

CALIFORNIA COASTAL COMMISSION

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



WED 21b

November 17, 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 CITY OF CARLSBAD MELLO II
MAJOR AMENDMENT NO. 3-99A (For Public Hearing and Possible
Commission Action at the Meeting of December 7-10, 1999)

SYNOPSISSUMMARY OF AMENDMENT REQUEST

The City of Carlsbad proposes to amend the certified Mello II LCP Carlsbad Ranch Specific Plan to allow a museum open to the general public with incidental retail sales as a permitted use on Planning Area 2, which is designated Office/Research and Development and contains the National Association of Music Merchants (NAMM).

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed amendment as submitted.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

BACKGROUND

The City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. 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 West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. 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 the Mello II segment 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 LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. 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. The Commission shall take action by a majority vote of the Commissioners present.

B. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those 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 resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- A. RESOLUTION I (Resolution to approve certification of the City of Carlsbad Mello II LCP Implementation Plan Amendment No. 3-99A, as submitted)

MOTION I

I move that the Commission reject the City of Carlsbad Mello II Implementation Plan Amendment 3-99A, 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 Commissioners present is needed to pass the motion.

Resolution I

The Commission hereby approves certification of the amendment request to the City of Carlsbad Local Coastal Program on the grounds that the amendment conforms 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. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT 3-99A, AS SUBMITTED

A. **AMENDMENT DESCRIPTION.** The City of Carlsbad proposes to amend the certified Mello II LCP Carlsbad Ranch Specific Plan to allow a museum open to the general public with incidental retail sales as a permitted use on Planning Area 2 which is designated Office/Research and Development and contains the National Association of Music Merchants (NAMM).

The Carlsbad Ranch Specific Plan area consists of 447 acres and 19 planning areas and is located between Cannon Road and Palomar Airport Road just east of I-5. Currently, the plan area contains a mix of visitor-serving retail, commercial, and institutional uses, including Legoland, an amusement park.

The NAMM use exposes people to the history of the music products industry as well as the benefits of music education. The NAMM building is located within Planning Area 2 (office/research and development) which is approximately 40 acres and contains a combination of approximately 300,000 sq.ft. of office and approximately 500,000 sq.ft. of research and development, east of Armada Drive. The existing museum occupies 6,500 square feet within the 34,000 square foot NAMM Headquarters building which is located on Lot 11, one of nine lots within Planning Area 2. The specific plan currently does not allow for museums open to the general public. Uses of the museum are limited to members, clients, patrons, or associates of NAMM. The two primary concerns with opening the museum to the public are the potential traffic increase and the potential need for additional parking. Based on a trip generation study, it has been shown that the museum will generate fewer vehicle trips than an equivalent area of office space and as a result will not impact access to the coast.

B. FINDINGS FOR APPROVAL

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.

a.) **Purpose and Intent of the Ordinance.** The Specific Plan consists of both a text and diagrams which identify the range and intensity of uses within the 447 acre property as well as development standards and design guidelines for those uses. The specific plan identifies the distribution of land uses, infrastructure, implementation measures and a statement of the relationship of the specific plan to the Local Coastal Program.

b.) **Major Provisions of the Ordinance.** Ordinance No. NS-488 is amending the Carlsbad Ranch Specific Plan to add to the list of permitted uses for Lot 11 of Planning Area 2. Specifically, Section III, C.1.A. is proposed for amendment as follows:

A museum open to the general public, including incidental retail sales related to the museum not to exceed a total floor area of 325 square feet on only Lot 11.

The Specific Plan provides development and design standards with respect to the development of the site. The Carlsbad Ranch Specific Plan was originally approved by the Coastal Commission in 1993. The specific plan allows for mixed-use development of the property with urban and agricultural uses. Several planning areas are restricted to agricultural uses until an amendment to the specific plan is approved to allow their conversion to urban uses. However, approximately 50 acres of the site will be permanently retained as agriculture and floriculture. The "flower fields" are currently a major tourist attraction. The Specific Plan is divided into 19 lots, 14 lots for future development, 4 open space lots, and 1 private street lot. The 14 development lots range in size from 3.38 acres to 128.32 acres. The four open space lots total 135.5 acres and include 2 golf course lots, the flower field lot and a lot to be preserved as native open space.

The proposed ordinance will allow a museum open to the general public including incidental retail sales related to the museum not to exceed a total floor area of 325 on only the NAMM property by adding the preceding to the list of permitted uses for Lot 11.

b) 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 Land Use Plan (LUP). In the case of the subject LCP amendment, the Carlsbad Ranch Specific Plan serves as the Implementation Program for the Mello II segment of the LCP. The subject property is designated with the Office/Planned Industrial (O/PI) land use designation in the certified LUP; no change is proposed in the land use designation. The project site is within Planning Area 2 which is designated for office, research and development uses. The zoning designation for the site is Office/Planned Industrial, Qualified Development Overlay Zone (O-P/P-M-Q).

Besides the issue of land use compatibility, circulation and parking impacts were analyzed. The specific plan contains limits on the traffic which can be generated from the Carlsbad Ranch. The traffic study found that the proposed museum that would be open to the public would have fewer vehicle trips than an office use on the subject site. The specific plan already contains a parking rate of 1 space per 500 gross square feet for museums open to the public, which is from the Municipal Code. This compares to the office parking rate of 1 space per 250 gross square feet. As a result there is no increased demand for parking with a museum which is open to the public when compared to the corporate office use.

A traffic generation study has been prepared for the museum which concluded that the museum would generate three trips per thousand square feet. This is less than the ten trips per thousand square feet associated with the corporate office parking rate associated with Office/Research and Development. As a result no adverse traffic or parking impacts are anticipated.

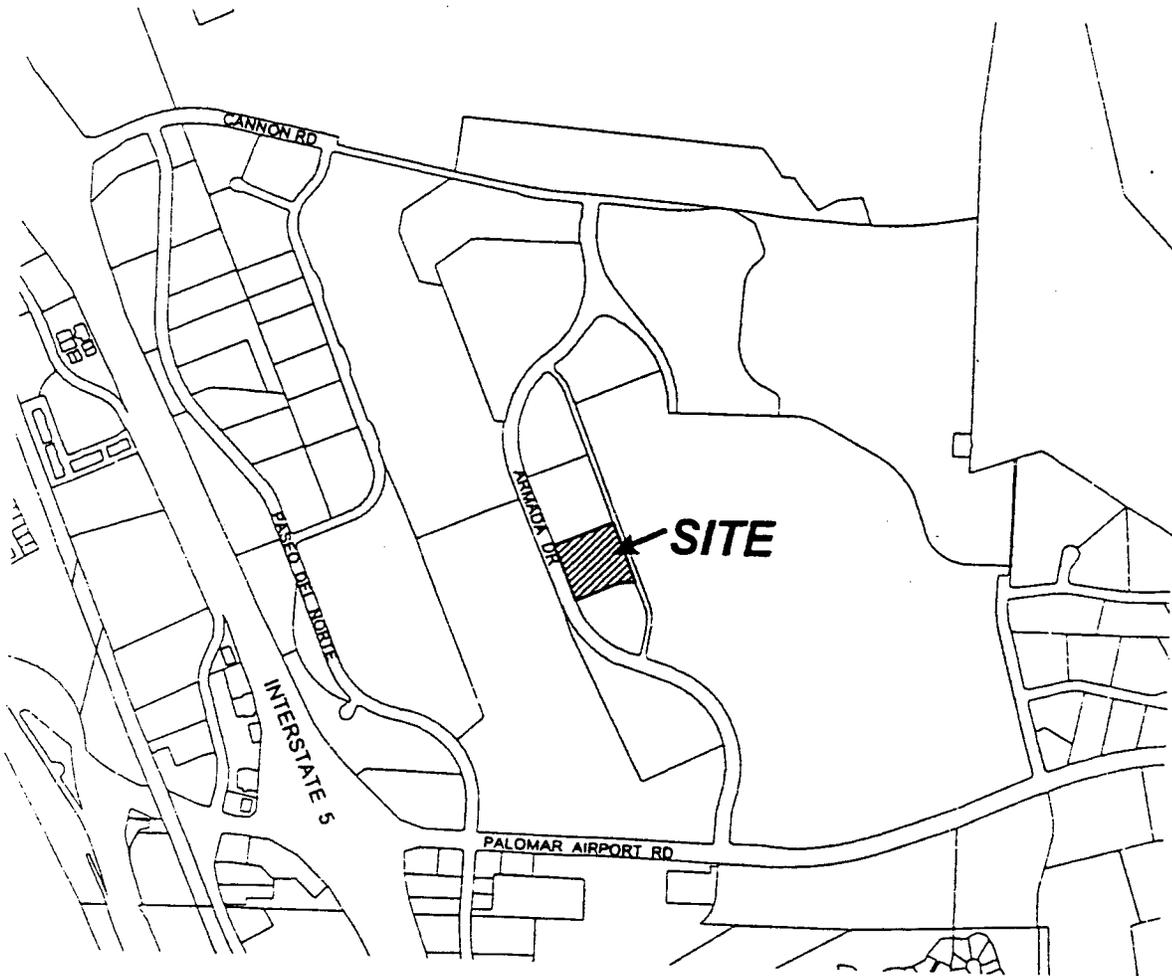
Thus, the Commission finds the proposed implementation plan amendment consistent with the public access policies of the certified Carlsbad Ranch Specific Plan.

Additionally, the Commission finds that the subject amendment to the implementation plan is consistent with and adequate to carry out the policies of the certified Mello II LUP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP; or LCP, as amended, does conform with CEQA provisions. The proposed amendment will not result in an intensity of land use incompatible with the surrounding development or have adverse impacts on coastal resources. Therefore, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts under the meaning of the California Environmental Quality Act and that the proposed changes can be made.



NAMM - MUSEUM OF MAKING MUSIC

SP 207(D)/LCPA 98-10/
SDP 95-09(A)/CDP 98-88

EXHIBIT NO. 1
APPLICATION NO. Carlsbad LCPA #3-99A
Location
 California Coastal Commission

1 RESOLUTION NO. 99-202

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, APPROVING A NEGATIVE
4 DECLARATION, SPECIFIC PLAN AMENDMENT, LOCAL
5 COASTAL PROGRAM AMENDMENT, SITE DEVELOPMENT
6 PLAN AMENDMENT, AND COASTAL DEVELOPMENT PERMIT
7 TO PERMIT THE EXISTING 6,500 SQUARE FOOT NAMM
8 MUSEUM OF MAKING MUSIC TO BE OPEN TO THE PUBLIC,
9 WITH INCIDENTAL RETAIL SALES RELATED TO THE
10 MUSEUM ON PROPERTY LOCATED AT 5790 ARMADA DRIVE
11 IN THE COASTAL ZONE AND LOCAL FACILITIES
12 MANAGEMENT ZONE 13
13 CASE NAME: NAMM MUSEUM OF MAKING MUSIC
14 CASE NO.: SP 207(D)/LCPA 98-10/SDP 95-09(A)/CDP 98-88

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

17 WHEREAS, on April 21, 1999 and May 5, 1999, the Carlsbad Planning
18 Commission held duly noticed public hearings to consider a proposed Negative Declaration,
19 Specific Plan Amendment, Local Coastal Program Amendment, Site Development Plan
20 Amendment, and Coastal Development Permit to permit an existing 6,500 square foot museum
21 to be open to the general public with incidental retail sales related to the museum, and adopted
22 Resolutions No. 4537, 4538, 4539, 4540, and 4541 recommending to the City Council that the
23 Negative Declaration, Specific Plan Amendment, Local Coastal Program Amendment, Site
24 Development Plan Amendment, and Coastal Development Permit be approved; and

25 WHEREAS, the City Council of the City of Carlsbad, on 1st day of
26 June, 1999, held a duly noticed public hearing to consider the recommendation and
27 heard all persons interested in or opposed to the Negative Declaration, Specific Plan
28 Amendment, Local Coastal Program Amendment, Site Development Plan Amendment, and
Coastal Development Permit; and

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

1. That the above recitations are true and correct.
2. That the recommendation of the Planning Commission the Negative Declaration, Specific Plan Amendment SP 207(D), Local

EXHIBIT NO.
APPLICATION NO.
Carlsbad LCPA
#3-99A
Council Resolution
1-2

1 Amendment 98-10, Site Development Plan Amendment SDP 95-09(A), and Coastal
2 Development Permit 98-88 is approved and that the findings and conditions of the Planning
3 Commission contained in Planning Commission Resolutions No. 4537, 4538, 4539, 4540, and
4541 on file with the City Clerk and incorporated herein by reference, are the findings and
conditions of the City Council.

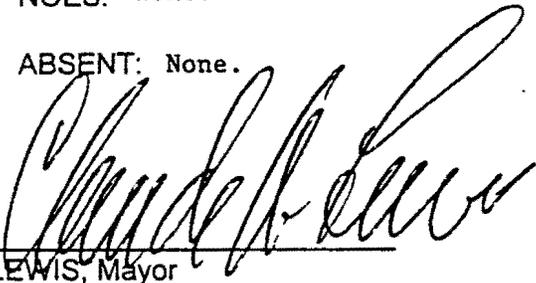
4 3. This action is final the date this resolution is adopted by the City Council.
5 The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial
6 Review" shall apply:

6 "NOTICE TO APPLICANT"

7 "The time within which judicial review of this decision must be sought is
8 governed by Code of Civil Procedure, Section 1094.6, which has been
9 made applicable in the City of Carlsbad by Carlsbad Municipal Code
10 Chapter 1.16. Any petition or other paper seeking judicial review must
11 be filed in the appropriate court no later than the ninetieth day following
12 the date on which this decision becomes final; however, if within ten
13 days after the decision becomes final a request for the record of
14 proceedings accompanied by the required deposit in an amount
sufficient to cover the estimated cost of 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 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, California 92008."

15 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
16 Carlsbad on the 1st day of June 1999, by the following vote, to wit:

- 17 AYES: Council Members Lewis, Hall, Finnilla, Nygaard, Kulchin
18 NOES: None.
19 ABSENT: None.

20 
21
22 CLAUDE A. LEWIS, Mayor

23 ATTEST:
24
25 
26 ALETHA L. RAUTENKRANZ, City Clerk

27 (SEAL)

ORDINANCE NO. NS-488

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING THE CARLSBAD RANCH SPECIFIC PLAN BY THE AMENDMENT OF SECTION III. C. 1. A. (1) PERMITTING A MUSEUM OPEN TO THE PUBLIC WITH INCIDENTAL RETAIL SALES RELATED TO THE MUSEUM ON LOT 11 OF PLANNING AREA 2
CASE NAME: NAMM MUSEUM OF MAKING MUSIC
CASE NO.: SP 207(D)

WHEREAS, the City Council of the City of Carlsbad, California has reviewed and considered a Specific Plan Amendment to add to the list of permitted uses for Lot 11 of Planning Area 2; and

WHEREAS, after procedures in accordance with the requirements of law, the City Council has determined that the public interest indicates that said specific plan amendment be approved.

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

SECTION I: That the Carlsbad Ranch Specific Plan Amendment, SP 207(D) dated April 21, 1999, on file in the Planning Department, and incorporated by reference herein, is approved. The Carlsbad Ranch Specific Plan Amendment shall constitute the zoning for this property and all development of the property shall conform to the plan. The amendment to the specific plan is to add to the list of permitted used in Section III, C. 1. A. the following:

"A museum open to the general public, including incidental retail sales related to the museum not to exceed a total floor area of 325 square feet on only Lot 11 (Shown on Figure 32; Lot 8 of Final Map 13357)."

SECTION II: That the findings and conditions of the Planning Commission in Planning Commission Resolution No. 4538 shall also constitute the findings and conditions of the City Council.

EFFECTIVE DATE: This ordinance shall be effective upon adoption, and the City Clerk shall certify to the adoption of this ordinance published at least once in a publication of general circulation the City of Ca

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad LCPA
#3-99A (1-3)
Ordinance NS-488

1 days after its adoption. (Notwithstanding the preceding, this ordinance shall not be effective
2 within the City's Coastal Zone until approved by the California Coastal Commission.)

3 INTRODUCED AND FIRST READ at the regular meeting of the Carlsbad City
4 Council on the 1st day of June 1999, and thereafter.

5 PASSED AND ADOPTED at a regular meeting of said City Council, held on the
6 8th day of June 1999, by the following vote, to wit:

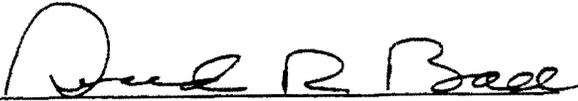
7 AYES: Council Members Lewis, Nygaard, Finnilla, Hall & Kulchin

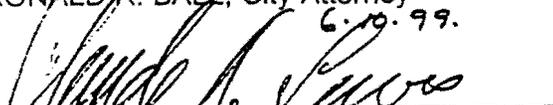
8 NOES: None

9 ABSENT: None

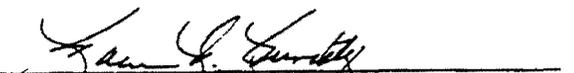
10 ABSTAIN: None

11 APPROVED AS TO FORM AND LEGALITY

12
13 
14 RONALD R. BALL, City Attorney

15 
16 CLAUDE A. LEWIS, Mayor

17 ATTEST:

18 
19 ALETHA L. RAUTENKRANZ, City Clerk
20 KAREN R. KUNDTZ, Assistant City Clerk

21 (SEAL)

EXHIBIT "F"

LOCAL COASTAL PROGRAM AMENDMENT 98-10

Dated APRIL 21, 1999 -

Add the following to the list of permitted uses in the Carlsbad Ranch Specific Plan (SP 207)
Section III. C. 1. A.:

"A museum open to the general public, including incidental retail sales related to the museum not to exceed a total floor area of 325 square feet on only Lot 11 (Shown on Figure 32; Lot 8 of Final Map 13357)."