

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

5 METROPOLITAN DRIVE, SUITE 103

DIEGO, CA 92108-4402

(619) 767-2370



RECORD PACKET COPY

Tue 16a

DATE: June 27, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's actions, certifying Local Coastal Program Amendment No. 2-99D, approved with suggested modifications, are legally adequate (for Commission review at its meeting of July 10-13, 2001)

BACKGROUND

At its July 11, 2000 meeting, the California Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment No. 2-99D. The amendment revises the City's certified land use and implementation plans by rescinding the previously certified Kelly Ranch Master Plan, which allowed up to 1,400 residential units on 433 acres, and replacing it with changes to land use and zoning designations within both the Agua Hedionda Lagoon and Mello II segments of the LCP. Since the certification of the Kelly Ranch Master Plan in 1982, the State has enacted the Natural Community Conservation Planning Act (NCCP). The City of Carlsbad, the Department of Fish and Game (DFG) and the U.S. Fish and Wildlife Service (USFWS) have worked together to implement the NCCP planning process by establishing habitat corridors connecting critical areas used by multiple species, including the gnatcatcher, that will be preserved. The process has resulted in the City of Carlsbad's draft Habitat Management Plan (HMP) that identifies habitat corridors and preserve areas on the Kelly Ranch property.

The LCP amendment as submitted by the City included a revised open space system that acknowledges the work done to date by the resource agencies and the City in developing the draft HMP on all the proposed planning areas except Planning Area L. The proposed upland open space system contained steep and non-steep areas containing primarily coastal sage scrub and southern maritime chaparral vegetation in two core habitat corridors oriented in a north/south and an east/west direction to provide connectivity between Macario Canyon, preserve areas to the south of Kelly Ranch and Agua Hedionda Lagoon.

In review of the submitted LCP amendment, the Commission acknowledged the areas shown as open space in the LCP amendment as environmentally sensitive habitat area are also protected by Section 30240 of the Coastal Act. However, the Commission also found there were additional Coastal Act concerns reflected in the steep slope policies of

northeast, east, and southeast portions of Planning Area J are offset, and the development and open space plan results in a concentration of the development which, on balance, is most protective of significant coastal resources.

Additional suggested modifications included requirements for public trails and vista points to serve as recreational amenities for future residents in addition to the proposed interpretive center and a prohibition on gated communities within the planning areas which would contain such facilities. Brush management provisions were also approved which accept the 3-fuel management zones established in the City's Landscape Manual, but regulate their application adjacent to open space. The revisions require that development be sited a sufficient distance away from designated open space to accommodate Zones 1 and 2 outside the open space. Zone 3 may be permitted if planting of fire retardant, native vegetation is permitted to replace vegetation required to be removed. The suggested modifications also address water quality by including in the land use plans and implementing ordinances provisions which require best management practices to meet not only NPDES permit requirements, but also address runoff volume by maximizing permeable surfaces. The revisions also address control of potential pollutants from parking lots of 25 spaces or more.

Finally, for the Planning Areas along the north shore of the lagoon in the Agua Hedionda Lagoon LUP segment, the revisions include a reduction in density on Planning Area A and specify the wetland buffer shall be a minimum of 100 feet to avoid indirect impacts to sensitive resources and protect significant upland habitat within the buffer. The revisions are intended to concentrate the proposed intensity in the areas able to accommodate it, without significant adverse effect, individually and cumulatively on coastal resources, consistent with Section 30250.

The Commission found the above revisions would result in an open space system that is superior to that approved in the Kelly Ranch Master Plan. The revised Kelly Ranch Open Space will include the 195 acre Wetland Preserve and an extensive upland habitat system which provides connectivity to significant habitat core areas to the north and south and will enhance long-term productivity of rare and endangered species. The revisions to the plan will also result in reduced density and greater wetland buffers provided in development of the lagoon's north shore in Planning Areas A and C. Impacts to existing wetland vegetation will be avoided on Planning Area D, and development will be concentrated in the least environmentally sensitive area within Kelly Ranch. Finally, development along prominent ridgelines within Planning Areas L, K and J will be set back to reduce visibility and brush management within open space to mitigate the habitat impact and preserve the visual quality of this scenic coastal area. Finally, public trails and vista points will be provided, in addition to the proposed interpretive center, to address the recreational needs of future residents.

By their action adopting Resolution 2000-377 on December 12, 2000 the City Council acknowledged and accepted all the Commission's suggested modifications with the exception of those regarding water quality. At that time the California Regional Water Quality Control Board (RWQCB) was reviewing its Tentative Order 2001-01 and Carlsbad and other permittees, requested certain revisions to the discharge requirements

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



September 11, 2000

Mr. Gary Wayne
Assistant Planning Director
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Re: Certification of Major Amendment #2-99D (Kelly Ranch)

Dear Mr. Wayne:

On July 11, 2000 the California Coastal Commission approved the above referenced Local Coastal Program (LCP) amendment request. In its action, the Commission adopted land use and implementation plan revisions to the Carlsbad LCP. The attached modifications contain the specific changes adopted by the Commission.

Before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as revisions to land use policies, rezonings or other ordinance or map revisions.

As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,


Sherilyn Sarb
District Manager

cc: Christer Westman
Stephen Smith
Christopher Neils

(\\TIGERSHARK\groups\San Diego\Reports\LCP's\1999\Crls LCPA 2-99D CertLetter)

EXHIBIT NO. 1

APPLICATION NO.
Carlsbad LCPA 2-99D

Suggested Modifications
approved by Coastal
Commission

 California Coastal Commission

consistent with Section 30233 of the Coastal Act. Any wetlands outside of the preserve boundaries shall be delineated as part of the coastal development permit process prior to development approval.

a) A buffer strip of at least 100 feet in width shall be maintained in a natural condition around the perimeter of all delineated wetlands to protect the functions and values of wetlands. The width of the buffer may be increased as determined on a case by case basis, 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. In no case shall a buffer of less than 100 feet in width be permitted.

b) Fencing shall be required near or adjacent to improved pedestrian and vehicular travelways 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 wetlands, environmentally sensitive habitat areas, and buffer areas, except for resource management, passive recreational uses and educational purposes. Access improvements shall be permitted only within the upper half of the required buffer.

4. Landscaping Requirements. - Add new Section 3.12 to read:

Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.

5. 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 of natural steep slope areas (25%) shall be 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

Residential Development

Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

- a. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and /or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;
- b. Use porous materials for or near walkways and driveways where feasible;
- c. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways.
- d. Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.
- e. Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal).
- f. The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.

Parking Lots

Development plans for, or which include parking lots greater than 5,000 sq.ft. in size and/or with 25 or more parking spaces, susceptible to stormwater shall:

- a. Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the

<u>Planning Area</u>	<u>Land Use Designation</u>	<u>Zoning</u>
D	RMH (8-15 dua)	R-3-Q (Multi-fam.)
E	RM (4-8 dua)	R-1 (One-Family)
F	OS (Open Space)	OS (Open Space)
G	RMH (8-15 dua)	R-3-Q (Multi-fam.)
H	RMH (8-15 dua)	R-3-Q (Multi-fam.)
I	RLM (0-4 dua)	R-1-Q (One-Family)
J	RLM (0-4 dua)	R-1-Q (One-Family)
K	RM (4-8 dua)	RD-M-Q (Multi-fam.)
L	RM (4-8 dua)	RD-M-Q (Multi-fam.)

11. Revised Open Space Map – The City shall prepare a revised LCP Kelly Ranch Open Space map for the entire Kelly Ranch which shall include Planning Area boundaries and topography and shall delineate the following areas, shown in concept on Exhibit 17, as open space. The exact location of the open space boundary shall be determined utilizing a recent topographic survey and aerial photography, to be prepared by the City for review and written approval by the Executive Director, prior to submittal to the City Council.

- a. Planning Areas B and F in their entirety, as proposed;
- b. Revise the open space delineation in Planning Area D to extend the southern limit of the proposed open space west to Cannon Road such that all of Planning Area D northern of the southern limit of the “hardline” is open space (as shown in concept on Exhibit 14); however, this open space delineation may be modified to accommodate daycare facilities and RV parking which meet the following criteria, subject to an approved coastal development permit: a) In no case shall the designated open space corridor be less than 800 feet including the desiltation basin on Planning Area E; b) No development shall encroach into jurisdictional wetlands mapped by the ACOE; c) The facilities shall be located on the least environmentally sensitive portion of the site, and within non-native grassland and/or disturbed agricultural area to the maximum extent possible; and, d) The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.
- c. Planning Areas H and K, open space boundaries as proposed;
- d. Revise the open space delineation in Planning Area I to include the proposed access roads;
- e. Revise the open space delineation in Planning Area J to include the proposed access roads, proposed lots 72, 73 and 74 and the north-facing slopes adjacent to those lots. Also, the eastern limit of the open space delineation on the west-facing slopes of Planning Area J shall extend up to the ridgeline and include the slopes greater than 25% grade as shown on the Steep Slope Analysis-Kelly Ranch dated 8-21-97 (and shown in concept on Exhibit 15); and,

mapping and analysis shall be prepared during CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

1) Areas and Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities: For those slopes possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:

(a) Coastal sage scrub and chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch Open Space map.

(b) Restoration of the disturbed areas within the delineated open space shall be required as a condition of subdivision approval and shall be developed in consultation with the Department of Fish and Game. The disturbed areas shall be revegetated and existing vegetation enhanced with native species to serve as upland transitional habitat to low-lying wetlands and environmentally sensitive habitat areas north and west of Cannon Road. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity and continuance of the habitat value.

(c) Upon dedication of a conservation easement or in fee dedication, or upon recordation of offers to dedicate the Kelly Ranch Open Space to the City of Carlsbad or other public entity, development of steep slopes over 25% grade may occur in areas outside the designated open space. Such encroachment shall be approved by the Department of Fish and Game and the U.S Fish and Wildlife Service as consistent with the State and Federal Endangered Species Act. Dedication will assure preservation of a viable upland habitat corridor and scenic hillsides.

(d) Slopes and habitat areas within the designated open space shall be placed in a permanent open space conservation easement or dedicated in fee as a condition of subdivision approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating authorized firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community. The easement shall be granted to the City of Carlsbad to be maintained and managed as part of the LCP open space system for Kelly Ranch.

2) Drainage and Runoff Rates: Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with the 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) The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.

14. Water Quality - Add the following as new subsection Policy 3-5 (i):

All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board (Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.

In addition the following shall apply:

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:

Residential Development

Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

- a. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and /or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;
- b. Use porous materials for or near walkways and driveways where feasible;
- c. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways.

development stage, as appropriate.

15. Vista Points – Add the following as new subsection Policy 3-5 (j) and develop a Scenic Resource map indicating the designated vista point(s) within Kelly Ranch:

j) Public vista points shall be provided at two locations, one in Planning Area J and the other either entirely within Planning Area L or including portions of Planning Area L and the disturbed high points of adjacent Planning Area D, to provide views of the Pacific Ocean, Agua Hedionda Lagoon and its environs, and shall be accessible to the public at large. Vista points may be located in disturbed open space areas subject to approval by the Department of Fish and Game. Support parking shall be provided and may be located either on-street or off-street within close proximity to the vista point(s). Dedications necessary to provide the vista points and access to the vista points shall be a condition of coastal development permit approval at the subdivision stage.

16. Public Trails – Add the following as new subsection Policy 3-5 (k) of the Mello II land use plan delineating the approved public trails system for Kelly Ranch:

(k) A public trails system that links Agua Hedionda Lagoon, the interpretive center, the street system, open space areas and public vista point(s) shall be provided in consultation with California Department of Fish and Game. Trails provided outside of the public right-of-way shall be dedicated by easement as a condition of subdivision approval. Trail improvements may be a combination of sidewalks within the public right-of-way and, for segments located outside of the public right-of-way, as defined in the Open Space Conservation and Resource Management Plan. Trails shall be installed concurrent with residential development and are indicated on Exhibit 19 (Conceptual Open Space & Conservation Map).

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

(l) The street systems shall provide public access and support parking for the public trail system and vista points in the residential developments located in Planning Areas J, K and L of Kelly Ranch. Public access may be provided through public streets, or private streets with public access easements or deed restriction. Private gated communities shall not be permitted within those planning areas.

C. Mello II Implementation Plan Revisions

18. Preservation of Steep Slopes. Revise Section 21.203.040(A) of the Coastal Resource Protection Overlay Zone to read as follows:

a. Coastal sage scrub and southern maritime chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch Open Space Map and addressed in Policy 3-5 of the certified LCP land use plan.

b. The open space shown on the Kelly Ranch Open Space Map shall be secured through conservation easements or dedicated in fee at the time of subdivision approval. The easements shall be granted to the City of Carlsbad or other public entity and maintained and managed as part of the LCP Kelly Ranch Open Space system.

c. Restoration of disturbed areas within the designated open space through revegetation of disturbed areas and enhancement of existing vegetation with native upland species shall be required, in consultation with the Department of Fish and Game, as a condition of subdivision approval. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity of the habitat value.

d. Upon dedication of a conservation easement or in fee dedication, or upon recordation of offers to dedicate the Kelly Ranch Open Space to the City of Carlsbad or other public entity, development of steep slopes over 25% grade may occur in areas outside the designated open space. Such encroachment shall be approved by the Department of Fish and Game and the U.S Fish and Wildlife Service as consistent with the State and Federal Endangered Species Act. Dedication will assure preservation of a viable upland habitat corridor and scenic hillsides.

e. Roads in Open Space: Access roads shall be a permitted use within designated 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. Wildlife corridors shall be required when necessary to facilitate wildlife movement through the open space area.

f. Siting/Parking. Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site.

g. Brush Management: A fire suppression plan shall be required for all residential development adjacent to designated open space subject to approval by the City of Carlsbad Fire Department. The fire suppression plan shall incorporate a combination of building materials, sufficient structural setbacks from native vegetation and selective thinning designed to assure safety from fire hazard, protection of native habitat, and landscape screening of the residential structures. No portions of brush management Zone 1 and 2 as

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:

Residential Development

Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

- a. Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and /or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;
- b. Use porous materials for or near walkways and driveways where feasible;
- c. Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways.
- d. Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.
- e. Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal).
- f. The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.

setting of the project;

c. Residential Building Height: Maximum height limits and variation in roof heights shall be utilized, as necessary, to minimize visibility of structures from scenic public roadways, public vista points and public trails.

22. Landscaping Requirements – Add the following as new Section 21.203.040 (H):

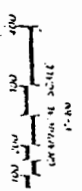
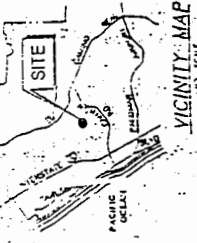
- H. Within the Kelly Ranch, landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space by incorporation of the following measures:
- a. All residential development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted in the interior of residential subdivisions only;
 - b. Approved landscaping shall be installed immediately upon completion of construction and maintained by the property owners in good growing condition for the life of the development;
 - c. Landscape screening of structures, including specimen trees and fire retardant vegetation of substantial height, shall be required to screen and soften the view of structures from I-5, Cannon Road, Agua Hedionda Lagoon, public trails and public vista points;
 - d. The landscape treatment shall cause the development to blend in with the natural setting and present a visually cohesive appearance as viewed from Agua Hedionda Lagoon, Cannon Road and Interstate 5.

PROPOSED LAGOON PARCEL EASEMENT PLAT

EASEMENT PLAT

Boundary Comparison of the 1985 and 1999 Agency Filed to the Lagoon Dedication Areas

CITY OF OCEANSIDE



3. Show the side of the boundary line which is to be dedicated to the public use of the lagoon. The side of the boundary line which is to be dedicated to the public use of the lagoon is shown by a dashed line.

CARLSBAD TRACT MAP 008-07

194 LOT 4

POP LOT 11
POP AGUA REDONDA
MAP 023

PROPOSED LAGOON PLAT



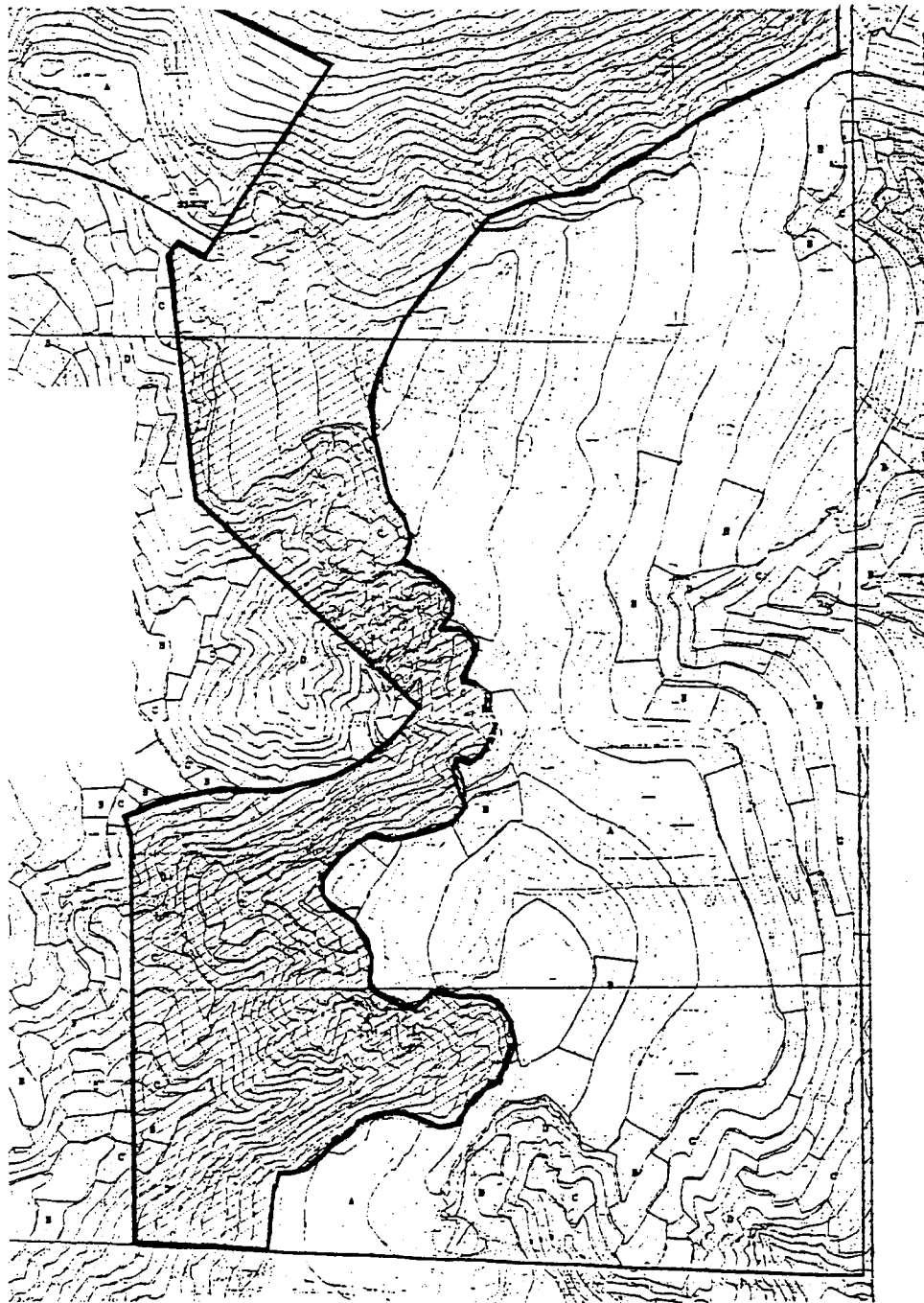
EASEMENT NOTES:


1. EASEMENT AND TRACT TO BE DEDICATED SHALL BE SHOWN BY A DASHED LINE.
2. EASEMENT FROM OTHER TRACTS TO BE SHOWN BY A DASHED LINE.
3. EASEMENT FROM STATE TO BE SHOWN BY A DASHED LINE.
4. EASEMENT FROM CITY OF VISTA TO BE SHOWN BY A DASHED LINE.
5. EASEMENT FROM CITY OF OCEANSIDE TO BE SHOWN BY A DASHED LINE.
6. EASEMENT FROM CITY OF CARLSBAD TO BE SHOWN BY A DASHED LINE.
7. EASEMENT FROM CITY OF SAN MARCO TO BE SHOWN BY A DASHED LINE.
8. EASEMENT FROM CITY OF SAN DIEGO TO BE SHOWN BY A DASHED LINE.
9. EASEMENT FROM CITY OF SAN JOSE TO BE SHOWN BY A DASHED LINE.
10. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
11. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
12. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
13. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
14. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
15. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
16. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
17. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
18. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
19. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.
20. EASEMENT FROM CITY OF SAN ANTONIO TO BE SHOWN BY A DASHED LINE.

V-009-13-0

EXHIBIT NO. 11
APPLICATION NO.
Carlsbad LCPA 2-99D
Proposed Revisions Area to be dedicated as Wetland Preserve

Open Space Recommendation Area J



 Area Recommended as Open Space

Source: Steep Slope Analysis - Kelly Ranch, 8-21-97

—NOTE—

The information depicted on this map is subject to revision. No scale. Locations are approximate. For illustrative purposes only.


Exhibit No. 15
Carlsbad LCPA 2-99D



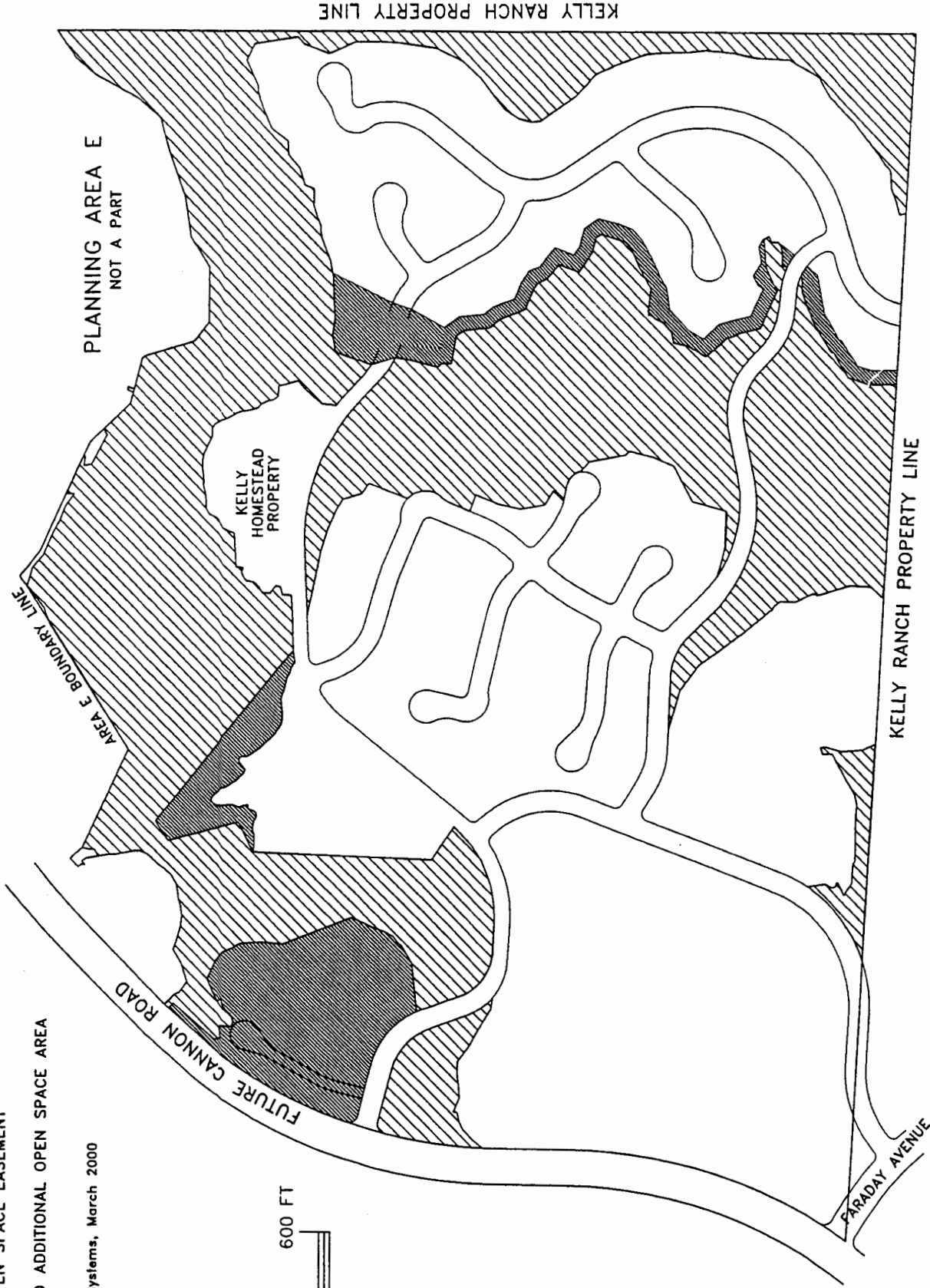
California Coastal Commission
Technical Services Unit

REVISED OPEN SPACE MAP per SUGGESTED MODIFICATION #10 -- In concept only

 PROPOSED OPEN SPACE EASEMENT

 RECOMMENDED ADDITIONAL OPEN SPACE AREA

Map Source: Planning Systems, March 2000



PLANNING AREA E
NOT A PART

KELLY
HOMESTEAD
PROPERTY

KELLY RANCH PROPERTY LINE

AREA E BOUNDARY LINE

FUTURE CANNON ROAD

KELLY RANCH PROPERTY LINE

FARADAY AVENUE

EXHIBIT 17

CARLSBAD LCPA 2-99D

NOTE
The information depicted on this map is subject to revision. Scale and locations are approximate. For illustrative purposes only.

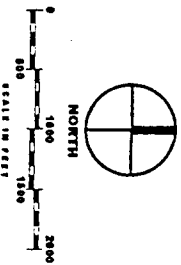
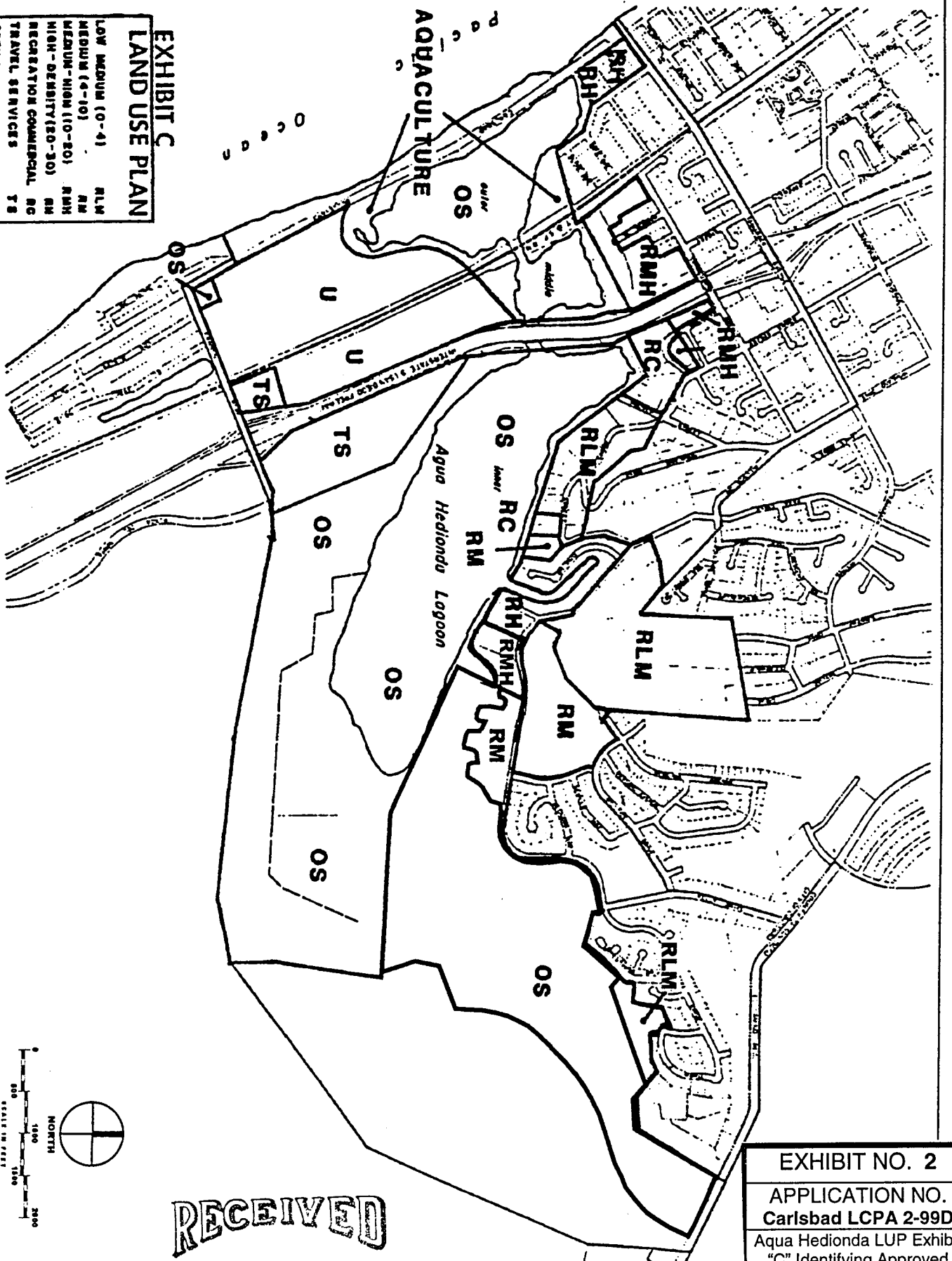
California Coastal Commission
Technical Services Division



**EXHIBIT C
LAND USE PLAN**

LOW MEDIUM (0-4)	RLM
MEDIUM (4-10)	RM
MEDIUM-HIGH (10-20)	RMH
HIGH-DENSITY (20-30)	RH
RECREATION COMMERCIAL	RC
TRAVEL SERVICES	TS
OPEN SPACE	OS
UTILITIES	U

AGUA HEDIONDA LCP



RECEIVED


MAY 18 2001

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

EXHIBIT NO. 2
APPLICATION NO.
Carlsbad LCPA 2-99D
 Aqua Hedionda LUP Exhibit
 "C" Identifying Approved
 Land Use Designations

AGUA HEDIONDA

EXHIBIT NO. 4
APPLICATION NO.
Carlsbad LCPA 2-99D
Approved Aqua Hedionda
Lagoon LUP Policy
Revisions

 California Coastal Commission

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor

• Discussion

The Agua Hedionda Lagoon comprises about 230 acres of water surface and additional wetland and upland habitat areas. The lagoon was originally an increasingly restricted salt - marsh habitat, until it was dredged and opened to tidal action in 1952 to 1954. The resulting deepening and tidal flushing created a new environment which now supports a wide range of marine and terrestrial habitats, as well as recreational uses.

Agua Hedionda Lagoon is unique in that it is relatively free from the serious problems that plague other coastal wetlands. "Adequate tidal flushing, a pattern of land ownership that favors maintenance of large open space areas and a concerned city and public, are the main reasons for the unique status," according to a report by the State Department of Fish and Game. 4

At the east end of the lagoon are the remnants of a once extensive salt marsh, with approximately 100 acres each of marsh and mudflats, interspersed with salt flat and alluvial fan. The State Department of Fish and Game describes this area as follows:

"The salt marsh and upland environs are generally in a disturbed and degraded condition, and support a typical, but depauperate, flora and fauna." 5

The lagoon supports approximately 55 species of water-related birds, and extensive colonies of eel grass. The eel grass beds, located in depths up to ten feet in all three sections of the lagoon, are of special concern in that they help maintain the stability of the lagoon floor and shoreline, provide large amounts of organic matter for grazing marine species, and shelter for many species of fish and invertebrates.

4 Bradshaw, Jack. Natural Resources. P.102

5 Ibid. P.6

invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only;

3.2 The wetland areas mapped by the State Department of Fish and Game shall be acquired by an appropriate management agency, subject to the availability of funding. Methods of acquisition of those wetlands east of I-5 shall be thoroughly explored by the city, Coastal Conservancy, State Department of Fish and Game, and property owners. Methods to be considered shall include:

- a. Acquisition through purchase by the Coastal Conservancy, Department of Fish and Game, or other appropriate State or Federal agency.
- b. Acquisition through dedication in fee or through easement.
- c. Acquisition through transfer of development rights, or development agreement.

• Policies

4.1 All grading and land alteration activities shall be subject to the requirements of the Carlsbad Grading and Excavation Ordinance and the provisions of the Master Drainage Plan.

4.2 Additionally, grading permits in the plan area shall include the following mitigation measures:

- Coordination of grading activities with the local precipitation pattern; grading restricted during rainy season.
- Avoidance of clearing operations in advance of grading.
- Limit grading to the minimum area necessary to accomplish the proposed development.
- Construction of drainage facilities prior to or concurrently with grading activities.
- Grading of surfaces so as to direct runoff toward planned drainages and, if possible, away from cut and fill slopes.
- Early planting and maintenance of ground cover suitable for slope erosion control and maximum retention of natural vegetation.
- Development projects shall preserve, as feasible, natural drainage swales and landforms.

4.3 Development projects shall provide for improvements indicated in the Master Drainage Plan, and shall limit the rate of runoff through the provision of on-site catchment basins, desilting basins, subsurface drains, and similar improvements as necessary. Runoff shall be controlled in such a way that the velocity and rate of run-off leaving the site shall not exceed that of the site in its natural state.

4.4 Landform Alteration: 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.

5.9 Public Works/Gated Communities: Public works improvements shall be provided as follows:

- a) Development shall occur in an orderly fashion, with infill properties in the urbanized area (Exhibit H) receiving priority over urban fringe or outlying properties.
- b) Properties having the greatest availability and proximity to urban services shall be given priority for development.
- 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 consistent with the Pedestrian Access Plan (Exhibit J) where feasible, in consultation with the Department of Fish and Game. Public access, and parking on interior streets shall be required as a condition of coastal development approval at the subdivision stage either through a public street system, public access easements or deed restriction. No private gated communities which preclude the general public from parking and accessing public trails along the lagoon shall be permitted.

5.10 Water Quality

All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board (Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.

In addition the following shall apply:

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the

Parking Lots

Development plans for, or which include parking lots greater than 5,000 sq. ft. in size and/or with 25 or more parking spaces. susceptible to stormwater, shall:

- a) Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination thereof. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Handbooks Handbooks (Commercial and Industrial)-

All Development

- a) 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;
- b) A landscape management plan that includes herbicide/pesticide management.

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 coastal development permit approval at the subdivision and/or development stage, as appropriate.

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 subdivision approval.

8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.

8.5 Archaeological sites in the plan area shall be preserved or excavated as provided in attachment 2.

8.6 The regulation of signs shall be in accordance with the Carlsbad Zoning Ordinance. Additionally, no freestanding, roof or pole signs shall be permitted. Commercial uses shall provide wall or monument signs.

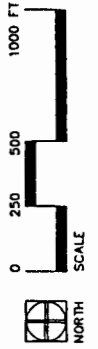
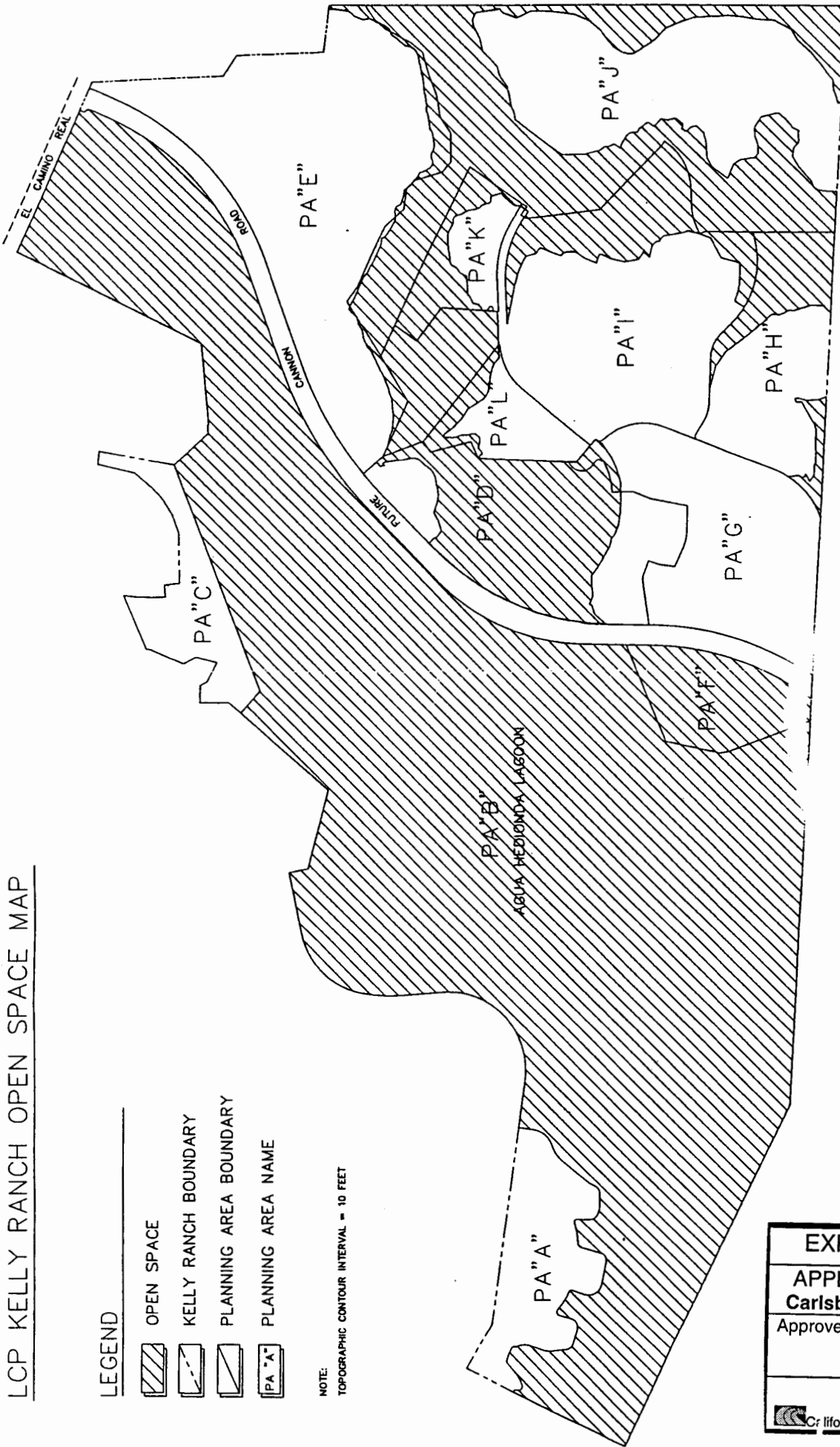
8.7 To achieve consistency with Sections 30221 and 30252(b) of the Coastal Act, design of a residential subdivision on the Pannonia property shall preserve the bluff face and provide for a landscaped recreational accessway around the south and west perimeter of the bluff top. Such a trail shall be of adequate width and designed to facilitate public use for bicycling, strolling and other passive recreational purposes.

LCP KELLY RANCH OPEN SPACE MAP

LEGEND

-  OPEN SPACE
-  KELLY RANCH BOUNDARY
-  PLANNING AREA BOUNDARY
-  PLANNING AREA NAME

NOTE:
TOPOGRAPHIC CONTOUR INTERVAL = 10 FEET



JUNE 6, 2001

 California Coastal Commission
EXHIBIT NO. 6
APPLICATION NO. Carlsbad LCPA 2-99D
Approved Open Space Map

II-2 MELLO II

A. Background

1. Land Use Policy Plan Format

This document contains all land use policies for development and conservation of coastal land and water areas within the geographic area described in Section 30171 of the Public Resources Code (Coastal Act). This plan has been prepared by the staff of the California Coastal Commission, with assistance and professional services provided by the firm of PRC Toups Corporation, as required by the provisions of AB1971 (Mello), adopted by the State Legislature in 1980. Mello II was adopted on July 1, 1982. This plan also reflects the City sponsored amendment that affected agricultural preservation and the treatment of steep slopes. The City's amendment was approved by the Commission on October 24, 1985.

B. Land Use Policies

1. LAND USE PLAN

The Land Use Policy Plan, which is the "land use plan" of the Local Coastal Program (LCP) for this area of Carlsbad, is divided into the following policy areas:

- Allowable Land Uses
- Agriculture
- Environmentally Sensitive Habitat Areas
- Geologic, Floodplain, and Shoreline Hazard Areas
- Public Works and Public Services Capacities
- Recreation and Visitor Serving Uses
- Shoreline Access
- Scenic and Visual Resources
- Exhibits

POLICY 1-1 ALLOWABLE LAND USES (MELLO II)

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

POLICY 1-2 MAXIMUM DENSITY OF DEVELOPMENT

Residential densities shall be permitted and based on the underlying LCP land use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.

NOTE: The following is an unofficial listing of Mello II LCP Segment Policies. This listing can provide a quick reference to applicable LCP policies.

LOCAL COASTAL PROGRAM: MELLO II SEGMENT LAND USE PLAN

LOCAL COASTAL PROGRAM BOUNDARY EXHIBIT 1

- b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.

POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA

(a) Maximum Density of Development

- 1) Residential densities in the 433 acre Kelly Ranch shall be permitted and based on the underlying LCP Land Use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.
- 2) Approximately 2.8 acres located adjacent to and west of Cannon Road, CDP 98-47 are designated Open Space with an interpretive center for Agua Hedionda Lagoon designated as an allowable use.

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

Agricultural preservation policies for the 433-acre Kelly Ranch have been deleted by LCP amendment of 1-85.

(c) Preservation of Steep Slopes, Sensitive Vegetation 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. The slope mapping and analysis shall be prepared during CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

- (1) Areas and Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities: For those slopes possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:
 - (a) Coastal sage scrub and chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch Open Space map.
 - (b) Restoration of the disturbed areas within the delineated open space shall be required as a condition of subdivision approval and shall be developed in consultation with the Department of Fish and Game. The disturbed areas shall be revegetated and existing vegetation enhanced with native species to serve as upland transitional habitat to low-lying wetlands and environmentally sensitive habitat areas north and west of Cannon Road. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity and continuance of the habitat value.

- (h) Other Uses in Open Space: The designated open space on Planning Area D may be modified to accommodate daycare facilities and RV parking which meet the following criteria, subject to an approved coastal development permit:
- (1) In no case shall the designated open space corridor be less than 800 feet including the desiltation basin on Planning Area E;
 - (2) No development shall encroach into jurisdictional wetlands mapped by the ACOE;
 - (3) The facilities shall be located on the least environmentally sensitive portion of the site and within non-native grassland and/or disturbed agricultural area to the maximum extent possible; and.
 - (4) The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.
- (i) Water Quality: All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board (Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.

In addition the following shall apply:

New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:

Residential Development

Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced by each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

- 1) Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;

disturbed high points of adjacent Planning Area D, to provide views of the Pacific Ocean, Agua Hedionda Lagoon and its environs, and shall be accessible to the public at large. Vista points may be located in disturbed open space areas subject to approval by the Department of Fish and Game. Support parking shall be provided and may be located either on-street or off-street within close proximity to the vista point(s). Dedications necessary to provide the vista points and access to the vista points shall be a condition of coastal development permit approval at the subdivision stage.

- (k) **Public Trails:** A public trails system that links Agua Hedionda Lagoon, the interpretive center, the street system, open space areas and public vista point(s) shall be provided in consultation with California Department of Fish and Game. Trails provided outside of the public right-of-way shall be dedicated by easement as a condition of subdivision approval. Trail improvements may be a combination of sidewalks within the public right-of-way and, for segments located outside of the public right-of-way, as defined in the Open Space Conservation and Resource Management Plan. Trails shall be installed concurrent with residential development and are indicated on the trails map from the Open Space & Conservation Resource Management Plan.
- (l) **Public Streets/Gated Communities:** The street systems shall provide public access and support parking for the public trail system and vista points in the residential developments located in Planning Areas J, K and L of Kelly Ranch. Public access may be provided through public streets, or private streets with public access easements or deed restriction. Private gated communities shall not be permitted within those planning areas.

POLICY 3-6 ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Permitted uses within the wetlands and designated upland buffer of the Ward property (portion of Parcel #214-010-01) shall be limited to access paths in uplands, aquaculture, fencing, nature study projects or similar resource dependent uses, wetland restoration projects and other improvements necessary to protect wetlands.

POLICY 3-7 WETLANDS AND RIPARIAN RESOURCES

Wetlands and riparian resources outside the lagoon ecosystems shall be protected and preserved. No direct impacts may be allowed except for the expansion of existing circulation element roads identified in the certified LCP and those direct impacts associated with installation of utilities (i.e., water, sewer, and electrical lines). There must be no feasible less environmentally-damaging alternative to the proposed disturbance; any allowable disturbance must be performed in the least environmentally damaging manner. Open space dedication of sensitive resource areas is required.

Mitigation ratios for any temporary disturbance or permanent displacement of identified resources shall be determined in consultation with the California Department of Fish and Game and the U.S. Fish and Wildlife Service. Appropriate mitigation ratios shall be determined based on site specific information. Such information shall include, but is not limited to, the type and size of the development and or proposed mitigations (such as planting of vegetation or the construction of fencing) which will also achieve the purposes of the buffer. The buffer shall be measured landward from the delineated resource. The California Department of Fish and Game and the united states Fish and Wildlife service shall be consulted in such buffer determinations. Buffer zones shall be

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

PLANNING COMMISSION RESOLUTION NO. 4961

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN ON PROPERTY GENERALLY LOCATED SOUTH OF CANNON ROAD AND EAST OF FARADAY AVENUE IN LOCAL FACILITIES MANAGEMENT ZONE 8

CASE NAME: KELLY RANCH

CASE NO: GPA 00-09

WHEREAS, The Kelly Land Company, "Developer and Owner," has filed a verified application with the City of Carlsbad regarding property described as

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 County, November 16, 1896.

("the Property"); and

WHEREAS, the California Coastal Commission approved Local Coastal Program Amendment LCPA 97-09 with modifications on July 11, 2000; and

WHEREAS, this General Plan Amendment is required by the California Coastal Commission's action and the subsequent adoption of LCPA 97-09(A) by the City of Carlsbad; and

WHEREAS, said verified application constitutes a request for a General Plan Amendment as shown on Exhibit "GPA 00-09" dated May 2, 2001, attached hereto and on file in the Carlsbad Planning Department KELLY RANCH GPA 00-09 as provided in Government Code Section 65350 et. seq. and Section 21.52.160 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on the 2nd duly noticed public hearing as prescribed by law to consider said request

EXHIBIT NO. 9
APPLICATION NO. Carlsbad LCPA 2-99D
Planning Commission Resolution adopting Land Use Changes
 California Coastal Commission

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

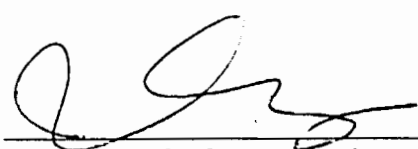
PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the 2nd day of May 2001, by the following vote, to wit:

AYES: Chairperson Segall, Commissioners Baker, Compas, Heineman, L'Heureux, Nielsen, and Trigas

NOES:

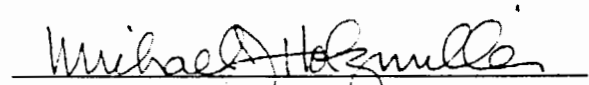
ABSENT:

ABSTAIN:



JEFFRE N. SEGALL, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



MICHAEL J. HOLZMILLER
Planning Director

1 **PLANNING COMMISSION RESOLUTION NO. 4962**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING
4 APPROVAL OF A ZONE CODE AMENDMENT TO AMEND
5 TITLE 21, SECTION 21.203.040 OF THE CARLSBAD
6 MUNICIPAL CODE TO MODIFY REGULATIONS RELATING
7 TO COASTAL RESOURCES
8 CASE NAME: KELLY RANCH
9 CASE NO: ZCA 00-06

10 WHEREAS, The Kelly Land Company, "Developer and Owner," has filed a
11 verified application with the City of Carlsbad regarding property described as

12 A portion of Lot "I" of Rancho Agua Hedionda and a portion
13 of Lot "F" of Rancho Agua Hedionda, all in the City of
14 Carlsbad, County of San Diego, State of California according
15 to map thereof No. 823, filed in the office of the County
16 Recorder of San Diego on November 16, 1896.

17 ("the Property"); and


18 WHEREAS, the California Coastal Commission approved Local Coastal
19 Program Amendment LCPA 97-09 with modifications on July 11, 2000; and

20 WHEREAS, this Zone Code Amendment is required by the California
21 Coastal Commission's action and the subsequent adoption of LCPA 97-09(A) by the City of
22 Carlsbad; and

23 WHEREAS, the proposed amendment is set forth in the draft City Council
24 Ordinance, Exhibit "ZCA 00-06" dated, May 2, 2001, and attached hereto KELLY RANCH
25 ZCA 00-06; and

26 WHEREAS, the Planning Commission did on the 2nd day of May, 2001, hold a
27 duly noticed public hearing as prescribed by law to consider said request; and

28 WHEREAS, at said public hearing, upon hearing and
and arguments, if any, of all persons desiring to be heard, said Commission
relating to the Zone Code Amendment; and

EXHIBIT NO. 10
APPLICATION NO. Carlsbad LCPA 2-99D
Planning Commission Resolution adopting Zone Code Changes
 California Coastal Commission

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, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, held on the **2nd** day of **May, 2001**, by the following vote.

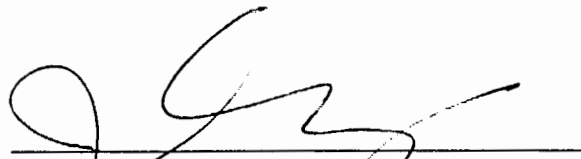
to wit:

AYES: Chairperson Segall, Commissioners Baker, Compas, Heineman, L'Heureux, Nielsen, and Trigas

NOES:

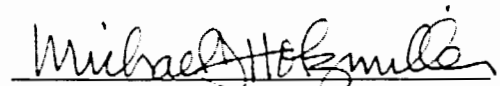
ABSENT:

ABSTAIN:



JEFFREY N. SEGALL, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



MICHAEL J. HÖLZMILLER
Planning Director

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

4. That staff is directed to initiate formal action including the holding of public hearings necessary to consider the legislative actions required to satisfy and implement the suggested modifications to LCPA 97-09.

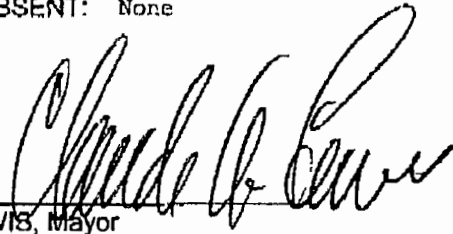
5. That all of the Kelly Ranch development permits previously approved by the City Council shall be revised as necessary to comply with the applicable segments of the Carlsbad Local Coastal Program as amended and submitted to the City Council for review and re-consideration for approval.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 12th day of December, 2000, by the following vote, to wit:

AYES: Council Members Lewis, Hall, Finnilla, Nygaard and Kulchin.

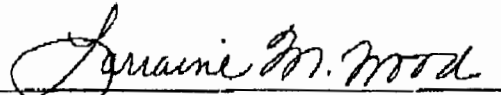
NOES: None

ABSENT: None



CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk

(SEAL)

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

4 SECTION III: That Section 21.12.040 of the Carlsbad Municipal Code, is
5 amended by the addition of Subsection 21.12.040 (A)(2) to read as follows:

6 2. Within the Kelly Ranch property, for those slopes possessing endangered
7 plant/animal species and/or coastal sage scrub and chaparral plant communities, the
8 following policy language applies:

9 a. Coastal sage scrub and southern maritime chaparral plant communities
10 shall be preserved in their natural state within designated open space areas shown on
11 the LCP Kelly Ranch Open Space Map and addressed in Policy 3-5 of the certified
12 LCP land use plan.

13 b. The open space shown on the Kelly Ranch Open Space Map shall be
14 secured through conservation easements or dedicated in fee at the time of subdivision
15 approval. The easements shall be granted to the City of Carlsbad or other public entity
16 and maintained and managed as part of the LCP Kelly Ranch Open Space system.

17 c. Restoration of disturbed areas within the designated open space through
18 revegetation of disturbed areas and enhancement of existing vegetation with native
19 upland species shall be required, in consultation with the Department of Fish and
20 Game, as a condition-of subdivision approval. The restoration and enhancement plan
21 shall include a maintenance and monitoring component to assure long-term
22 productivity of the habitat value.

23 d. Upon dedication of a conservation easement or in fee dedication, or upon
24 recordation of offers to dedicate the Kelly Ranch Open Space to the City of Carlsbad
25 or other public entity, development of steep slopes over 25% grade may occur in
26 areas outside the designated open space. Such encroachment shall be approved by the
27 Department of Fish and Game and the U.S. Fish and Wildlife Service as consistent
28 with the State and Federal Endangered Species Act. Dedication will assure
preservation of a viable upland habitat corridor and scenic hillsides.

e. Roads in Open Space: Access roads shall be a permitted use within
designated 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. Wildlife corridors shall be required when necessary to
facilitate wildlife movement through the open space area.

f. Siting/Parking. Due to severe site constraints, innovative siting and design
criteria (including shared use of driveways, clustering, tandem parking, pole
construction) shall be incorporated to minimize paved surface area. Dwelling units
shall be clustered in the relatively flat portions of the site.

1 of the NPDES General Permit for Storm Water Discharges Associated with
2 Construction Activity issued by the State Water Resources Control Board (State
3 Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego
4 NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the
California Regional Water Quality Control Board (Regional Board Order No. 9042)
and any amendment, revision or re-issuance thereof.

5 In addition the following shall apply to development within Kelly Ranch:

6 New development and significant redevelopment of private and publicly-owned
7 properties, must incorporate design elements and/or Best Management Practices
8 (BMPs) which will effectively prevent runoff contamination, and minimize runoff
9 volume from the site in the developed condition. to the greatest extent feasible. At a
minimum, the following specific requirements shall be applied to development of
type and/or intensity listed below:

10 Residential Development

11 Development plans for, or which include residential housing development with
12 greater than 10 housing units shall include a drainage and polluted runoff control plan
13 prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of
14 runoff produced from each and every storm event up to and including the 85th
15 percentile 24-Hour runoff event, prior to conveying runoff in excess of this standard
16 to the storm water conveyance system. The plan shall be reviewed and approved by
the consulting soils engineer or engineering geologist to ensure the plan is in
conformance with their recommendations. The plan shall be designed in consideration
of the following criteria, and approved prior to issuance of a coastal development
permit:

17 i. Maximize the percentage of permeable surfaces and green space to allow
18 more percolation of runoff into the ground and /or design site with the capacity to
19 convey or store peak runoff from a storm and release it at a slow rate so as to
minimize the peak discharge into storm drains or receiving water bodies;

20 ii. Use porous materials for or near walkways and driveways where feasible;

21 iii. Incorporate design elements which will serve to reduce directly connected
22 impervious area where feasible. Options include the use of alternative design features
such as concrete grid driveways, and/or pavers for walkways.

23 iv. Runoff from driveways, streets and other impervious surfaces shall be
24 collected and directed through a system of vegetated and/or gravel filter strips or
25 other media devices, where feasible. Selected filter elements shall be designed to 1)
26 trap sediment, particulates and other solids and 2) remove or mitigate contaminants
27 through infiltration and/or biological uptake. The drainage system shall also be
designed to convey and discharge runoff from the building site in a non-erosive
manner.

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

- 1. Landscaping and Setbacks: Use of trees or fire retardant vegetation with substantial height as a landscape screen and/or setbacks from the ridgelines and open space areas;
- 2. Building Colors: Exterior wall and roof colors shall be of low intensity earth or vegetative tones. Stucco with accent materials such as tile, natural stone, or other compatible natural building materials shall be preferred. Roof colors shall be low intensity colors which blend with the environmental setting of the project;
- 3. Residential Building Height: Maximum height limits and variation in roof heights shall be utilized, as necessary, to minimize visibility of structures from scenic public roadways, public vista points and public trails.

SECTION VIII: That Section 21.203.040 of the Carlsbad Municipal Code is amended by the addition of Subsection 21.203.040 (H) to read as follows:

H. Within the Kelly Ranch, landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space by incorporation of the following measures:

- 1. All residential development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted in the interior of residential subdivisions only;
- 2. Approved landscaping shall be installed immediately upon completion of construction and maintained by the property owners in good growing condition for the life of the development;
- 3. Landscape screening of structures, including specimen trees and fire retardant vegetation of substantial height, shall be required to screen and soften the view of structures from I-5, Cannon Road, Agua Hedionda Lagoon, public trails and public vista points;
- 4. The landscape treatment shall cause the development to blend in with the natural setting and present a visually cohesive appearance as viewed from Agua Hedionda Lagoon, Cannon Road and Interstate 5

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 newspaper of general circulation within fifteen days after its adoption.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



June 11, 2001

Mr. Gary Wayne
Assistant Planning Director
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008-7314

Mr. Stephen P. Smith
Kelly Land Company
2011 Palomar Airport Road, Suite 106
Carlsbad, CA 92009

Re: Local Coastal Program Amendment (LCPA) 2-99D-Kelly Ranch
Confirmation re: Water Quality issue

Gentlemen:

The purpose of this letter is to provide City staff, and Kelly Land Company, with confirmation as to the meaning and intent of a portion of the Suggested Modifications to the above referenced LCP amendment adopted by the California Coastal Commission on July 11, 2000. The portion of the Suggested Modifications in question is the requirement for a storm water runoff plan and incorporation of BMP's regarding runoff control for residential development and parking lots, found at Sections A.8, B.14 and C.20 of the Suggested Modifications which read, in part, as follows:

RESIDENTIAL DEVELOPMENT:

"Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to infiltrate, filter or treat the volume of runoff produced by each and every storm event up to and including the 85th percentile 24-hour runoff event, prior to conveying runoff in excess of this standard to the storm water conveyance system....."

and

PARKING LOTS:

"Development plans for, or which include parking lots greater than 5,000 sq.ft. in size and/or with 25 or more parking spaces, susceptible to stormwater shall:

EXHIBIT NO. 13
Carlsbad LCPA 2-99D Water Quality Issue
California Coastal Commission