELLY RANCH MASTER PLAN										
"Core Area"	Acres				General Plan			Range of Units		Master Plan
	Gross	Con-strained	Open Space	Net	Designation	GMCP	TOR	GMCP	TOR	Approved Units
Area F	4.8	0.0	3.5	1.3	-	-	-	0	0	0
Areas G - R	162.8	0.0	77.9	84.9	-	6.0	8.0	508	679	900
Subtotal	167.6	0.0	81.4	86.2	-	-	-	508	679	900
"Non-Core" Area										
Areas A,C	31.6	0.0	10.1	21.5	-	11.5	15.0	247	323	320
Area B	181.4	0.0	177.0	4.4	-	-	-	0	0	0
Area D	14.0	0.0	0.0	14.0	-	6.0	8.0	84	112	140
Area E	38.4	0.0	0.0	38.4	-	6.0	8.0	230	307	240
Subtotal	265.4	0.0	187.1	78.3	-	-	-	561	742	700
TOTAL	433.0	0.0	268.5	164.5	-	-	-	1,070	1,421	1,600

**EXHIBIT NO. 9**

**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
 Kelly Ranch General Plan  
 Master Plan and Zoning  
 Data

 California Coastal Commission

**Notes:**

(a) Per existing Kelly Ranch/City of Carlsbad Agreement.

(b) Area E has been approved for development (144 du) and is not included in the proposed Kelly Ranch "Core Area" project.

GMCP = Growth Management Control Point  
 TOR = Top of General Plan Density Range  
 NAP = Included in Kelly Ranch project area, but is "Not A Part" of Tentative Map # 97-16.

Source: Tentative Map, Sheet 2 and Kelly Ranch Master Plan (1984).



**EXHIBIT NO. 10**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
 Hardline Preserve Carlsbad  
 HMP Figure 12 - 3/4/99  
 California Coastal Commission

**Figure 12**  
**Kelly Hillman Property**     3/4/99

03/04/99

/e:argis2/products/hmp/hmproject/hillman.aml

# BIOLOGICAL INVENTORY (UPLAND AND WETLAND HABITATS)

OFFER TO DEDICATE AREA  
 KELLY RANCH  
 CARLSBAD, CALIFORNIA

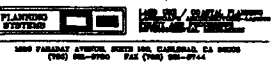
## SURVEY NOTE:

THE VEGETATION WAS INVENTORIED BY FRED T. SPROUL,  
 D. COUNTY CERTIFIED BIOLOGIST, AND GREG EVANS,  
 LANDSCAPE ARCHITECT, L.A.#3900, IN THE SPRING OF 1997.  
 THE VEGETATION MAP WAS DRAWN IN THE FIELD USING A

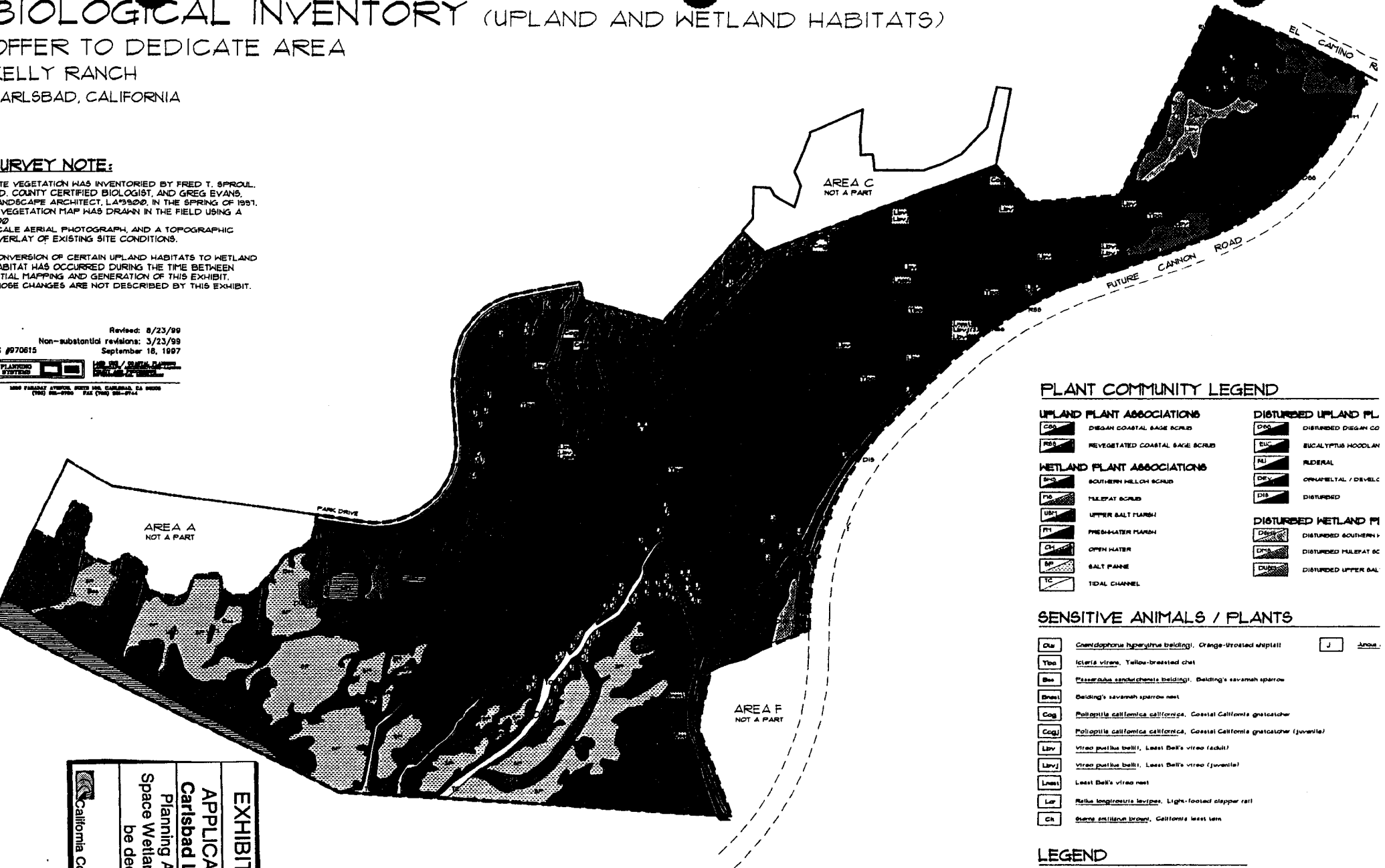
1/2" SCALE AERIAL PHOTOGRAPH, AND A TOPOGRAPHIC  
 OVERLAY OF EXISTING SITE CONDITIONS.

CONVERSION OF CERTAIN UPLAND HABITATS TO WETLAND  
 HABITAT HAS OCCURRED DURING THE TIME BETWEEN  
 INITIAL MAPPING AND GENERATION OF THIS EXHIBIT.  
 THESE CHANGES ARE NOT DESCRIBED BY THIS EXHIBIT.

Revised: 8/23/99  
 Non-substantial revisions: 3/23/99  
 September 18, 1997  
 #970815



1000 PARADISE AVENUE, SUITE 100, CARLSBAD, CA 92008  
 (760) 939-9700 FAX (760) 939-9744



## PLANT COMMUNITY LEGEND

### UPLAND PLANT ASSOCIATIONS

- DIEGAN COASTAL SAGE SCRUB
- REVEGETATED COASTAL SAGE SCRUB

### WETLAND PLANT ASSOCIATIONS

- SOUTHERN HELICH SCRUB
- TULEFAT SCRUB
- UPPER SALT MARSH
- FRESHWATER MARSH
- OPEN WATER
- SALT PANNE
- TIDAL CHANNEL

### DISTURBED UPLAND PL.

- DISTURBED DIEGAN CG
- EUCALYPTUS WOODLAND
- RUDERAL
- ORNAMENTAL / DEVELOPED
- DISTURBED

### DISTURBED WETLAND PL

- DISTURBED SOUTHERN F
- DISTURBED TULEFAT SC
- DISTURBED UPPER SAL

## SENSITIVE ANIMALS / PLANTS

- Cnemidophorus tigris* *beltingi*, Orange-throated whiptail
- Icteria virens*, Yellow-breasted chat
- Passerulus sandwichensis bewickii*, Bewick's savannah sparrow nest
- Bewick's savannah sparrow nest
- Poliophtila californica californica*, Coastal California gnatcatcher
- Poliophtila californica californica*, Coastal California gnatcatcher (juvenile)
- Vireo pusillus belli*, Least Bell's vireo (adult)
- Vireo pusillus belli*, Least Bell's vireo (juvenile)
- Least Bell's vireo nest
- Rallus longirostris levipes*, Light-footed clapper rail
- Sterna antillarum browni*, California least tern

## LEGEND

- APPROXIMATE AQUIA HEDIONDA OPEN SPACE DEDICATION AREA
- KELLY RANCH PROPERTY LINE
- RIGHT OF WAY
- PLANT COMMUNITY DESIGNATION SYMBOL (TYP.)
- SENSITIVE SPECIES SYMBOL (TYP.)






**EXHIBIT NO. 11**

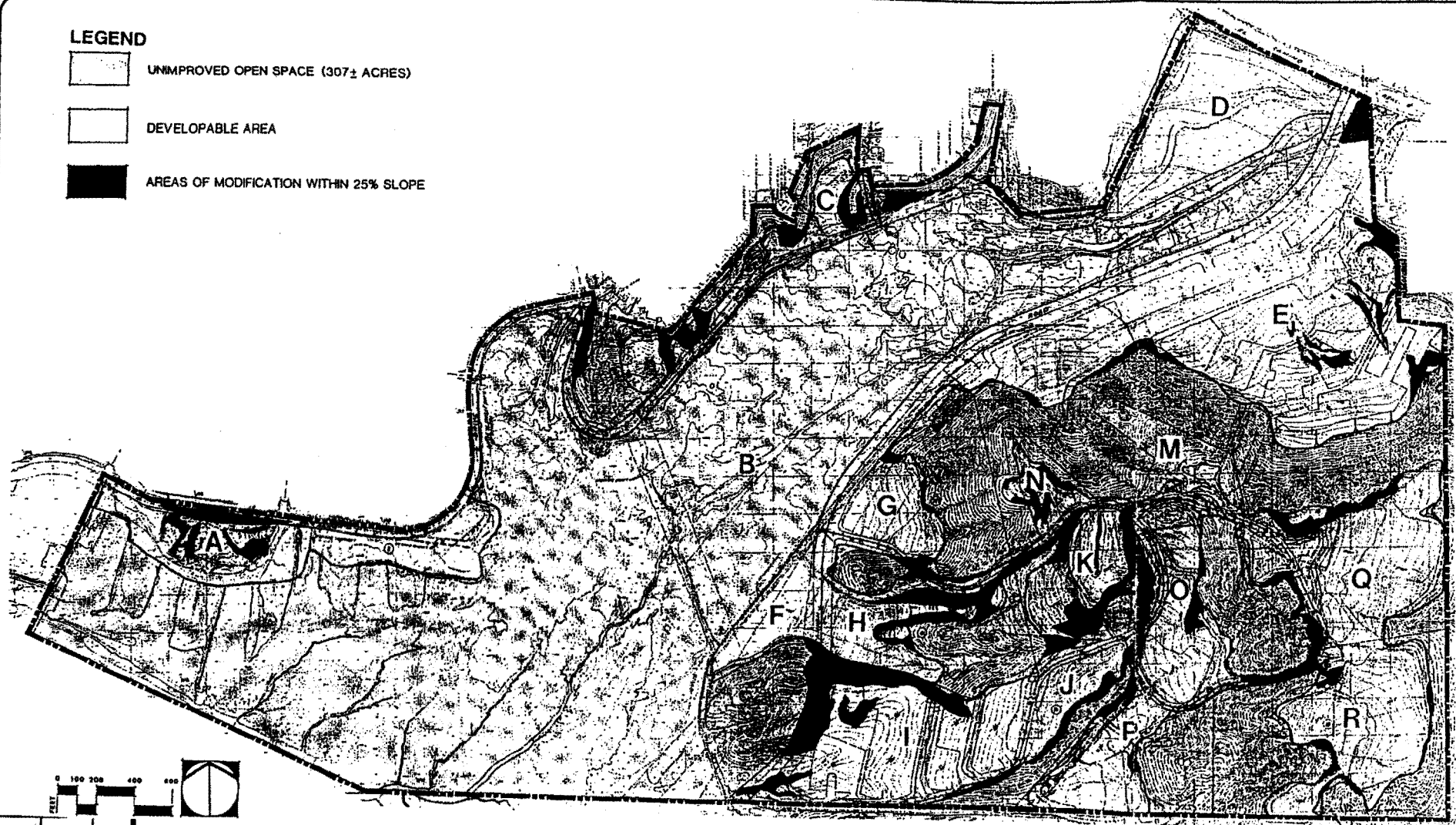
**APPLICATION NO.**  
 Carlsbad LCPA 2-99D

Planning Area B Open  
 Space Wetland Preserve (to  
 be dedicated)

California Coastal Commission

**LEGEND**

-  UNIMPROVED OPEN SPACE (307½ ACRES)
-  DEVELOPABLE AREA
-  AREAS OF MODIFICATION WITHIN 25% SLOPE



Ranch Master Plan

**FIGURE 2.2.2.**  
**KELLY RANCH MASTER PLAN SLOPE ENCROACHMENT**

A. D. HINSHAW ASSOCIATES  
2.2.11

**EXHIBIT NO. 12**

**APPLICATION**  
**Carlisbad LCPA**  
**Kelly Ranch Master Plan**  
**Slope Encroachment**

California Coastal Commission

Chapter 21.203

COASTAL RESOURCE PROTECTION OVERLAY ZONE

21  
22  
23  
24  
25  
26  
27  
28

Sections:

- 21.203.010 Intent and Purpose
- 21.203.020 Applicant
- 21.203.030 Permit Required
- 21.203.040 Development Standards

"21.203.010 Intent And Purpose.

The intent and purpose of the Coastal Resource Protection Overlay Zone is to:

A. Supplement the underlying zoning by providing additional resource protective regulations within designated areas to preserve, protect and enhance the habitat resource value of Buena Vista Lagoon, Agua Hedionda Lagoon, Batiquitos Lagoon, and steep sloping hillsides;

EXHIBIT NO. 13
APPLICATION NO. Carlsbad LCPA 2-99D
CRP Overlay Zone Existing Mello II LCP Implementation Plan
 California Coastal Commission

- 1 B. Provide regulations in areas which provide the best wildlife habitat characterist  
2 C. Encourage proper lagoon management;  
3 D. Deter soil erosion by maintaining the vegetative cover on steep slopes;  
4 E. Implement the goals and objectives of Sections 30231, 30233, 30240(b) and 30253  
5 of the Public Resources Code and the approved Carlsbad Local Coastal Program."

6 "21.203.020 Applicability.

7 This chapter implements the California Coastal Act and is applicable to all properties  
8 located in the coastal zone as defined in Public Resources Code Section 30171. In case of any  
9 conflict between this zone and the underlying zone, provisions of this zone shall apply."

10 "21.203.030 Permit Required.

11 Developments, including but not limited to, land divisions, as defined in Chapter  
12 21.04.108 require a coastal development permit. This permit is subject to the requirements of  
13 this zone and the procedural requirements for coastal development permits of Chapter 21.201  
14 of this code."

15 "21.203.040 Development Standards.

16 The following specific development standards shall be applied to areas within the Coastal  
17 Resource Protection Overlay Zone as part of the coastal development permit. Such standards  
18 shall control, notwithstanding the provisions of the underlying zone and shall include:

19 A. Preservation of Steep Slopes and Vegetation

20 Any development proposal that affects steep slopes (25% inclination or greater)  
21 shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are  
22 identified on the PRC Toup's maps. The slope mapping and analysis shall be prepared during  
23 the CEQA environmental review on a project-by-project basis and shall be required as a  
24 condition of a coastal development permit.

25 1. For those slopes mapped as possessing endangered plant/animal species  
26 and/or coastal sage scrub and chaparral plant communities, the following policy language would  
27 apply:

28 a. Slopes of 25% grade and over shall be preserved in their natural  
state, unless the application of this policy would preclude any reasonable use of the property,  
in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may  
be permitted. For existing legal parcels, with all or nearly all of their area in slope area over  
25% grade, encroachment may be permitted; however, any such encroachment shall be limited  
so that at no time is more than 20% of the entire parcel (including areas under 25% slope)  
permitted to be disturbed from its natural state. This policy shall not apply to the construction  
of roads of the City's Circulation Element or the development of utility systems. Uses of slopes  
over 25% may be made in order to provide access to flatter areas if there is no less  
environmentally damaging alternative available.

b. No further subdivisions of land or utilization of Planned Unit  
Developments shall occur on lots that have their total area in excess of 25% slope unless a  
Planned Unit Development is proposed which limits grading and development to not more than  
10% of the total site area.

c. Slopes and areas remaining undisturbed as a result of the hill  
review process, shall be placed in a permanent open space easement as a condition of  
development approval. The purpose of the open space easement shall be to reduce the



1 potential for localized erosion and slide hazards to prohibit the removal of native vegetation  
2 except for creating firebreaks and/or planting fire retardant vegetation and to protect visu  
resources of importance to the entire community.

3 2. For all other steep slope areas, the City Council may allow exceptions to  
4 the above grading provisions provided the following mandatory findings to allow exceptions are  
made:

5 a. A soils investigation conducted by a licensed soils engineer has  
determined the subject slope area to be stable and grading and development impacts mitigatable  
6 for at least 75 years, or life of structure.

7 b. Grading of the slope is essential to the development intent and  
design.

8 c. Slope disturbance will not result in substantial damage or alteration  
to major wildlife habitat or native vegetation areas.

9 d. If the area proposed to be disturbed is predominated by steep slopes  
and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject  
10 to major grade changes.

11 e. If the area proposed to be disturbed is predominated by steep slopes  
and is less than 10 acres, complete grading may be allowed only if no interruption of significant  
wildlife corridors occurs.

12 f. Because north-facing slopes are generally more prone to stability  
13 problems and in many cases contain more extensive natural vegetation, no grading or removal  
of vegetation from these areas will be permitted unless all environmental impacts have been  
14 mitigated. Overriding circumstances are not considered adequate mitigation.

15 B. Drainage, Erosion, Sedimentation, Habitat

16 1. Buena Vista Lagoon: Developments located along the first row of lots  
bordering Buena Vista Lagoon, including the parcel at the mouth of the Lagoon, shall be  
17 designated for residential development at a density of up to four dwelling units per acre.  
Proposed development in this area shall be required to submit topographic and vegetation  
18 mapping and analysis, as well as soils reports, as part of the development permit application.  
Such information shall be provided in addition to any required Environmental Impact Report,  
19 and shall be prepared by qualified professionals and in sufficient detail to locate the boundary  
of wetland and upland areas and areas of slopes in excess of 25%. Topographic maps shall be  
20 submitted at a scale sufficient to determine the appropriate developable areas, generally not less  
than a scale of 1" - 100' with a topographic contour interval of five feet, and shall include an  
21 overlay delineating the location of the proposed project. The lagoon and wetland area shall be  
delineated and criteria used to identify any wetlands existing on the site shall be those of  
22 Section 30121 of the Coastal Act and based upon the standards of the Local Coastal Program  
Mapping Regulations. Mapping of wetlands and siting of development shall be done in  
23 consultation and subject to the approval of the Department of Fish and Game. Development  
shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least  
24 100 feet from wetlands/lagoon shall be required in all development, in order to buffer such  
sensitive habitat area from intrusion. Such buffer areas, as well as other open space areas  
25 required in permitted development to preserve habitat areas, shall be permanently preserved  
for habitat uses through provision of an open space easement as a condition of project approval.  
26 In the event that a wetland area is bordered by steep slopes (in excess of 25%) which will act  
as a natural buffer to the habitat area, a buffer area of less than 100 feet in width may be  
27 permitted. The density of any permitted development shall be based upon the net developable  
28

1 area of the parcel, excluding any portion of a parcel which is in wetlands or lagoon.  
2 specified in (a), a density credit may be provided for that portion of the parcel which is in steep  
3 slopes. Storm drain alignments as proposed in the Carlsbad Master Drainage Plan which would  
4 be carried through or empty into Buena Vista Lagoon shall not be permitted, unless such  
5 improvements comply with the requirements of Sections 30230, 30231, 30233, and 30235 of the  
6 Coastal Act by maintaining or enhancing the functional capacity of the Lagoon in a manner  
7 acceptable to the State Department of Fish and Game. Land divisions shall only be permitted  
8 on parcels bordering the Lagoon pursuant to a single planned development permit for the entire  
9 original parcel.

10 2. Baticuitos Lagoon Watershed: Development located east of I-5 (generally  
11 referred to as the Savage property) shall be designated for a maximum density of development  
12 of 8 units per gross acre, excluding wetlands and constrained slopes. Development shall take  
13 place according to the requirements of the P-C Planned Community zone Chapter 21.38,  
14 supplemented by these additional requirements. Land divisions shall only be permitted  
15 pursuant to a Master Plan for the entire original parcel subject to the requirements herein:

16 a. Drainage, Erosion and Sedimentation requirements shall be as  
17 specified in subsection B.4. of this section.

18 b. Detailed topographic maps shall be prepared by qualified  
19 professionals including biologists, hydrologists and engineers in sufficient detail to locate the  
20 boundary of lagoon or wetland and upland areas. The scale shall not be less than 1" = 100'  
21 with a contour interval of five feet, and shall include an overlay delineating the location of the  
22 development. The lagoon and wetland areas shall be delineated according to the requirements  
23 of Section 30121 of the Coastal Act and the Local Coastal Program mapping regulation  
24 subject to the review and approval of the State Department of Fish and Game.

25 c. Development shall be clustered to preserve open space and habitat.

26 d. A minimum setback of 100 feet from the lagoon/wetland shall be  
27 required.

28 e. At least 2/3 of any development shall be clustered on the half of the  
property furthest away from the lagoon at the base of the bluff in order to preserve the  
outstanding visual and natural resources.

f. Existing mature trees shall be preserved.

g. Public recreation facilities shall be provided as a condition of  
development including picnic tables, parking, and a public access trail along the lagoon shore.  
The trail shall be secured by an irrevocable offer to dedicate public access but shall be  
developed and landscaped as a condition of development and shall be at least 15 feet wide with  
unobstructed views of the lagoon.

h. To facilitate provision of public use areas and preservation of  
environmentally sensitive lands, and to maintain the outstanding visual resources in the area  
surrounding the lagoon, an additional density credit of one dwelling unit per acre of developed  
land shall be provided for each two and one half percent (2 1/2%) of total lot area, excluding  
wetlands, which is maintained in open space and public recreation in excess of fifty percent  
(50%) of the total lot area, excluding wetlands.

3. Areas - West of I-5: For areas west of the existing Paseo del Norte, west  
of Interstate 5 and along El Camino Real immediately upstream of the existing storm drains,  
the following policy shall apply: A site-specific report prepared by a qualified professional  
shall be required for all proposed development, identifying mitigation measures needed to avoid  
increased runoff and soil erosion. The report shall be subject to the requirements of the model

1 erosion control ordinance contained in the Appendix to the Carlsbad Master Drainage Plan  
2 (June, 1980), and to the additional requirements contained herein. Such mitigation shall  
3 become an element of the project, and shall be installed prior to the initial grading. At a  
4 minimum, such mitigation shall require construction of all improvements shown in the Master  
5 Drainage Plan for the area between the project site and the lagoon (including the debris basin),  
6 as well as: restriction of grading activities to the months of April through September of each  
7 year; revegetation of graded areas immediately after grading; and a mechanism for permanent  
8 maintenance if the city declines to accept the responsibility. Construction of drainage  
9 improvements may be through formation of an assessment district, or through any similar  
10 arrangement that allots costs among the various landowners in an equitable manner.

11 4. All Other Areas in the Coastal Zone: The following requirements shall  
12 apply unless superseded by the more specific requirements herein and subject to the  
13 modifications, additions, or exceptions detailed below, as a part of the permit application, the  
14 applicant shall submit an erosion, sedimentation and drainage report prepared by a qualified  
15 professional which includes the requirements of the Model Erosion Control Ordinance  
16 reprinted in the Appendix to the June 1980 Carlsbad Master Drainage Plan, all requirements  
17 of the Master Drainage Plan, and the additional requirements specifically enumerated herein.  
18 The June 1980 Master Drainage Plan and its appendices are herein incorporated by this  
19 reference. No subsequent amendments are a part of this zone unless certified by the Coastal  
20 Commission. The general provisions, procedures, standards, content of plans and  
21 implementation contained therein are required conditions of development in addition to the  
22 provisions below. Approved development shall include the following conditions, in addition to  
23 the requirements specified above:

24 a. All offsite, downstream improvements (including debris basin and  
25 any other improvements recommended in the Drainage Plan) shall be constructed prior to the  
26 issuance of a grading permit onsite. Improvements shall be inspected by city or county staff and  
27 certified as adequate and in compliance with the requirements of the Drainage Plan and the  
28 additional requirements of this zone. If the city or county declines to accept maintenance  
responsibility for the improvements, the developer shall maintain the improvements during  
construction of the onsite improvements.

b. If the offsite or onsite improvements are not to be accepted and  
maintained by a public agency, detailed maintenance agreements including provisions for  
financing the maintenance through bonding or other acceptable means shall be secured prior  
to issuance of the permit. Maintenance shall be addressed in the report required to be  
submitted with the permit application. The report shall discuss maintenance costs and such  
costs shall be certified as a best effort at obtaining accurate figures.

c. Construction of offsite drainage improvements may use an  
assessment district or any other acceptable manner. Such mechanisms shall be secured by  
bonding or other acceptable means prior to issuance of a coastal development permit.

d. If a public agency agrees to accept maintenance responsibilities, it  
shall inspect the facilities prior to onsite construction or grading and indicate if such facilities  
assure continued maintenance. No onsite development may take place prior to acceptance of  
the drainage improvements.

e. All construction activities shall be planned so that grading will occur  
in units that can be easily completed within the summer construction season. All grading  
operations shall be limited from April 1 to October 1 of each year. All areas disturbed by  
grading shall be planted within 60 days of the initial disturbance and prior to October 1 with

1 temporary or permanent (in the case of finished slopes) erosion control methods.

2 f. Storm drainage facilities in developed areas shall be improved and  
3 enlarged according to the Carlsbad Master Drainage Plan, incorporating the changes specified  
4 herein. Improvement districts shall be formed for presently undeveloped areas which are  
5 expected to urbanize in the future. The improvement districts shall implement the Master  
6 Drainage Plan. Upstream areas in the coastal zone shall not be permitted to develop  
7 incrementally prior to installation of the storm drain facilities downstream, in order to assure  
8 protection of coastal resources. New drainage facilities, required within the improvement  
9 districts shall be financed either by some form of bond or from fees collected from developers  
10 on a cost-per-acre basis.

7 g. When earth changes are required and natural vegetation is removed,  
8 the area and duration of exposure shall be kept at a minimum.

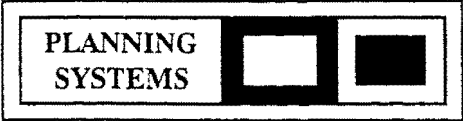
8 h. Soil erosion control practices shall be used against "onsite" soil  
9 erosion. These include keeping soil covered with temporary or permanent vegetation or with  
10 mulch materials, special grading procedures, diversion structures to divert surface runoff from  
11 exposed soils, and grade stabilization structures to control surface water.

10 i. Apply "sediment control" practices as a perimeter protection to  
11 prevent offsite drainage. Preventing sediment from leaving the site should be accomplished by  
12 such methods as diversion ditches, sediment traps, vegetative filters, and sediment basins.  
13 Preventing erosion is, of course, the most efficient way to control sediment runoff.

13 C. Landslides and Slope Instability: Developments within 500 feet of areas identified  
14 generally in the PRC Toups Report, figure 8, as containing soils of the La Jolla group  
15 (susceptible to accelerated erosion) or landslide prone areas shall be required to submit  
16 additional geologic reports containing the additional information required in the Coastal  
17 Shoreline Development Overlay Zone.

16 D. Seismic Hazards: Development in liquefaction-prone areas shall include site-  
17 specific investigations done addressing the liquefaction problem and suggesting mitigation  
18 measures. New residential development in excess of four units, commercial, industrial, and  
19 public facilities shall have site-specific geologic investigations completed in known potential  
liquefaction areas.

19 E. Floodplain Development: Within the coastal zone, in the 100-year floodplain, no  
new or expanded permanent structures or fill shall be permitted. Only uses compatible with  
periodic flooding shall be allowed."



LAND USE / COASTAL PLANNING  
LANDSCAPE ARCHITECTURE • LA3900  
POLICY AND PROCESSING  
ENVIRONMENTAL MITIGATION

August 19, 1999

**RECEIVED**

AUG 20 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Bill Ponder  
COASTAL COMMISSION  
3111 Camino del Rio North  
Suite 220  
San Diego, CA 92108-1725

RE; CITY OF CARLSBAD LCP 2-99  
KELLY RANCH

Dear Bill:

I received your telephone message of yesterday evening indicating that the additional informational materials submitted last Friday did not satisfy Coastal Staff requirements for detailed analysis of the City-issued coastal permit for the Kelly Ranch Core Area. It is now more clear to me that Coastal Staff is undertaking a full re-analysis of the conclusions drawn by all previous [Federal, State and Local] agencies involved in the project. We had provided Coastal Staff with copies of the results of the final analyses conducted during the earlier multi-level reviews, but I understand now however that these results are not acceptable for the level of review desired by Coastal Staff, and that much of this information must be re-created for detailed examination by Coastal Staff.

To this end, enclosed please find the following information:

1. Slope analysis and vegetation information as identified in the format stipulated in model letter provided by Coastal Staff. Specifically:
  - a. Slope analysis graphic exhibit [to be delivered 8/20] demonstrating recently-flown topographic contours, identifying areas of 0-25% grade, and 25% and greater grade. Analysis also demonstrates areas where grading will occur, and also fire protection brush management.
  - b. Vegetation survey graphic analysis which indicates the nature of the current vegetation [from Figure 2.2.1 of the Core Area EIR].

<b>EXHIBIT NO. 14</b>
<b>APPLICATION NO.</b> <b>Carlsbad LCPA 2-99D</b>
Slope Analysis and Vegetation Information Submitted by Sponsor of Amendment

c. Steep slope analysis figures as follows;

Total area of 25% and greater [steep] slopes: <sup>1</sup>	73.3 ac.
Native vegetated steep slopes:	61.6 ac.
Non-native vegetated steep slopes:	11.7 ac.
Total area of steep slope grading	24.3 ac.
Grading on steep slopes with native vegetation <sup>2</sup>	13.7 ac. <sup>3</sup>
Grading steep slopes with non-native vegetation	10.6 ac. <sup>4</sup>

d. Landscape Plans for the Core Area, including fire protection Brush Management Areas.

2. You requested clarification regarding the open space table shown on page 2.2.2 of the Core Area Final EIR. I am informed that this analysis, which was conducted by A. D. Hinshaw Associates, reflects information as follows:

"Constrained" Open Space is defined as area meeting the "constrained" definition pursuant to the City of Carlsbad Growth Management Plan, including steep slopes, easements, arterial roadways, and six other minor "constraint" categories.

"Biological" Open Space identifies the total of preserve areas of coastal sage scrub [CSS], southern maritime chaparral [SMC] and native grassland [NG] vegetation [46.0 total acres]. The Kelly Ranch Master Plan analysis for "Biological" Open Space reflects only the fact that these habitats were not considered sensitive, or worthy of preservation in and of themselves, during the 1985 period when the Master Plan project was analyzed and approved.

One of the problems inherent in the present requirement for project review by a growing multitude of agencies and departments is that they each have their own method and formula for analysis of open space. And although this subject EIR table [pg. 2.2.2] does result in a positive open space tabulation for the Core Area project, it does not appear to reflect a preferred Coastal Commission method of analysis. The "dual criteria" analysis would seem to be more applicable to the Coastal Commission.

<sup>1</sup> From PDC Engineering. Does not include Cannon Road or Callaghan parcel.

<sup>2</sup> From "dual criteria" analysis previously provided.

<sup>3</sup> 6.1 acres for access roads; 7.6 acres for development grading.

<sup>4</sup> Balance of 24.3 acres and 13.7 acres. Note that development grading predominately placed on non-native slopes (exempting roads for access to otherwise developable parcels).

Of course the problem with this is that this level of analysis has been replaced over the last few years with criteria established by state and federal environmental agencies reflective of protection of endangered species. The dual criteria method is somewhat arbitrary compared to the complex criteria currently employed by Cal Fish and Game, Federal Fish and Wildlife and the Corps of Engineers. Extensive analysis and discussion has taken place with these agencies to reach the proposed open space configuration.

3. You requested an analysis of how the proposed steep slope [I presume dual criteria] grading for access to otherwise developable areas has been situated in the least environmentally damaging locations. Considering that Village 'T' and more directly Village 'J' constitute islands of developable land surrounded largely by dual criteria lands, and City of Carlsbad safety policies require two separate accesses for each, the locations chosen were picked specifically for their low level of environmental impact.

The Village 'T' accesses are located in virtually the same location as in CDP 6-84-617, within areas only marginally considered dual criteria. Note that the Village 'J' access however has been removed from its previous location within a valley of mature SMC vegetation [including Del Mar Manzanita], to its proposed location up a more gradual slope, characterized by disturbed CSS and CSS. Further, its fill slopes are proposed for CSS revegetation, minimizing its impact. The northern Village 'J' crossing is situated at the same location as in the Master Plan project, and this location avoids dual criteria lands almost entirely.

In addition, the USF&WS, CDF&G and the City of Carlsbad have all approved these crossings specifically because they are located within the environmentally preferable location for such accesses. Please see Figure 2.1.2 of the Core Area EIR. Far more environmental analysis of these crossings has occurred on the Core Area project than occurred on the 6-84-617 project.

4. You also requested an analysis of why development is currently proposed in those areas where it was not previously approved in the Master Plan. A good amount of give-and-take has occurred during the modification from the Master Plan to the Core Area project. These changes reflect design of a project fully in compliance with the new, updated rules and regulations regarding coastal development in Carlsbad, including HMP, Growth Management, Hillside Protection, and other requirements. All of these regulations more strictly regulate development than those adopted in conjunction with 6-84-617. The Core Area project was designed upon identification of habitat preserve corridors defined by USF&WS and CDF&G. For example, the narrowest point in habitat linkage per 6-84-617 was 140 feet wide. The Core Area project is designed at a minimum 400 feet.

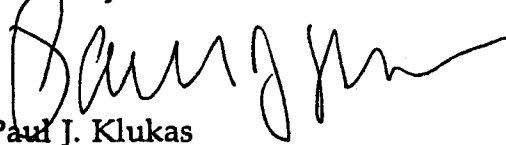


In addition, it has been acknowledged by the other agencies involved, that some increase in developable area, in areas that are not considered important to the habitat corridor program, must be allowed in order to provide trade-off of development rights, in order to achieve the HMP goals. All areas of expansion of development envelope beyond the Master Plan limits are in areas considered acceptable to the City of Carlsbad, and the Resource Agencies. These are the reasons why development is currently proposed in areas not previously approved in the Master Plan.

We continue to be hopeful that the reduction in dwelling units, the increase in quality of vegetation preserve and open space, the significant revegetation effort, the elimination of the commercial land use and replacement with a community nature center and the public trails program will allow the Coastal Staff to make the necessary findings that the City-proposed LCP Amendment results in a far superior project than 6-84-617.

Please call if you wish to discuss any of these matters further.

Sincerely,

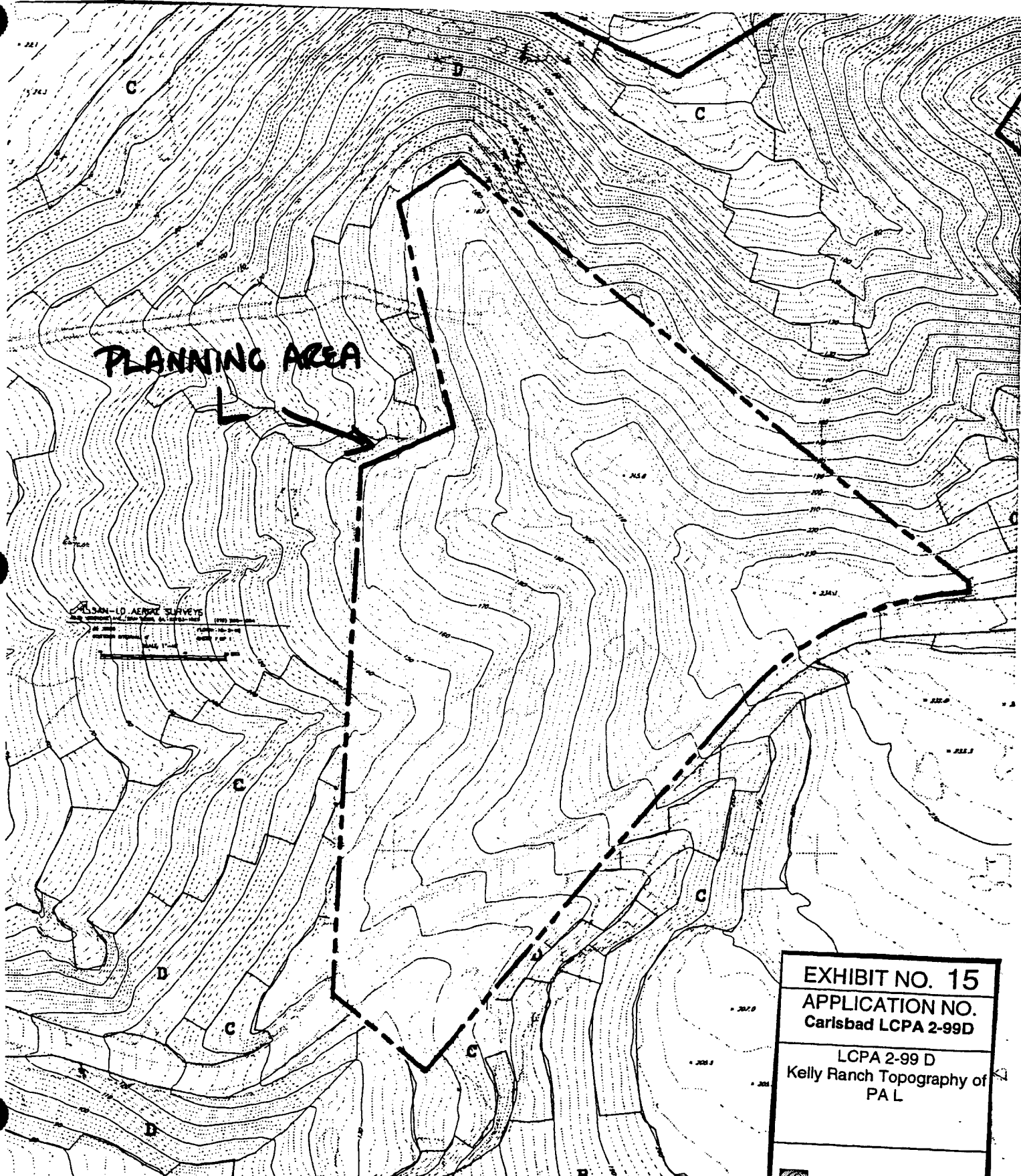


Paul J. Klukas  
Director of Planning

cc: D. L. Clemens  
Christer Westman





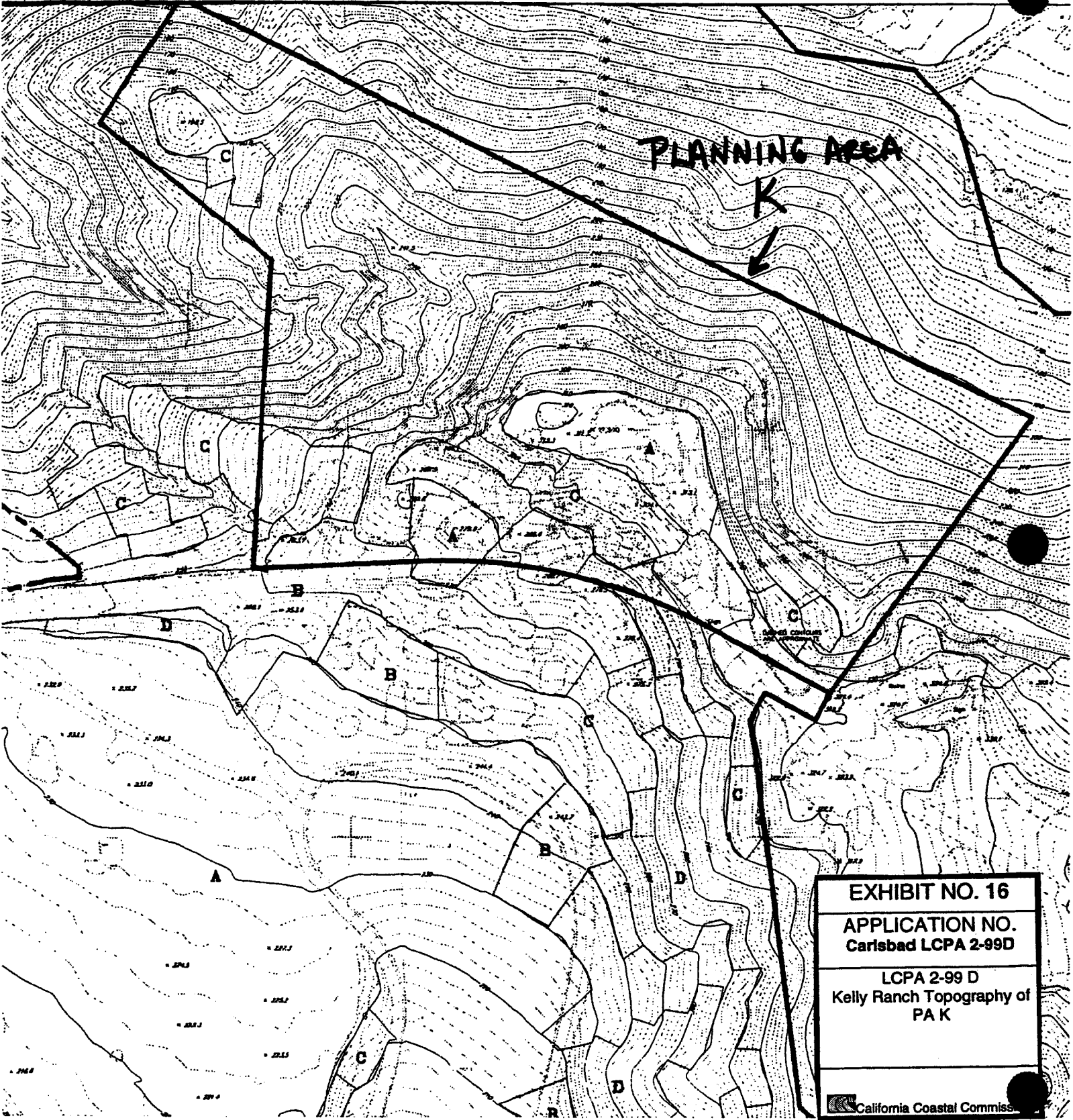


**PLANNING AREA**

**MULSAN - LO AERIAL SURVEYS**  
Scale: 1 inch = 400 feet  
1:40,000

**EXHIBIT NO. 15**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
**LCPA 2-99 D**  
**Kelly Ranch Topography of**  
**PA L**

California Coastal Commission



**EXHIBIT NO. 16**  
**APPLICATION NO.**  
**Carlsbad LCPA 2-99D**  
**LCPA 2-99 D**  
**Kelly Ranch Topography of**  
**PA K**

California Coastal Commission



# City of Carlsbad

**Office of the Mayor**

*Wed 17a*

September 17, 1999

**RECEIVED**

SEP 21 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Honorable Christine Kehoe  
California Coastal Commissioner  
City of San Diego  
202 "C" Street  
San Diego, CA 92101

*Christine*

**KELLY RANCH - LCPA (CARLSBAD)**

Dear Commissioner Kehoe:

Thank you for meeting recently with Larry Clemens, representing Kelly Ranch.

As Mr. Clemens may have explained, the City of Carlsbad recently approved the Kelly Ranch tentative map and a variety of other legislative matters, and has been very supportive of the Kelly Ranch. Importantly, the Kelly Ranch project will be instrumental in completing Cannon Road (a much-needed east-west arterial connecting from El Camino Real to Interstate 5). Additionally, the project has done an extraordinary job in preserving and dedicating vast acreages of both uplands and wetlands (approximately 100 acres of upland and 200 acres of the Agua Hedionda Lagoon wetland), and is a participant in the City's HMP. The Kelly Ranch project is also proposing to construct approximately 490 rental apartments, of which 132 are available under the provisions of the City's Affordable Housing Program. It is not often that "for rent" housing is available in the coastal zone, and it is very unusual indeed to have an affordable housing project with no public subsidy involved.

The Issues

Coastal staff has recommended certain modifications to the City's LCPA application that are not acceptable to the City or the project proponent. The following is a short synopsis of the issues:

- ◆ Preservation of two ravines (as a carryover from the 1984 approved coastal permit CDP 6-84-617). The two small ravines at issue within Area G (apartment site) were discussed with both the City and the State and Federal Resource Agencies in the early planning stages of the current project and it was agreed that the quality of habitat and locations of these areas were not significant in light of other natural areas being offered for dedication. The quality of habitat and "connectivity" of these natural areas are of paramount importance. In order to balance reasonable development, including suitable access to the site, with preservation and enhancement of the highest quality natural areas, these two ravine areas were allowed for development. This was not a developer decision alone, it was a collaborative decision made through the HMP planning process and the Environmental Impact Report process.
- ◆ During the biological analysis and land planning efforts on Kelly Ranch, a variety of development opportunities and environmental protection priorities were analyzed. Many decisions were made and priorities identified in terms of balancing protection of the most important natural areas and reasonable development. This is precisely the type of analysis done by the Coastal staff in 1985 and supported by the Coastal Commission through permit 6-85-617. Coastal staff's/Commission's permit findings memorialize the fact that a balance

*Carlsbad LCPA 2-99D  
Letter from City*

**B**

of priorities must be set in complex projects such as Kelly Ranch. Clearly, the current Kelly Ranch Plan has achieved this environmental balance in the regulatory opinions of the City of Carlsbad, California Department of Fish and Game, and the Federal Fish and Wildlife Service. Evidence of this fact is the certified EIR and the integration of the Kelly Ranch planned open spaces into the citywide HMP document that emphasizes "regional" viability of natural habitats. It would be ironic that a single land use regulatory agency, after two years of environmental planning and agreement, would decide that those efforts are unacceptable based upon land use policies set in 1985 prior to virtually all of the now in-place environmental regulations.

- ◆ Private roads/gated communities are being suggested by Coastal staff as not acceptable. Private streets within apartment sites are in conformance with the City's Planned Development Ordinance. The PUD ordinance permits cluster development that is generally more environmentally sensitive (promotes more open space through cluster development and less asphalt). Community gates should be allowed as long as the public access to coastal resources is not prevented and there is adequate public access provided. The Kelly Ranch has voluntarily contributed over \$1 million of improvements to the Agua Hedionda Lagoon Foundation in the provision of a 3800 sq. ft. Nature Center on over one acre of land (Village "F"). Additionally, the Kelly Ranch Plan provides nature trails in both the upland areas as well as the north and south shorelines of the Agua Hedionda Lagoon.
- ◆ Planning Area "L" should not be determined to be 100% open space as recommended by Coastal staff. Planning Area "L" should be approved as a separate parcel on the proposed tentative map and the development potential should be decided at such time when the property owner submits an application for a land use decision. However, it may be in both City and Coastal Commission's best interests to establish it as a "standards" area so that the development conditions are set at the time of the LCPA approval.
- ◆ Coastal staff has questioned the legitimacy of the proposed access road that is planned to serve Village "J" and an off-site parcel (known as the Kirgis property). The secondary access road must be provided to serve both the Kelly Ranch Village "J" and the Kirgis property. The City's cul-de-sac policy which was developed for emergency services and safety purposes, permits cul-de-sacs only if their length does not exceed 600 feet, the traffic volume at the entrance does not exceed 500 ADT and the number of dwelling units does not exceed 50. Without the secondary access, neither Village "J" nor Kirgis can be developed. The Federal and State Resource agencies have already reviewed and approved the subject secondary access. Additionally, mitigation for the impacts caused by the road have been included in the Kelly Ranch project and approved in the certified EIR.
- ◆ The Coastal staff has recommended to lower the zoning designation of Village "A" from RMH (8-15 du) to RLM (0-4 du). The RMH designations are consistent with the approved LUP designations for properties located lagoonward of Park Drive from Bristol Cove eastward. CDP 6-84-617 issued by the California Coastal Commission approved the Village "A" site for 200 dwelling units. Subsequently, the City's Growth Management Ordinance reduced this site development to 111 dwelling units. An application is currently being processed by the City to consider a proposal for 71 dwelling units (at a density of approximately 7 dwelling units per acre).

- ◆ The Kelly Ranch project was designed to be consistent with the City's HMP. It incorporates certain environmental trade-offs in order to preserve the best quality habitat. Some of these trade-offs are in conflict with the City's LCP protections for dual criteria steep slopes. Protection of the dual criteria slopes would not protect the best quality habitat on the site. In order to justify these trade-offs the Commission's staff wants to incorporate the City's HMP into the LCP. This poses a very large problem for us. The City Council has not taken formal action on the HMP. Also, once the City acts on the HMP, it will require another 4 to 6 months of processing with the wildlife agencies. Therefore, the City cannot accept any modifications that cause the HMP to be incorporated into the LCP. As an alternative, the Commission could allow the trade-off by using §30007.5 (PRC) to resolve the policy conflict and protect the most environmentally sensitive resources on the site. The Commission established this precedent when it approved the Pacific Rim (Aviara) master plan and allowed for the development of dual criteria slopes in exchange for the preservation of non-protected slopes containing high quality coastal sage scrub.

As you can see, as is the case with most coastal projects, the Kelly Ranch is a complex project. But this development proposal is high-quality and environmentally sound. It is a project that was planned with the good advice of the City of Carlsbad, and the State and Federal Resource agencies. And, importantly, it has survived the public hearing process and received abundant community support. The issues that I described above need to be resolved with Coastal staff immediately so that this project can be heard at the October Coastal Commission hearing and provide the Commission with the recognition that both the City and the Coastal staff are in mutual agreement with the LCPA and the suggested modifications.

Thank you for your time and consideration in reading this lengthy letter.

Sincerely,



CLAUDE A. "BUD" LEWIS  
Mayor

mhs

c: City Council  
City Manager  
Planning Director  
Assistant Planning Director  
Sherilyn Sarb  
Bill Ponder  
Larry Clemens

Wed 17a

Ryan Green  
1714 Camassia Lane  
Carlsbad, CA 92009

REC

July 19, 1999

JUL 20 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

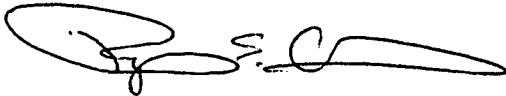
Ms. Sherilyn Sarb  
District Manager  
California Coastal Commission  
3111 Camino del Rio North  
Suite 200  
San Diego, CA 92108

Dear Ms. Sarb,

I am currently a resident of Carlsbad and with the opening of Legoland, traffic on the existing streets has become very congested. The opening of Cannon Road would be very helpful to relieve this congestion.

I would appreciate anything you could do to ensure that the Kelly Ranch project gets put on the August agenda for the Coastal Commission.

Sincerely,



Ryan Green

CARLSBAD LCPA 2-99D  
LETTERS OF SUPPORT

Wed 17a  
RECEIVED

Cynthia Roush  
2231 Corte Cicuta  
Carlsbad, CA 92009

JUL 20 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

July 19, 1999

Ms. Sherilyn Sarb  
District Manager  
California Coastal Commission  
3111 Camino del Rio North  
Suite 200  
San Diego, CA 92108

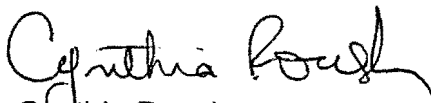
Re: Kelly Ranch

Dear Ms. Sarb,

As being a resident of Carlsbad, traffic has become a real problem since the opening of Legoland. I would greatly appreciate it if Cannon Road could be put on the August agenda for the Coastal Commission to enable the opening of Cannon Road.

This would alleviate a lot of headaches for a tremendous amount of people, including myself.

Thank you for your understanding,

  
Cynthia Roush

Wed 17a

**Chuck Gasperson  
3007 Greenwich St.  
Carlsbad, CA 92008**

July 16, 1999

**RECEIVED**

JUL 21 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Ms. Sherilyn Sarb  
District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

Re: Kelly Ranch

Dear Ms. Sarb,

We need Cannon Road!!!

The Kelly Ranch project was recently unanimously approved by both the City of Carlsbad Planning Commission and the City Council. It is an excellent project with much careful thought given to balancing new development and open space.

But most importantly, Kelly Ranch will construct an important link in Carlsbad ... Cannon Road. Cannon Road will finally give the Carlsbad community another means of traveling west and avoiding the traffic on Palomar Airport Road.

Please act quickly on this important matter and approve this much needed project.

Thank you for your time.

Best regards,

*Chuck Gasperson*





Wed 17a

RECEIVED

JUL 21 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

July 20, 1999

Sherilyn Sarb, District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

Dear Ms. Sarb:

As a business leader in the community of Carlsbad and representing a number of employees using both the Palomar Airport and El Camino Real corridors in their daily commute to work and as a resident of Carlsbad, I strongly request that the Kelly Ranch project be part of the Coastal Commission's August agenda.


It is my understanding that the Commission has a heavy workload with many important issues to discuss, but the delay in reviewing the Kelly Ranch project will have far-reaching consequences.

Kelly Ranch is very important to the city of Carlsbad, its residents and businesses. The completion of Cannon Road from El Camino Real to the Macario Canyon Bridge is essential to the city's circulation system as a primary relief to Palomar Airport Road and the provision of a much-needed east-west thoroughfare. Additionally, Kelly Ranch has contributed the Nature Center at Agua Hedionda Lagoon, dedicated 200 acres of wetland to the State of California, provided nature trails, set aside 100 acres of upland habitat as part of the Habitat Management Plan and reduced the density from 1600 units to 950 units including affordable housing.

Delaying Coastal Commission review of this project will delay the opportunity to complete Cannon Road in a timely fashion and we urge you to put Kelly Ranch on the agenda in August.

Thank you for your consideration and I look forward to a favorable reply.

Sincerely,

  
Luz E. Gonzales  
Vice President

Wed 17a

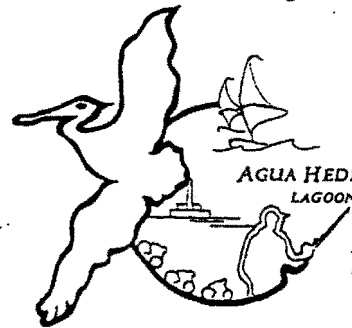
RECEIVED

JUL 21 1999

July 19, 1999

Ms. Sherilyn Sarb, District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Ste. 200  
San Diego, CA 92108-1725

CALIFORNIA  
COASTAL COM  
SAN DIEGO COAST DISTRICT



AGUA HEDIONDA  
LAGOON FOUNDATION

P.O. Box 4004  
Carlsbad, CA 92018

REF: Carlsbad LCP Amendment #2-99  
(Including Kelly Ranch Master Plan approved under CDP 6-84-617)

Dear Ms. Sarb;

The Agua Hedionda Lagoon Foundation (Foundation) notes that the referenced application may be on the Coastal Commission August 1999 agenda. As this amendment affects land near Agua Hedionda Lagoon and includes the Kelly Ranch, we feel it appropriate to comment, and thank you for the opportunity to do so.

With respect to the Kelly Ranch, we recognize that the application differs somewhat from the project approved by the Coastal Commission in 1985 (CDP 6-84-617), but we see these differences as positive, with regard to the impact on the lagoon. Some highlights important to the Foundation:

- The developer is working closely with the California Department of Fish & Game to transfer to DFG approximately 186 acres of key open space on the Kelly Ranch. The Foundation supports this transfer, and has participated in meetings and field trips toward that end.
- The developer is donating a 3800 square foot building and approximately 2 1/2 acres of open space to the Foundation, to become the Foundation's Nature Center for education and promoting care of the environment and habitat. The site, near the above-mentioned 186 acres, overlooks the wetlands and the lagoon.
- Elements of the Kelly Ranch, including the above-mentioned 186 acres, are an important inclusion in the City of Carlsbad's proposed Habitat Management Program.
- The proposed development includes trails that provide public access consistent with the goals of the Foundation.
- The proposed development includes fewer residences than originally approved, thereby lessening any impact on the lagoon.

In general we believe the proposed development is consistent with goals and objectives of the Foundation, is consistent with Coastal Commission policies and represents an improvement over the original Commission action. The Foundation previously supported the Kelly Ranch project when it was reviewed by the Carlsbad Planning Commission and the Carlsbad City Council.

Sincerely,

Bob Richards, President

ahlf sarb1

cc: Coastal Commission/fax (619) 521 9672  
AHLF Secretary - Gene Huber  
City of Carlsbad - Michael Holzmilller  
Kelly Land Company - Larry Clemens/fax (760) 918-6663

Wed 17a

RECEIVED

JUL 20 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Steve Wheeler  
2930 Via Pepita  
Carlsbad, CA 92009

July 16, 1999

Ms. Sherilyn Sarb  
District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

RE: Kelly Ranch - Carlsbad

Dear Ms. Sarb:

It is my understanding that you are currently processing the application for the Kelly Ranch in Carlsbad.

I am very supportive of this project. As a long-time resident of Carlsbad, I have watched our community grow, and for the most part, believe that the City of Carlsbad has done a very good job in their planning efforts.

The Kelly Ranch project is a great example of development improving our city's infrastructure and thereby improving our quality of life. The Kelly project is responsible for construction Cannon Road to connect to the existing portion west of the project. Cannon Road is badly needed to relieve the traffic congestion on Palomar Airport Road and to provide better access to the coast.

Your favorable recommendation on the Kelly Ranch project will certainly help this new community become a reality.

Thank you for your consideration.

Sincerely,



Wed 7a

RECEIVED

July 21, 1999

JUL 21 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Ms. Sherilyn Sarb  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

Subject: Kelly Ranch - Carlsbad

Dear Ms. Sarb,

I understand you are processing the Kelly Ranch application at this time. *I support this project.* Your recommendation of Kelly Ranch will help make it a reality.

As I watched our community grow over the years, I've found City of Carlsbad planning to be beneficial.

Kelly Ranch will improve our City's infrastructure and thus our quality of life. Further construction of Cannon Road as part of this project will ease traffic on Palomar Airport Road and allow greater access to the coast.

Thank you for reading this letter.

Sincerely,



David B. Ragland  
6415 Merlin Drive  
Carlsbad, CA 92009

CARLSBAD  
CHAMBER OF COMMERCE

wed 17a

RECEIVED

JUL 19 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

July 15, 1999

Sherilyn Sarb, District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

Dear Ms. Sarb:

The Carlsbad Chamber of Commerce, representing more than 1650 businesses, requests that the Kelly Ranch project be part of the Coastal Commission's August agenda.

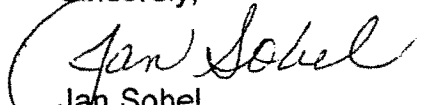
The Chamber understands that the Commission has a heavy workload with many important issues to discuss, but the delay in reviewing the Kelly Ranch project will have far-reaching consequences.

Kelly Ranch is very important to the city of Carlsbad, its residents and businesses. The completion of Cannon Road from El Camino Real to the Macario Canyon Bridge is essential to the city's circulation system as a primary relief to Palomar Airport Road and the provision of a much-needed east-west thoroughfare. Additionally, Kelly Ranch has contributed the Nature Center at Agua Hedionda Lagoon, dedicated 200 acres of wetland to the State of California, provided nature trails, set aside 100 acres of upland habitat as part of the Habitat Management Plan and reduced the density from 1600 units to 950 units including affordable housing.

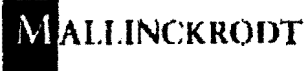
Delaying Coastal Commission review of this project will delay the ability to complete Cannon Road in a timely fashion. The delay could mean the difference between getting Cannon Road built and opened by June, 2000 or having to wait until June, 2001. The city of Carlsbad desperately needs this thoroughfare as soon as possible. We urge you to put Kelly Ranch on the agenda in August.

Thank you for your consideration and we look forward to a favorable reply.

Sincerely,

  
Jan Sobel  
Chief Executive Officer





Wed 7a

Mallinckrodt Inc.

2200 Faraday Avenue  
Carlsbad CA 92008

Phone: 760.603.5300  
Fax: 760.604.5901  
www.mallinckrodt.com

July 19, 1999

Sherilyn Sarb, District Manager  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92108

RECEIVED

JUL 19 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Dear Ms. Sarb:

Mallinckrodt Inc., a major employer in Carlsbad, requests that the Kelly Ranch project be part of the Coastal Commission's August agenda.

We understand that the Commission has a heavy workload with many important issues to discuss, but the delay in reviewing the Kelly Ranch project will have far-reaching consequences.

Kelly Ranch is very important to the city of Carlsbad, its residents and businesses. The completion of Cannon Road from El Camino Real to the Macario Canyon Bridge is essential to the city's circulation system as a primary relief to Palomar Airport Road and the provision of a much-needed east-west thoroughfare.

Our company is a participant in the Palomar Corridor Transportation Pilot Program which is working on resolutions to traffic congestion in the area. We have a very large number of employees traveling from the Oceanside area to our location on Faraday Avenue and the completion of this project is vital to help alleviate congestion in the Palomar Airport Road Corridor.

Delaying Coastal Commission review of this project will delay the opportunity to complete Cannon Road in a timely fashion and we urge you to put Kelly Ranch on the agenda in August.

Thank you for your consideration and we look forward to a favorable reply.

Sincerely,

Richard A. Wonders  
Plant Manager



wed 17a

July 26, 1999

Ms. Debra Lee  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92109

RECEIVED

JUL 28 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Re: Kelly Ranch - Carlsbad

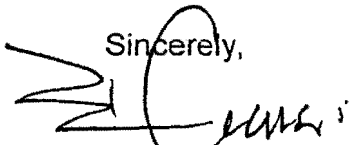
Dear Ms. Lee:

Thank you for our recent telephone conversation regarding the Kelly Ranch project and the special effort made by the Coastal Commission staff to try to place the project on your August agenda. Although there are still some remaining issues to be discussed and finalized, I am quite sure that between your staff, the City of Carlsbad, and the Kelly team we can finalize your review for the September agenda. Our first combined meeting to work through the project is scheduled for July 28 at 12:30 P.M.

As we discussed, I would like to formally request that the Kelly Ranch project be scheduled for Tuesday, September 14, 1999 in Eureka. This schedule will accommodate arrangements for those who need to be involved with the presentation to the Commission, and if approved, provide valuable time in the remaining days of the week in which to arrange and commence grading.

Your consideration of our scheduling request will be greatly appreciated.

Sincerely,






D. Larry Clemens

cc: Sherilyn Sarb

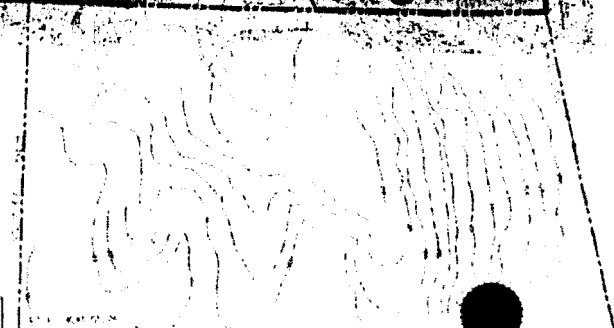
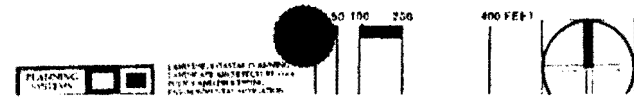
# REMAINING VEGETATION ANALYSIS EXHIBIT

KELLY RANCH  
CORE AREA  
CDP 97-43  
(INCLUDING NATIVE HABITAT  
REVEGETATION PROGRAM)




























	COASTAL SAGE SCRUB HABITAT REMAINING	57.2 ACRES
	SOUTHERN MARITIME CHAPARRAL HABITAT REMAINING	13.1 ACRES
	DEL MAR MANZANITA PLANTS REMAINING	29 PLANTS

CARLSBAD LCPA 2-99D





-  Eucalyptus Woodland
-  Disturbed Wetland
-  Natural Floodchannel/  
Streambed
-  Marine
-  Agriculture
-  Maritime Succulent Scrub
-  Coastal Sage Scrub
-  Chaparral
-  Southern Maritime Chaparral
-  Southern Mixed Chaparral
-  Southern Willow Scrub
-  Coastal Sage-Chaparral Scrub
-  Grassland
-  Southern Coastal Salt Marsh
-  Salt Water Marsh
-  Alkali Marsh
-  Freshwater Marsh
-  Riparian Scrub
-  Riparian Forest
-  Riparian Woodland
-  Oak Woodland
-  Coast Live Oak Woodland
-  Open Water
-  Disturbed Land
-  Urban/Developed

 Proposed Preserve System

**RECEIVED**

AUG 24 1999

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**Figure 7**  
**Vegetation Legend for Proposed**  
**Hardline Areas**





Revised 8/24/99

\\carlsbad\products\map\hmp\project\hillman.aux

George City of Carlsbad GIS

Figure 12  
Kelly Hillman Property

CARLSBAD LCPA 2-99D