

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

175 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

(619) 767-2370



September 19, 2002

RECORD PACKET COPY

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TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF CARLSBAD DE MINIMUS LOCAL COASTAL
PROGRAM AMENDMENT NO. 2-2002 TO MELLO I SEGMENT
(AVIARA MASTER PLAN)**

The Coastal Act was amended on January 1, 1995, to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimus in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimus LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director determines that the proposed amendment qualifies as a "de minimus" amendment and finds that the public notice requirements have been satisfied, the determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

The City of Carlsbad proposed de minimis LCP would amend the certified Local Coastal Program to change the maximum height allowed for a park building in planning area 32 of the Aviara Master Plan (Pacific Rim Park Site), from 18 feet to 32 feet and 3 inches, consistent with conditional use permit (CUP) 01-22 approved by the City Council in February 2002. This LCP amendment is necessary to allow construction of a multi-purpose community building within Pacific Rim Park to a height consistent with that allowed for open space/park zones and park buildings in other areas of the City. The Aviara Master Plan allows the following permitted uses within planning area 32: natural open space, passive recreational use, family-oriented picnic areas, group picnic areas, turf open space areas for free play, multi-purpose lighted playfields, tot areas, a structure for meetings or lectures, tennis courts, swimming pool, onsite parking and similar uses commonly located in a public park. The requested height increase is necessary to accommodate several park-related uses, including as meeting rooms, indoor recreation facilities and building facility infrastructure.

The amendment does not affect existing height restrictions for other parks or buildings in the City. The park is located at the northern terminus of Ambrosia Lane within the Aviara Master Plan. A location map is attached as Exhibit 1.

The City Council resolution that approves and conveys the proposed amendment is attached as Exhibit 2. The amended master plan language and referenced section of the Carlsbad Municipal Code are attached as Exhibit 3. The portion of the Aviara Master Plan that references planning area 32 is attached as Exhibit 4. The amendment was properly noticed through newspaper publication and direct mail to owners of contiguous properties and interested parties, and a public hearing on the proposed amendment was held on August 6, 2002. The amendment request was received and filed complete on August 14, 2002; therefore, the date by which the Commission must take action, absent any extension of time limits by the City, is November 12, 2002.

DISCUSSION

The City of Carlsbad LCP consists of several segments. The Aviara Master Plan is a component of the Mello I segment of the Carlsbad LCP, and consists of both the land use plan (LUP) and implementation plan (IP) for this segment. This amendment would modify a maximum height limit contained in the Aviara Master Plan to allow development of a multi-purpose community building at the Pacific Rim Park.

The revisions currently proposed by the City are de minimus in nature. The amendment would change the maximum allowable building height as provided for the park site in the Aviara Master Plan, from 18 feet to 32 feet and 3 inches (32'3"). The proposed park community building will be located at the City's Zone 19/Pacific Rim Park site, located at the northern terminus of Ambrosia Lane within the Aviara Master Plan area and the Mello I planning segment of the LCP. The site is currently zoned Open Space (OS) with a designated public park use.

The amended language allows a building height consistent with Section 21.33.060 of the Carlsbad Municipal Code, which defines allowable building height in the O-S zone. The O-S zone height limit is 25 feet unless otherwise approved by a CUP. The City approved CUP 01-22 in connection with the LCP/Master Plan amendment, and the CUP specifies a height limit of 32 feet and 3 inches for the park community building within Pacific Rim Park.

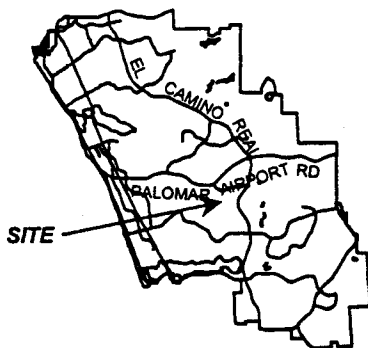
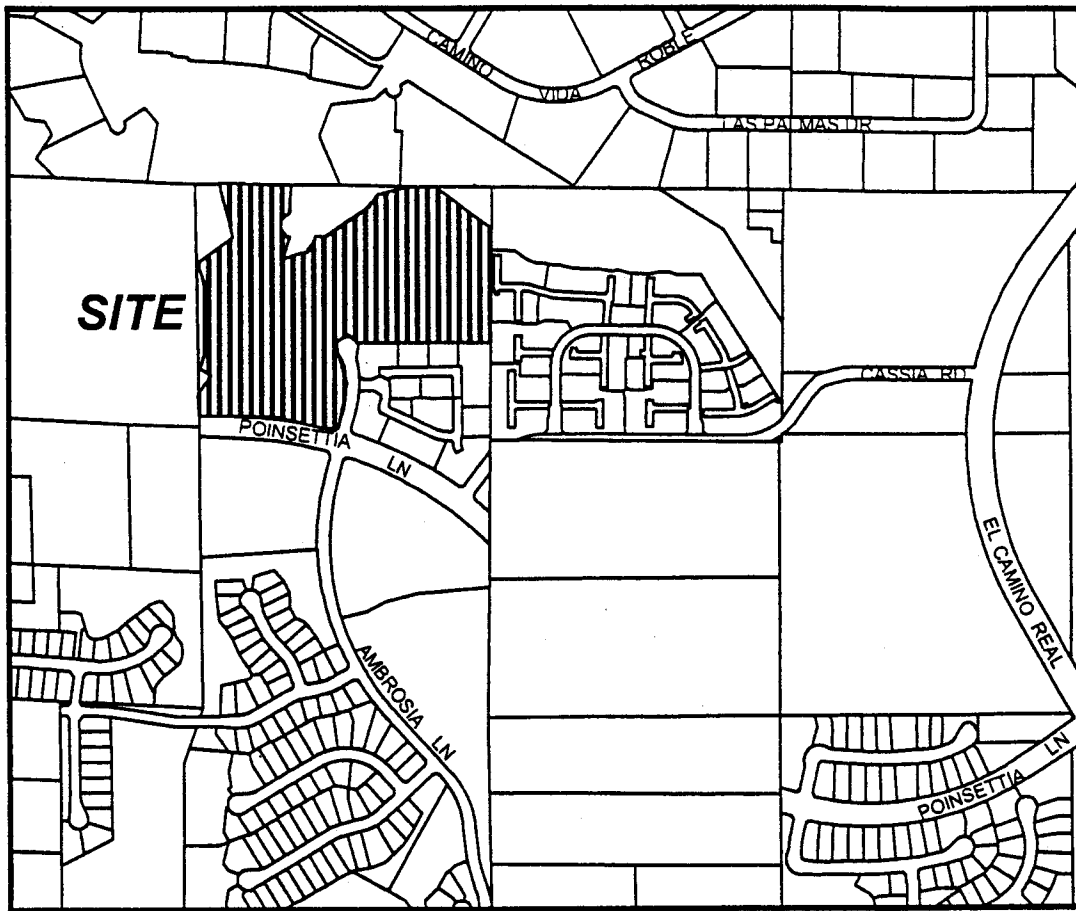
The amended portion of the Aviara Master Plan references the main park property (Planning Area 32), and a smaller adjacent parcel (32a) that is no longer part of the planned park site and has been developed for residential use according to the standards of Planning Zone 19, consistent with the Aviara Master Plan. The amendment applies only to the proposed park building use on the subject site permitted in Planning Area 32 in the Aviara Master Plan and will not affect any other building height restrictions or provisions in the Aviara Master Plan. There are no proposed changes to the municipal code sections referenced in the amended language that address building height in O-S zones (Section 21.33.060) and the definition of building height (Section 21.04.065). The proposed change in allowable building height is intended to create consistency with similar, existing public park buildings within the City,

which generally range from 30-35 feet in height, and allow a full range of community park amenities and supporting facilities to be provided in the park building.

The site is inland, with partial visibility from Palomar Airport Road; however, no potential impacts are anticipated to ocean views or scenic views, or to views from nearby public vantage points. The proposed amendment does not change land uses within the coastal zone, has no impact on coastal resources and is consistent with Chapter 3 policies of the Coastal Act.

DETERMINATION

The Executive Director determines that the City of Carlsbad LCP amendment is de minimus. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property of coastal zone. The City has properly noticed the proposed amendment. As such, the amendment is de minimus pursuant to Section 30514(d). The Executive Director recommends that the Commission concur in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) working days after the date of the Commission meeting.



ZONE 19 PARK

LCPA 02-03/MP 177(DD)/CUP 01-22/

HDP 01-07/CDP 01-31

RESOLUTION NO. 2002-236

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD TO ADOPT A MITIGATED NEGATIVE DECLARATION, ADDENDUMS 1 and 2 AND MITIGATION MONITORING AND REPORTING PROGRAM AND TO APPROVE A LOCAL COASTAL PROGRAM AMENDMENT AND TO UPHOLD THE DECISION OF THE PLANNING COMMISSION AND DENY THE APPEAL FOR A COMMUNITY PARK TO BE LOCATED AT THE NORTHERN TERMINUS OF AMBROSIA LANE.

CASE NAME: ZONE 19 (AVIARA COMMUNITY) PARK
CASE NO.: LCPA 02-03/MP 177(DD)/CUP 01-22/HDP 01-07/CDP 01-31

WHEREAS, on February 20, 2002, the Carlsbad Planning Commission held a duly noticed public hearing to consider a proposed Mitigated Negative Declaration, Addendum 1 and a Mitigation Monitoring and Reporting Program, and a Minor Master Plan Amendment (MP 177(DD)), Conditional Use Permit (CUP 01-22), Hillside Development Permit 01-07, and Coastal Development Permit (CDP 01-31) to allow the development of a City park on property located at the northern terminus of Ambrosia Lane (Planning Area 32 of the Aviara Master Plan); and,

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the Planning Commission considered all factors relating to the Mitigated Negative Declaration, Addendum 1 and the Mitigation Monitoring and Reporting Program, Minor Master Plan Amendment, Conditional Use Permit, Hillside Development Permit, and Coastal Development Permit; and,

WHEREAS, on February 20, 2002, the Carlsbad Planning Commission adopted Planning Commission Resolutions No. 5108, 5156, 5109, 5110, and 5111 recommending that the Council adopt a Mitigated Negative Declaration, Addendum 1 and a Mitigation Monitoring and Reporting Program and approving a Minor Master Plan Amendment (MP 177(DD)), Conditional Use Permit (CUP 01-22), Hillside Development Permit 01-07, and Coastal Development Permit (CDP 01-31); and,

3. That the Mitigated Negative Declaration, Addendums 1 and 2, the Mitigation Monitoring and Reporting Program are adopted, and the Minor Master Plan Amendment (MP 177(DD)), Conditional Use Permit (CUP 01-22), Hillside Development Permit (HDP 01-07), and Coastal Development Permit (CDP 01-31) are approved as shown on Planning Commission Resolutions No. 5108, 5156, 5109, 5110, and 5111 on file with the City Clerk and incorporated herein by reference.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the ____ day of _____ 2002, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CLAUDE A. LEWIS, Mayor

ATTEST:

LORRAINE M. WOOD, City Clerk

(SEAL)

Planning Area 32: Pacific Rim Park

Height:

The maximum height allowed in Planning Area 32 and 32a is ~~18 feet~~ *as permitted in the O-S Zone (Chapter 21.33 of the Carlsbad Municipal Code)* and as defined by Section 21.04.065 of the Carlsbad Municipal Code. The maximum height allowed in Planning Area 32b is 30 feet.

Title 21 ZONING*

Chapter 21.33 O-S OPEN SPACE ZONE

21.33.060 Building height.

No building or structure in the O-S zone district shall exceed twenty-five feet in height unless a higher elevation is approved by a conditional use permit issued by the planning commission.
(Ord. NS-180 § 22, 1991; Ord. 9385 § 2 (part), 1974)

PLANNING AREA 32: PACIFIC RIM PARK

DESCRIPTION:

This 34.5 acre planning area provides for a community park (24.25) acres plus 5.75 acres in reserve), church, and daycare facilities (4.5 acres) within the Pacific Rim Country Club and Resort Master Plan area. PA 32a (5.75 acres) shall be reserved for park use until July 1, 1995. On or before this date the City of Carlsbad shall in writing indicate to the property owner whether this 5.75 acres is needed for park dedication. If it is not needed for park use, then it may be used for residential development as part of Planning Area 19.

DEVELOPMENT STANDARDS: O-3

All park development in Planning Area 32 shall conform to the standards of the O-S Open Space zone (Carlsbad Municipal Code, Chapter 21.33) unless otherwise noted in this chapter. All church or daycare development within this Planning Area shall require that a conditional use permit be processed.

USE ALLOCATION:

Public park, church, and daycare facilities.

PERMITTED USES:

The following uses are allowed within the Pacific Rim Park (Areas 32 and 32a on Exhibit V-33): natural open space, passive recreational uses, family-oriented picnic areas, group picnic areas, turfed open space areas for free play, multi-purpose lighted playfields, tot areas, a structure for meetings or lectures, tennis courts, swimming pool, onsite parking and similar uses commonly located in a public park. Church and daycare uses are allowed within Area 32b subject to approval of a conditional use permit.

SITE DEVELOPMENT STANDARDS:

Height:

The maximum height allowed in Planning Area 32 and 32a is 18 feet as defined by Section 21.04.065 of the Carlsbad Municipal Code. The maximum height allowed in area 32b is 30 feet.

Setbacks:

The minimum setback from Poinsettia Lane for structures or open parking shall be 50 feet. The minimum setback for buildings or open parking shall be 30 feet from all other planning area boundaries.

Parking:

Parking spaces for the park (Area 32 and 32a) shall be provided as prescribed by the City of Carlsbad Parks and Recreation Department. Parking spaces for church and daycare facilities shall conform to the standards of Chapter 21.44 of the Carlsbad Municipal Code. Where parking lots are provided, a minimum 320 square foot landscaped island shall be provided for every ten parking spaces.

SPECIAL DESIGN CRITERIA:

Design:

All community-wide design standards noted in Section A of Chapter IV shall be considered in the design of this Planning Area.

CARLSBAD LCPA 2-2002
EXHIBIT 4

Entry Ways:

A special entry treatment with park-related signage shall be allowed for the park site.

Fencing:

Fencing for the park shall be provided as prescribed by the City of Carlsbad Parks and Recreation Department. Fencing shall be required for all outdoor play areas associated with the daycare facility.

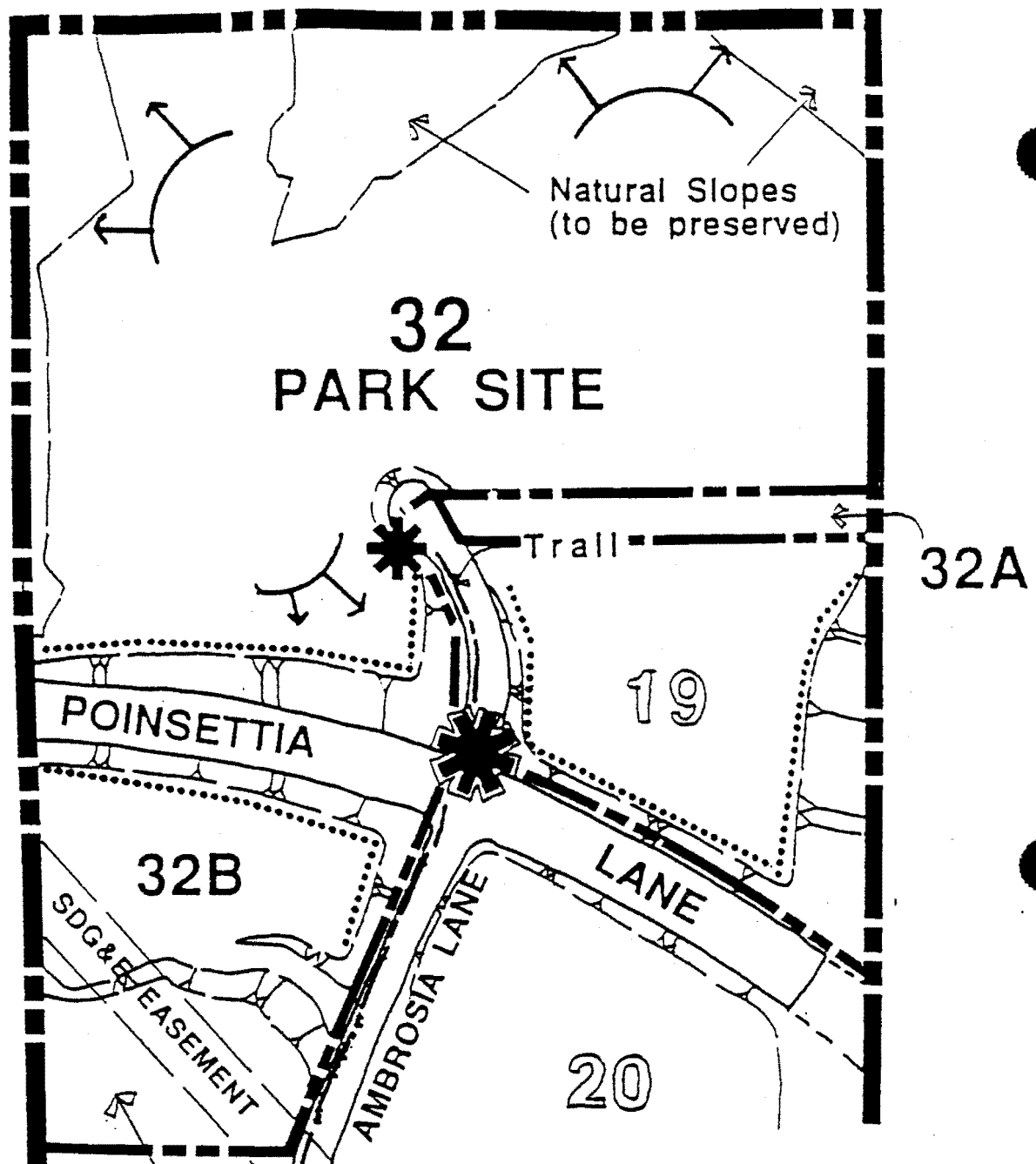
Traffic noise along Poinsettia Lane shall be attenuated through the incorporation of a solid masonry wall, earthen berm or combination of the two.

Grading:

Any development within this Planning Area shall comply with the City's Hillside Development Regulations and with the slope and resource preservation policies of the underlying local coastal programs and subsequent coastal permit. Any application for development within this Planning Area shall require a slope analysis/biological map during site development plan review.

Open Space

An open space corridor shall be maintained at the north end of this Planning Area in conformance with the requirements of the Department of Fish and Game (DFG) and the U. S. Fish and Wildlife Service (FWS) to meet the goals and requirements of the Natural Communities Conservation Planning (NCCP) Program. The corridor shall be established in consultation with DFG/USFWS.



Legend



Entry Treatment

Wall/Fencing

Trail



Scenic Point

View Orientation

Key Map

