

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 57-2370



RECORD PACKET COPY July 17, 2001

Tue 9f

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: DEBORAH LEE, SOUTH COAST DEPUTY DIRECTOR
SHERILYN SARB, DISTRICT MANAGER, SAN DIEGO
BILL PONDER, COASTAL PROGRAM ANALYST**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II
LCP SEGMENT MAJOR AMENDMENT NO. 1-2001A(Ledgerwood)
(For Public Hearing and Possible Commission Action at the Meeting of
August 6-10, 2001)**

SYNOPSIS

The subject amendment request revises the certified Mello II LCP Implementation Program. The request rezones the Ledgerwood sites (two 4,650 sq.ft. lots on Carlsbad Boulevard [Old Highway 101] from General Commercial [C-2] to Multiple Family Residential [R-3] and Beach Area Overlay Zone [BAOZ]). On April 16, 2001, the City of Carlsbad's proposed Local Coastal Program Amendment (LCPA) #1-2001 was received in the San Diego District office; the submittal was deemed complete on June 22, 2001. The original amendment package contained four other LCP Amendments to amend the certified Carlsbad LCP implementation program; however, two of the amendments addressing signs were withdrawn by the City. Two other amendments involve rezonings from Limited Control (L-C) to residential zones on two separate properties (Buerger and Tabata). These two LCP amendments are the subject of a request for a time extension also scheduled on the August, 2001 Commission hearing.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the proposed LCP amendment as submitted. The Ledgerwood rezones are consistent with the certified Mello II LUP designation of RH (High Density Residential) and the rezones would not result in adverse impacts to public access or sensitive resources.

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 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

A. RESOLUTION I. (Resolution to approve certification of the City of Carlsbad Mello II Implementation Plan Amendment #1-2001A [Ledgerwood rezones], as submitted)**MOTION I**

I move that the Commission reject the City of Carlsbad Mello II Implementation Plan Amendment #1-2001A [Ledgerwood rezones], as submitted.

Staff Recommendation

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Resolution

The Commission hereby certifies the City of Carlsbad Mello II Implementation Plan Amendment #1-2001A [Ledgerwood rezones] as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of the certified land use plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures

and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III **FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD**
MELLO II IMPLEMENTATION PLAN AMENDMENT #1-2001A,
AS SUBMITTED

1. AMENDMENT DESCRIPTION/LEDGERWOOD REZONES

The amendment changes the LCP implementation plan by rezoning two 4,650 sq.ft. lots containing a small house on one lot and garden on the other lot from General Commercial [C-2] to Multiple Family Residential [R-3] and Beach Area Overlay Zone [BAOZ]). In 1996, the City Council passed a resolution of intention to rezone each property from commercial to residential to make the zoning consistent with the RH (Residential High Density) General Plan and Local Coastal Program land use designations. The existing commercial zone is inconsistent with the properties' RH land use designation (15-23 du/ac). The project sites are located on the east side of Carlsbad Boulevard between Tamarack Avenue and Redwood Avenue. The project sites are bordered on the north, south and east by a mix of detached homes with yards, multi-story condominiums and older apartments. Immediately south of the parcels is the Seaside Bistro, a restaurant. To the west are Carlsbad Boulevard and then Carlsbad State Beach and the Pacific Ocean.

The subject sites are located within the appealable area of the City's coastal development permit jurisdiction as they are within 300 feet of the inland extent of the beach.

a) Purpose and Intent of the Ordinance. The purpose and intent of the General Commercial [C-2] zone is to allow for general commercial uses such as auto repair or retail, wholesale or service businesses catering directly to the consumer. The purpose and intent of the proposed Multiple Family Residential [R-3] zone is to allow for high density multiple family homes and associated structures. The purpose and intent of the Beach Area Overlay Zone [BAOZ]) is to supplement the underlying residential zoning by providing additional regulations to ensure compatible development, adequate parking and public facilities, and to protect the unique mix of residential development and the aesthetic quality of the beach area.

b) Major Provisions of the Ordinance. The amendment provides for the change of zoning of the identified parcels from C-2 to R-3. The R-3 zone allows multiple family detached homes and associated structures, sets a 35 foot height limit, and establishes design and development standards for setbacks, placement of building and minimum lot area. The overlay requires a project's density to be at the lowest end of the density range established by the General Plan designation unless a greater density is justified. The RH land use designation allows 15-23 du/ac. Under the proposed zoning, a single unit could be built on each of the 4,650 sq.ft. parcels at the lowest end of the RH density range (15

du/ac), and two units could be built on each parcel at a density of 18 du/ac. Both examples are within the density allowed by the RH land use designation. Major provisions of the BAOZ include a two-story and 25-foot height limit, that all dwelling units have at least two parking spaces and that visitor parking shall be provided for multiple unit projects (i.e., 10 dwelling units or less--1 space for each 2 dwelling units; greater than 10 dwelling units—5 spaces for the first 10 units, plus 1 space for each 4 dwelling units above 10). The overlay provides that for property which has a general plan designation of RH, the residential density shall be 15-23 units per acre.

c) Adequacy of Ordinance to Implement the Certified LUP. 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 City's Municipal Code serves as the Implementation Program for the Mello II segment of the LCP.

The existing C-2 zone (general commercial) is inconsistent with the properties' RH land use designation. The LCP amendment will result in consistency with the LCP land use designation of RH, or high density residential. The General Plan and LCP land use designations for the subject and surrounding properties and most of the beach area between Agua Hedionda Lagoon and the Downtown Village area is RH. The proposed R-3 zone is the zoning for most of the beach area. The nearest commercially designated properties to the subject site are located approximately ½ mile to the north at Carlsbad Boulevard and Walnut Avenue and to the east at Tamarack Avenue and Jefferson Street. Additionally, the subject area is not an area that has been identified as being appropriate for visitor serving commercial uses. Such visitor serving nodes are identified at other locations within the Carlsbad coastal zone.

The proposed rezoning will not affect or conflict with LCP policies regarding access, recreational opportunities or views. The rezoning also does not involve property with sensitive topography or natural resources.

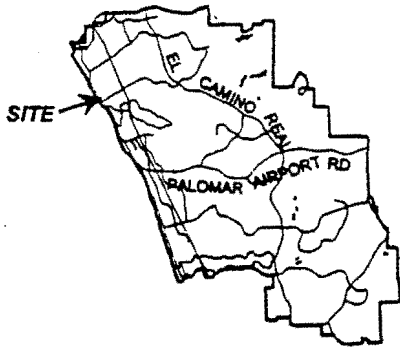
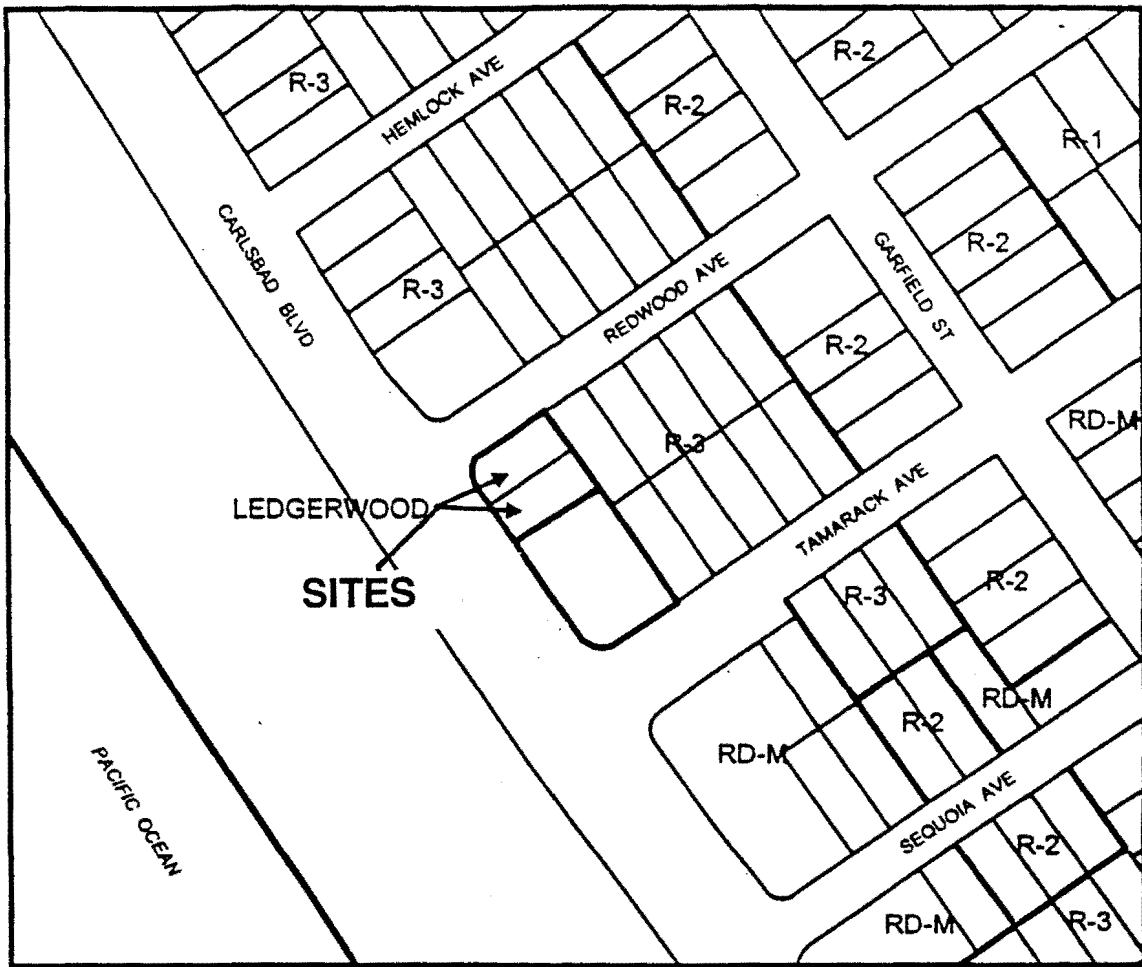
Further, given the subject lots are within the boundaries of the Beach Area Overlay Zone, the City approved applying the overlay zone to each of the properties. Section 21.82.020 of the certified municipal code requires the overlay zone to apply to any residentially zoned property within its boundaries. As noted above the BAOZ overlay requires a project's density to be at the lowest end of the density range unless a greater density is justified. In this case a density of greater than 15 du/ac must be justified for a subsequent project to be found consistent with the overlay zone. In any event, the proposed R-3 zoning is consistent with the RH land use designation. Additionally, as indicated above, the overlay requires that new development provide adequate parking for both residents and visitors to ensure no adverse impacts to public access/parking in the nearshore area.

Thus, the Commission finds that because the proposed rezoning would implement the LUP designation, the amendment is consistent with and adequate to carry out the policies of the certified LUP.

V. **CONSISTENCY WITH THE CALIFORNIA ENVIRONMENT
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 a LCP submittal or, as in this case, a LCP amendment submittal, to find that the LCP, or LCP, as amended, conforms to CEQA provisions. The proposed rezones 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.



CARLSBAD BLVD/TAMARACK AVE ZONE CHANGE

ZC 99-08/LCPA 00-01



EXHIBIT NO. 1
APPLICATION NO. Carlsbad 1-2001 A
Ledgerwood Location Map
California Coastal Commission

ORDINANCE NO. NS-577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP TO GRANT A ZONE CHANGE, ZC 99-08, FROM C-1 AND C-2 TO R-3 AND BEACH AREA OVERLAY ZONE ON TWO PROPERTIES LOCATED ON THE EAST SIDE OF CARLSBAD BOULEVARD AND SOUTH OF REDWOOD AVENUE IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: CARLSBAD BOULEVARD/TAMARACK ZONE CHANGE

CASE NO.: ZC 99-08/LCPA 00-01

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

SECTION I: That Section 21.05.030 of the Carlsbad Municipal Code, being the zoning map, is amended as shown on the maps marked Exhibits "ZC 99-08" and "LCPA 00-01" attached hereto and made a part hereof.

SECTION II: That the findings of the Planning Commission as set forth in Planning Commission Resolution Nos. 4891, 4892, and 4893 constitute the findings of the City Council.

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.

///

///


///

///

///

///

///

EXHIBIT NO. 2
APPLICATION NO. Carlsbad 1-2001 A Ledgerwood
Ordinance Approving Zone Change
 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

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council held on the 6th day of March, 2001, and thereafter

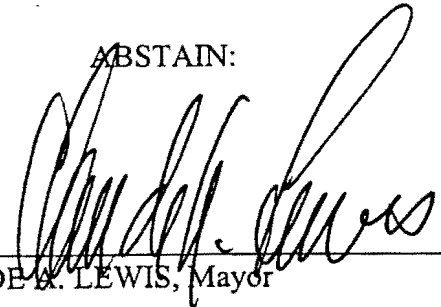
PASSED AND ADOPTED at a regular meeting of said City Council held on the 13th day of March, 2001, by the following vote, to wit:

AYES: Council Members Lewis, Finnila, and Hall.

NOES: None

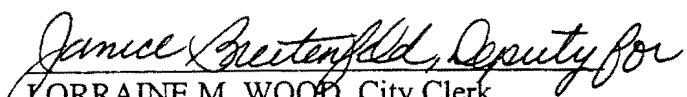
ABSENT: Council Members Kulchin and Nygaard.

ABSTAIN:



CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk

(SEAL)

1 RESOLUTION NO. 2001-72


2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, TO (1) APPROVE A NEGATIVE
4 DECLARATION AND ADDENDUM, ZONE CHANGE, AND
5 LOCAL COASTAL PROGRAM AMENDMENT TO REZONE TWO
6 LOTS OWNED BY THE CHARLES B. LEDGERWOOD TRUST;
7 AND, (2) MAKE NO CHANGE AT THIS TIME TO THE ZONING
8 ON THE LOT OWNED BY THE MITZE H. EUBANKS TRUST;
9 AND (3) DIRECT STAFF TO PROCESS THE NECESSARY
10 ENVIRONMENTAL REVIEW AND APPROPRIATE
11 AMENDMENTS TO THE GENERAL PLAN, LOCAL COASTAL
12 PROGRAM, AND ZONING ORDINANCE AT PUBLIC HEARINGS
13 TO ENABLE CONSIDERATION OF ALLOWING COMMERCIAL
14 TO REMAIN AS A CONFORMING USE ON THE LOT OWNED
15 BY THE MITZE H. EUBANKS TRUST. THE THREE
16 PROPERTIES AFFECTED ARE ON THE EAST SIDE OF
17 CARLSBAD BOULEVARD, BETWEEN TAMARACK AVENUE
18 AND REDWOOD AVENUE IN LOCAL FACILITIES
19 MANAGEMENT ZONE 1.

20 CASE NAME: CARLSBAD BL/TAMARACK ZONE CHANGE
21 CASE NO.: ZC 99-08 AND LCPA 00-01

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

24 WHEREAS, on January 3, 2001, the Carlsbad Planning Commission held a duly
25 noticed public hearing, which was subsequently continued to January 17, 2001, to consider a
26 proposed Negative Declaration, Zone Change, and Local Coastal Program Amendment to
27 rezone the two lots owned by the Charles B. Ledgerwood Trust from Neighborhood Commercial
28 (C-1) and General Commercial (C-2) to Multiple-Family Residential (R-3) and Beach Area
Overlay Zone (BAOZ) and rezone the one lot owned by the Mitze H. Eubanks Trust from C-2 to
R-3 and BAOZ; and

WHEREAS, on January 17, 2001, the Planning Commission adopted Planning
Commission Resolutions No. 4891, 4892, and 4893 recommending to the City Council that (1)
the Negative Declaration and Addendum, Zone Change, and Local Coastal Program
Amendment be approved to change the zoning as proposed on the properties owned by the
Charles B. Ledgerwood Trust, and (2) that the Council make no change at this time to the
existing commercial zoning on the lot owned by the Mitze H. Eubanks Trust and instead
consider allowing commercial to remain as a conforming use, and, accordingly direct staff to

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad 1-2001
Ledgerwood
Resolution
 California Coastal Commission

1 conduct the necessary environmental review and process appropriate amendments to the
2 General Plan, Local Coastal Program, and Zoning Ordinance at public hearings; and

3 WHEREAS, the City Council of the City of Carlsbad, on the 6th day of March
4 2001, held a duly noticed public hearing to consider the recommendation and heard all persons
5 interested in or opposed to ZC 99-08 and LCPA 00-01; and

6 WHEREAS, an Initial Study and Addendum was prepared for the project and it
7 was determined that a Negative Declaration could be issued for the project,

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

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

11 2. That the recommendation of the Planning Commission for: (1) The
12 approval of a Negative Declaration and Addendum, Zone Change 99-08, and Local Coastal
13 Program Amendment 00-01, and; (2) The retaining of the existing zone on the Mitze H. Eubanks
14 Trust and further study and consideration of an appropriate commercial designation for the
15 property is approved and that the findings of the Planning Commission contained in Planning
16 Commission Resolutions No. 4891, 4892, and 4893, on file with the City Clerk and incorporated
17 herein by reference, are the findings of the City Council.

18 3. That the City Council is not rezoning the parcel at this time in reliance on
19 the Seaside Bistro's representations that it will relinquish its cabaret license and agree to
20 process a Conditional Use Permit application setting forth the terms and conditions under which
21 commercial use will continue to exist at this site. Therefore, the Planning Director is directed to
22 commence the necessary and appropriate rezoning process forthwith which will require a
23 Conditional Use Permit or other discretionary permits and to return to the City Council through
24 the Planning Commission with its report and recommendations. The Seaside Bistro is directed
25 to apply forthwith for a Conditional Use Permit or other discretionary permits under the proposed
26 zone so that all discretionary actions will be before the Council concurrently.

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

"The time within which judicial review of this decision must be sought
is governed by Code of Civil Procedures, Section 1094.6, which has
been made applicable in the City of Carlsbad by Carlsbad Municipal
Code Chapter 1.16. Any petition or other paper seeking judicial
review must be filed in the appropriate court no later than the ninetieth
day following the date on which this decision becomes final; however,
if within ten days after the decision becomes final a request for the
record of 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

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

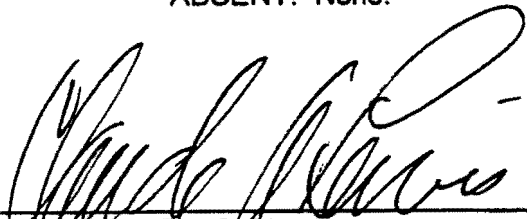
extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, California 92008."

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 6th day of March 2001, by the following vote, to wit:

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

NOES: None.

ABSENT: None.



CLAUDE A. LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk

(SEAL)