

ALIFORNIA COASTAL COMMISSION

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May 23, 2003

TO: COMMISSIONERS AND INTERESTED PERSONS

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF
CARLSBAD MAJOR LCP LAND USE PLAN AND
IMPLEMENTATION PLAN AMENDMENT NO. 1-03A (SMITH)
(For Public Hearing and Possible Commission Action at the Meeting
of June 11-13, 2003)**

SYNOPSIS**SUMMARY OF AMENDMENT REQUEST**

The proposed Local Coastal Program (LCP) amendment involves changes to both the LCP land use and zoning designations for a 5 acre parcel of land located on the southeast corner of Interstate 5 and Poinsettia Lane within the Mello I Land Use Plan (LUP) segment of the City's LCP. The proposed LCP amendment involves changing the land use designation on the site from a N (neighborhood commercial) designation to a RM (residential medium density, 4-8 du) designation. The zone designation would change from C-1-Q (Neighborhood Commercial) to RDM-Q (Residential Density Multiple) and the visitor-serving overlay currently applied to the site would be removed. The proposed LCP amendment also involves a modification to the Mello I LUP text to reflect the proposed residential designation, and to incorporate land use policies previously adopted with the Mello II LUP segment that applied to portions of the Mello I LUP segment.

City of Carlsbad LCPA #1- 03-B (Habitat Management Plan) and the subject amendment were filed on February 7, 2003. At the April 2003 meeting, the Commission granted a one-year time extension on the amendment package; thus, the Commission action must occur by May 7, 2004.

SUMMARY OF STAFF RECOMMENDATION

The appropriate resolutions and motions begin on page 4. The findings for approval of the Land Use Plan Amendment as submitted begin on page 5. The findings for approval of the Implementation Plan Amendment as submitted begin on page 17.

ADDITIONAL INFORMATION

Further information on the LCP amendment may be obtained from **Bill Ponder**, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW**A. LCP HISTORY****Carlsbad Local Coastal Program (LCP)**

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 remaining 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 I segment of the certified LCP.

B. STANDARD OF REVIEW

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

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

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.

C. PUBLIC PARTICIPATION

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

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

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

- I. **MOTION:** *I move that the Commission certify the Land Use Plan Amendment #1-03A for the City of Carlsbad LCP Mello I Segment as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the for the Mello I Segment of certified LCP as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with 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 plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

- II. **MOTION:** *I move that the Commission reject the Implementation Program Amendment #1-03A for the City of Carlsbad LCP Mello I Segment as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

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 TO CERTIFY IMPLEMENTATION PROGRAM AS
SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the Mello I Segment of certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended, and certification of the Implementation Program 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 Amendment 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 Amendment.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO I
LAND USE PLAN AMENDMENT #1-03A, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

1. The proposed LCP amendment involves changing the land use designations from a N (neighborhood commercial) designation to a RM (residential medium density 4-8 du/a) designation on a 5-acre parcel of land. The site is located on the southeast corner of Interstate 5 and Poinsettia Lane in Carlsbad within the Mello I land use plan segment (LUP) of the City of Carlsbad LCP. The proposed LCP amendment would also amend the text of the Mello I LUP to incorporate land use policies established in the Mello II LUP in 1981, which apply to the project site and surrounding properties in the Mello I LUP segment.

Proposed Change to the LCP Land Use Designations:

	FROM: Current LCP Land Use Designation	TO: Proposed LCP Land Use Designation
LCP Land Use	<u>N</u> (Neighborhood Commercial)	<u>RM</u> (Residential Medium Density – 4-8 du/ac)

The proposed RM land use designation allows for a variety of residential development (single-family, two-family and multifamily) at a density of 4 – 8 dwelling units per acre. The properties to the north contain existing single-family dwellings, and the properties to the south, east and northeast contain existing condominium developments. The surrounding residential properties have a land use designation of RM.

The following text in strike-out/underline format indicates the proposed changes to Policy 1 in the Mello I LUP under "Occidental Land, Inc. which refers to the subject site and 4 other parcels and how they were identified in the Mello I LUP in 1980.

LOCAL COASTAL PROGRAM MELLO I SEGMENT
"OCCIDENTAL LAND, INC."
TEXT AMENDMENT

2. Occidental Land, Inc.

Policy 1 - Land Uses ~~Planned Development~~

~~The five Occidental Land parcels are hereby designated for planned development in a planned agriculture zone to encourage renewed agriculture and development that will improve the feasibility of renewed agriculture. The permitted uses in such zone shall be primarily agricultural uses, with conditional uses allowable subject to the issuance of a coastal development permit. Land divisions also require a coastal development permit.~~

~~Additional residential and commercial uses shall be allowed on portions of the property subject to a coastal development permit, if such additional uses increase the feasibility of long term agriculture.~~

~~Development may be permitted under such a permit in accordance with either of the following alternatives:~~

- ~~(1) Residential development on existing legal parcels having soils rated as Class I through Class IV in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification shall be assigned a density of 1 unit per 10 acres. However, to conserve these potentially productive agricultural lands, all such permitted development shall be located adjacent to existing roads, and all developed lots shall be clustered on one portion of the total parcel. Further, each permitted residential unit may be developed on a separate subdivided lot, but each such lot shall not exceed one acre in size; as an alternative, all development may be on a single lot at an overall density not less than 1 unit per acre.~~

~~Residential development on existing legal parcels with soils rated below Class IV in the USDA SCS Land Use Capability Classification shall be assigned a density of two units per acre, provided that residential use shall be clustered in a manner to minimize alteration of natural landform. Existing stands of trees that border the property shall be retained as a natural buffer.~~

- (2) ~~Or, as a planned commercial and residential development, if the Planned Agricultural Zone is developed as a single unit, at the following intensities:~~
- (a) ~~Residential uses may be allowed on parcels with soils rated below Class IV in the Land Use Capability Classification (See Exhibit 4.2, Page 22), at an increased density of 4 units per acre, provided that such development meets the other requirements of these policies and the additional requirements of the RD-M zone.~~
 - (b) ~~Commercial uses may be allowed on the two parcels south of Poinsettia Lane and adjacent to I-5 on both sides of the freeway provided that 35% of the land area is devoted exclusively to tourist commercial uses.~~
 - (c) ~~The two parcels north of Poinsettia Lane on either side of I-5 and the portion of the easternmost parcel that contains any soils of Class I through IV under the Land Use Capability Classification (See Exhibit 4.2, Page 22) shall be permanently protected as agricultural cropland exclusively, through recordation of an agricultural conservation easement that allows only agricultural uses.~~
 - (d) ~~If, by December 1, 1980, the landowners of the Occidental parcels record an irrevocable offer to dedicate an agricultural conservation easement or a similar instrument providing for certain protection of agricultural land, over the 57-acre and 22-acre parcels north of Poinsettia Lane, development may be allowed on the 25 acres of Class III soils (See Exhibit 4.2, Page 22) located immediately east of Paseo del Norte, and at the 28 acres of soil below Class IV in the same parcel of up to 7 units per acre. Said conservation easement or similar instrument shall be free of all prior liens and encumbrances, shall be executed in favor of the People of the State of California, and shall bind the landowners and successors in interest. Said easement may include a term which states that the Commission may modify the easement at its sole discretion if the Commission determines that such modification would be essential to implement the remainder of the Carlsbad LCP.~~

The Occidental Land parcels are hereby designated as follows:

- (1) The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.

- (2) The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.
- (3) The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.
- (4) The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2(b) of the Coastal Act, that the Land Use Plan amendment conforms with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.
- b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the proposed amendment to the Mello I land use plan segment conforms with Chapter 3 of the Coastal Act and the goals of the state for the coastal zone.

C. CONFORMITY WITH CHAPTER 3 OF THE COASTAL ACT

1. Visitor-Serving Uses/ LCP History.

Coastal Act Section 30213 and 30222 are applicable to the proposed LCP amendment and state:

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The subject site is located within the Mello I LUP segment of the Carlsbad Local Coastal Program, which was adopted and certified by the Coastal Commission in 1980. When the Mello I LUP was originally adopted, the site was part of an area of land called "Occidental Land," which consisted of approximately 143 acres north, south, east and west of Interstate 5 and Poinsettia Lane. A map indicating the location of the five "Occidental Land" properties is attached as Exhibit 1.

When the Mello I LUP was originally adopted, the "Occidental Land" properties were designated for "Planned Development" in a "Planned Agriculture" zone. Residential and commercial uses were permitted in the Planned Agriculture zone with the approval of a Planned Agriculture permit. Under such a permit, the project site, along with the southwest corner of I-5 and Poinsettia Lane, was allowed to develop as follows:

"Commercial uses may be allowed on the two parcels south of Poinsettia Lane and adjacent to I-5 on both sides of the freeway provided that 35% of the land area is devoted to exclusively tourist commercial uses."

In addition to the 35% tourist commercial requirement placed on the project site when the Mello I LUP was originally adopted, the Mello I LUP limited the development of the other "Occidental Land" properties to either residential or agriculture. Most notably, the parcels west of I-5, north of Poinsettia Lane, which are currently developed with hotels, were required to be preserved as "agricultural cropland" as follows:

"The two parcels north of Poinsettia Lane on either side of I-5 and the portion of the easternmost parcel that contains any soils of Class I through IV under the Land Use Capability Classification shall be

permanently protected as agricultural cropland exclusively, through recordation of an agricultural conservation easement that allows only agricultural uses."

Thus, when the 35% "tourist commercial" requirement on the properties south of Poinsettia Lane was adopted, the land north of Poinsettia Lane and west of I-5 was not anticipated to develop with "tourist commercial" uses. However, there are currently four hotels and one restaurant located north of Poinsettia Lane on the west side of I-5. This hotel/ restaurant development (visitor-serving commercial) was made possible when the Coastal Commission adopted the Mello II LUP segment in 1981, which included provisions for the development of "developable agricultural lands" subject to an agricultural subsidy program. The agriculture subsidy program applied to the "Occidental Land" properties.

The original Mello II LUP stated that if the Occidental Land property owners elected to pay an "agricultural development fee", the Occidental properties could develop as follows:

- a. *The area east of I-5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 12 dwelling units per acre.*
- b. *The area of approximately 28 acres located south of Poinsettia Lane and immediately adjacent to I-5 on both sides of the Freeway shall be designated for visitor-serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances.*
- c. *The remaining area west of I-5 and north of Poinsettia Lane shall be designated for visitor serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances, provided that a minimum of 35% of gross acres is developed as visitor-serving uses.*

The "Occidental Lands" property owners elected to pay the "agricultural development fee." The Mello II LUP was adopted after the Mello I LUP ,however, the Mello I LUP was not also amended at that time.

The two significant changes to the development requirements for the Occidental properties established with the Mello II LUP, are as follows:

1. The 35% "tourist commercial" requirement was removed from the land south of Poinsettia Lane on both sides of I-5. The development requirement was changed to specify that the area was designated for either visitor-serving or neighborhood commercial development according to Ch. 21.26 of Carlsbad Zoning Ordinances."

2. Visitor-serving or neighborhood commercial development was allowed on the area west of I-5 and north of Poinsettia Lane, and a minimum of 35% of the area was required to be developed as "visitor-serving uses."

Thus, the 35% "tourist commercial" requirement was removed from the south side of Poinsettia Lane to the north side west of I-5. The area north of Poinsettia Lane and west of I-5 has developed in accordance with this requirement (50% has been developed with visitor-serving uses. The City found the need for "tourist commercial" uses identified in the originally adopted Mello I LUP has been met with the 11 acres of hotel development on the north side of Poinsettia Lane west of I-5, and with the commercial development on the south side of Poinsettia west of I-5, which includes approximately 3.5 acres of existing/future restaurant development and a service station.

The City also found that because the land use provisions established by the Mello II LUP removed the requirement for 35% tourist commercial uses, and allowed the subject site to develop entirely with neighborhood commercial uses, the existing land use designation (Neighborhood Commercial) on the site was not considered a "priority" land use, i.e. visitor serving commercial. In other words, the Commission did not require the site to be designated for primarily visitor-serving uses in order to meet the requirements of Chapter 3 of the Coastal Act.

In addition, residential development of the Smith property is appropriate. The existing residential developments and RM land use designation on surrounding properties are consistent and compatible with the proposed RM land use designation on the project site. No sensitive resources such as native habitat or wetlands are located on the property.

Regarding the proposed changes to the text of the Mello I LUP, the amendment proposes to designate the former Occidental Land area east of Interstate 5 for residential use at a maximum density of 8 dwelling units per acre. The area located west of Interstate 5 and south of Poinsettia Lane would be designated for visitor-serving or neighborhood commercial development, as would the area located west of Interstate 5 and north of Poinsettia Lane. For the north of Poinsettia Lane and west of I-5, a minimum of 35% is to be developed as visitor serving uses. This land use policy would be controlling in the event there is redevelopment of the existing uses in the future that would potentially eliminate the existing visitor-serving hotel/motel development. As modified in the proposed amendment, the land uses comprising the former Occidental properties west of I-5 would be consistent with the Commission's historic desire to have visitor serving uses in this area. Therefore, as submitted, the Commission finds the proposed change in land use for the subject site and policy language applicable to the sites surrounding the intersection of Poinsettia Lane and I-5 to be consistent with Sections 30213 and 30222 of the Coastal Act.

2. Agriculture.

Section 30241, 30241.5 and 30242 are applicable to the LCP amendment and state:

Section 30241.

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.

(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.

(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.

(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

(1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

(2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242.

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Although the current Mello I LUP calls for the preservation of agricultural uses, all agricultural uses in the site vicinity have been phased out pursuant to the former Mello II LUP policies and Coastal Act Sections 30171.2 and 30171.5. The following discussion clarifies the history of agricultural production in Carlsbad and why the Mello I LUP was not amended to reflect the land use policies established in the Mello II LUP segment.

As discussed above, the land use policies established in the Mello II LUP provided land use policies for the "Occidental Land" properties subject to the payment of an agriculture subsidy fee. The Mello I LUP was not amended at the time the Mello II LUP was adopted. Until later amendments occurred, it did not become an issue because the land use policies and agriculture subsidy program in the Mello II LUP were understood to apply to the "Occidental Land" properties located in the Mello I LUP segment and were implemented as such.

However, in 1984, Public Resource Code Sections 30171.2 and 30171.5 were added to the Coastal Act, which modified the agriculture subsidy program provided in the Mello II LUP of the LCP. Section 30171.2 stated that "on or after January 1, 1985, no agricultural conversion fees may be levied or collected under the agricultural subsidy program provided in the local coastal program of the City of Carlsbad..." It also stated that "all other provisions of that program shall continue to be operative, including the right to develop designated areas as provided in the program."

Public Resource Code Section 30171.5 established a mitigation fee for the conversion of non-prime agriculture lands to urban uses. This policy is now part of Policy 2-1 of the Mello II LUP. When the Mello II LUP was amended to remove the agriculture subsidy

program, pursuant to Section 30171.2, and add the mitigation fee policy, pursuant to Section 30171.5, the land use policies for the "Occidental Land" properties were also deleted.

The deletion of the Mello II LUP policies regarding the "Occidental Land" properties created a confusing situation. Section 30171.2 itself eliminated only the agricultural subsidy program of the original Mello II LUP. It expressly provided that all other provisions "shall continue to be operative, including the right to develop designated areas as provided in the [LCP]." In accordance with this provision, the "Occidental Land" properties have been developed in conformity with the land use designations established in the original Mello II LUP. The Mello I LUP land use designations, however, were not amended to reflect the pattern of development. Thus, the Mello I LUP land use designations, which normally should establish the pattern of development occurring in this area, are out of sync with land use regulations that have actually been applied. The pending LCP amendment would amend the Mello I LUP land use designations regarding the property east and west of I-5 to bring them into conformity with the land use designations established in the original Mello II LUP which are the policies under which the properties have been developed.

The LCP amendment would adopt the former Mello II LUP residential land use designation for the property north of Poinsettia Lane and east of I-5, but reduce the maximum density from 12 dwelling units per acre to 8 dwelling units per acre. The amendment adopts a residential land use designation for the subject (Smith) property with a maximum density of 8 units per acre. These land use designations do not represent any conflicts with Chapter 3 policies as the surrounding area has been entirely developed with visitor-serving, other commercial, and residential uses. The Commission pursuant to Section 30171.2 and 30171.5 found the earlier changes to the LCP which eliminated policies designed to preserve agricultural land in the coastal zone to be consistent with the agriculture protection policies of the Coastal Act.

3. Concentration of Development

Section 30250 is applicable to the proposed LCP amendment and provides:

Section 30250.

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

Section 30250 generally requires that new development be appropriately sited to concentrate development in existing developed areas able to accommodate it. 30250(c) requires that visitor serving facilities that cannot feasibly be located in existing developed areas should be located at selected points or attraction for visitors. The proposed LCP amendment would eliminate the neighborhood commercial land use designation on the subject site east of I-5 at Poinsettia Lane. The site is in an existing developed area and located near a major transportation corridor making it accessible to regional traffic. It is also served by the commuter rail service and near recreational areas, beaches, hotels and lagoons. Adequate visitor serving and commercial uses exist west of I-5 to serve the visiting public; thus, the Commission finds that designation of the 5 acre site to a residential use is not in conflict with Section 30250 or the access and recreation policies of the Coastal Act.

Section 30252(2) of the Act calls for providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads. The subject area is served by public transit in the form of bus and rail service, and is immediately adjacent to a regional transportation corridor. The site is ideally suited for increased density, adjacent to an adequate supply of neighborhood commercial development to support the proposed increase in residential units. The area is able to accommodate the potential traffic generated by such residential and commercial buildout, consistent with Section 30252 of the Act.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO
I IMPLEMENTATION PLAN AMENDMENT #1-03A, AS
SUBMITTED**

A. AMENDMENT DESCRIPTION

The project also includes a proposal to change the LCP zone designation of the Smith property, located south of Poinsettia Lane and east of I-5, as follows:

FROM: Current Zoning	TO: Proposed Zoning
<p>C-1-Q (Neighborhood Commercial / Qualified Development Overlay Zone) <u>Within</u> the Commercial Visitor-Serving Overlay Zone</p>	<p>RDM-Q (Residential Density Multiple / Qualified Development Overlay Zone) <u>Without</u> the Commercial Visitor-Serving Overlay Zone</p>

Qualified Development Overlay Zone (Q):

The Qualified Development Overlay Zone (Q) is an existing overlay zone on the project site. The intent of the Q Overlay Zone is to supplement the underlying zone by providing additional regulations for development on properties with unique circumstances, such as special treatment areas.

The project site is located within an area designated as a "scenic corridor." Both Interstate 5 and Poinsettia Lane are designated as "Community Scenic Corridors". One of the programs identified in the Circulation Element is to establish a special overlay zone along the designated scenic corridors. Because the site is located within a scenic corridor, the Q Overlay Zone was approved to remain as a supplement to the RD-M Zone.

Commercial Visitor-Serving Overlay Zone:

In 1999, the Visitor Serving Overlay was adopted by the City of Carlsbad and the Commission and applies to the subject parcel. The commercial/visitor-serving overlay zone supplements the underlying zoning of affected properties by providing additional regulations for commercial/visitor-serving uses. The overlay zone controls the location, operation and appearance of newly proposed commercial/visitor-serving uses within the overlay zone to prevent the over-proliferation of certain uses as well as to ensure high quality appearance and operation. It applies to all properties shown with the designation "commercial/visitor-serving overlay zone" on the zoning map except any properties used as automobile dealerships within the car country Carlsbad specific plan area. The proposed LCP amendment would remove the Visitor-serving overlay from the subject site as the use is being changed to a residential use.

B. FINDINGS FOR APPROVAL, AS SUBMITTED.

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. The proposed RD-M zone is described below.

a) Purpose and Intent of the Ordinance. The proposed RD-M zone provides for the development of medium and high density residential uses. The existing C-1 Neighborhood Commercial zone is to provide for the development and use of commercial businesses that cater to consumers.

b) Major Provisions of the Ordinance. The RD-M/Q zone allows multi-family residential housing and associated amenities, sets a 35' height limit and establishes development standards for setbacks, placement of buildings and minimum lot area. Additional development standards for this zone include provisions for minimum distance between buildings and minimum parking requirements for residents and guests. The minimum lot size permitted in the RD-M zone is 10,000 square feet. The LCP establishes density in terms of ranges. The density for a project must be the lowest

density established by the range unless a greater density within the range is justified.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP), as amended. In the case of the subject LCP amendment, the City's Municipal Code serves as the Implementation Program for the Mello I LUP segment of the LCP.

The LUP, as amended, designates the Smith property for residential development with a maximum density of 8 dwelling units per acre. The proposed RD-M/Q zone allows multi-family residential development within the range of the underlying land use designation; therefore, the proposed zone is consistent with the certified LUP, as amended.

The residential uses and accessory uses permitted within the proposed RD-M zone are compatible with the adjacent and surrounding residential uses. The project site is a single, 5.12-acre lot, which is sufficient to accommodate a medium density residential development subject to the development standards of the RD-M zone. Therefore, the Commission finds the proposed rezone is adequate to carry out the provisions of the certified LUP as it adequately implements the proposed residential land use designation.

Mello II LUP Policies 6-5 and 6-8 relate to the provision of visitor serving uses. Policy 6-5, in particular, call for visitor serving facilities to be provided at the site of the former Occidental properties (I-5 and Poinsettia Lane).

POLICY 6-5 NEED FOR 200 ADDITIONAL HOTEL-MOTEL ROOMS, AND VISITOR SERVING USES

Approximately 40 acres of additional visitor-serving (hotel-motel and restaurant) uses should be established. Assuming a density of approximately ten hotel-motel rooms per acre, the estimated need of 200 additional rooms can be achieved. Restaurants and other visitor-serving facilities also need to be provided. Suggested locations are the intersections of Interstate 5 with Palomar Airport Road and/or Poinsettia Lane. Not all of this demand needs to be met with land immediately within the coastal zone.

POLICY 6-8 DEFINITION OF VISITOR SERVING COMMERCIAL USES; AND EAST END OF BUENA VISTA LAGOON

“Visitor-serving commercial uses” shall be defined to include hotels and motels, recreational facilities, restaurants and bars, amusement parks, public parks, horticultural gardens, farmers’ markets, retail uses accessory to another use which is the primary use of the site, and other accessory uses customarily catering to hotel and motel guests.

Typically, in review of LCPs, the Commission wants to assure that adequate land area is set-aside for visitor serving uses, recognizing such uses as “higher priority” as identified in Section 30222. Policy 6-8 of the Mello II LCP defines visitor serving uses. Policy 6-5 of the Mello II LCP identifies that approximately 40 acres of additional visitor-serving

uses should be established within Carlsbad. A review of the land use and zoning for the entire city indicates there is approximately 430 acres of land with a visitor-serving Commercial Tourist C-T zone and/or T-R land use designation in Carlsbad within the coastal zone. This amount of visitor-serving land area is sufficient to meet the requirements of Section 30222 for the City.

Regarding the former Occidental properties, north and west of Poinsettia Lane/I-5, the existing land use designations are Commercial and Travel Recreation and the zoning is General Commercial (C-2). The subject site east of I-5 has an existing C-1 zone (ref. Exhibit 5). The certified C-2 zone allows hotels, motels and restaurants and many other visitor serving uses. The Commercial land use designation allows five different types of commercial uses—local shopping center, regional commercial, travel recreation, village and office and related commercial. The existing land use and zoning of the area north and west of Poinsettia Lane/I-5 contains 18.85 acres of which 11.04 acres (59% of total area) are developed with existing visitor serving uses. Additionally, 1.11 acres (5% of total area) is vacant but designated T-R. Added together, 12.5 acres (64% of total area) is designated as visitor serving. Based on the above, the Commission notes the land use policies, designations and zoning are in place to assure that at least 35% of the commercial uses will be visitor serving, consistent with the Commission's previous LUP requirement.

Regarding the subject property, the land use provisions established by the Mello II Segment removed the requirement for 35% tourist commercial uses, and allowed the Smith property located east of I-5 and south of Poinsettia Lane to develop entirely with neighborhood commercial uses. The visitor serving uses that the Commission initially anticipated would occur south of Poinsettia Lane have instead occurred on the property located northwest of I-5 and Poinsettia Lane. Because sufficient visitor-serving amenities are provided in the immediate vicinity of the Smith property, removing the visitor-serving land use designation on the Smith property is consistent with Coastal Act Sections 30213 and 30222.

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

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

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform to CEQA provisions. The proposed rezone will not result in less visitor serving uses than was originally approved on the Occidental properties or an intensity of land use incompatible

with surrounding development. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

(G:\San Diego\Reports\LCP's\Carlsbad\CAR LCPA 1-03A(2))

Occidental Land, Inc.

Standard Pacific

Bancho la Costa

EXHIBIT NO. 1
APPLICATION NO.

APPLICATION NO.

Carlsbad

LCPA No. 1-03A

Mello | LCP Segment

LOCAL COASTAL PROGRAM MELLO I SEGMENT
"OCCIDENTAL LAND, INC."
TEXT AMENDMENT

2. Occidental Land, Inc.

Policy 1 - Land Uses ~~Planned Development~~

NOTE: The "Occidental Land, Inc." landowners selected alternative #2 below. Alternative #2 allowed the "Occidental Land, Inc." properties to be included in the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971). The Agricultural Subsidy Program required payment of an agricultural conversion fee in exchange for land use defined in Policy 2-1, Option 3 of the Mello II LCP, Page 30.

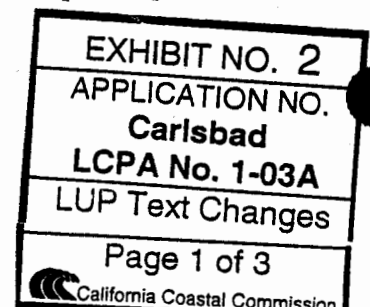
~~The Agricultural Subsidy Program was then modified by State Legislation (Public Resource Code Section 30171.2). (For more information about the program see Mello II LCP Segment, Policy 2-1, Page 30).~~

The "Occidental Land, Inc." landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the "Occidental Land, Inc." properties to be developed in accordance with the land uses described below.

Pursuant to State Legislation in 1984, the Agricultural Subsidy Program was replaced with the Agriculture Conversion Mitigation Fee (Public Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy 2-1 Option 3).

As per Public Resource Code Section 30171.2, the land use policies established in 1981 by the adoption of the Mello II Segment remained "operative" even though the Agricultural Subsidy Program was replaced.

~~The five Occidental Land parcels are hereby designated for planned development in a planned agriculture zone to encourage renewed agriculture and development that will improve the feasibility of renewed agriculture. The permitted uses in such zone shall be primarily agricultural uses, with conditional uses allowable subject to the issuance of a coastal development permit. Land divisions also require a coastal development permit.~~



~~Additional residential and commercial uses shall be allowed on portions of the property subject to a coastal development permit, if such additional uses increase the feasibility of long term agriculture.~~

~~Development may be permitted under such a permit in accordance with either of the following alternatives:~~

- ~~(1) Residential development on existing legal parcels having soils rated as Class I through Class IV in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification shall be assigned a density of 1 unit per 10 acres. However, to conserve these potentially productive agricultural lands, all such permitted development shall be located adjacent to existing roads, and all developed lots shall be clustered on one portion of the total parcel. Further, each permitted residential unit may be developed on a separate subdivided lot, but each such lot shall not exceed one acre in size; as an alternative, all development may be on a single lot at an overall density not less than 1 unit per acre.~~

~~Residential development on existing legal parcels with soils rated below Class IV in the USDA SCS Land Use Capability Classification shall be assigned a density of two units per acre, provided that residential use shall be clustered in a manner to minimize alteration of natural landform. Existing stands of trees that border the property shall be retained as a natural buffer.~~

- ~~(2) Or, as a planned commercial and residential development, if the Planned Agricultural Zone is developed as a single unit, at the following intensities:~~
 - ~~(a) Residential uses may be allowed on parcels with soils rated below Class IV in the Land Use Capability Classification (See Exhibit 4.2, Page 22), at an increased density of 4 units per acre, provided that such development meets the other requirements of these policies and the additional requirements of the RD M zone.~~
 - ~~(b) Commercial uses may be allowed on the two parcels south of Poinsettia Lane and adjacent to I-5 on both sides of the freeway provided that 35% of the land area is devoted exclusively to tourist commercial uses.~~
 - ~~(c) The two parcels north of Poinsettia Lane on either side of I-5 and the portion of the easternmost parcel that contains any soils of Class I through IV under the Land Use Capability Classification (See Exhibit 4.2, Page 22) shall be permanently protected as agricultural cropland exclusively, through recordation of an agricultural conservation easement that allows only agricultural uses.~~
 - ~~(d) If, by December 1, 1980, the landowners of the Occidental parcels record an irrevocable offer to dedicate an agricultural conservation easement or a similar instrument providing for certain protection of agricultural land,~~

~~over the 57 acre and 22 acre parcels north of Poinsettia Lane, development may be allowed on the 25 acres of Class III soils (See Exhibit 4.2, Page 22) located immediately east of Paseo del Norte, and at the 28 acres of soil below Class IV in the same parcel of up to 7 units per acre. Said conservation easement or similar instrument shall be free of all prior liens and encumbrances, shall be executed in favor of the People of the State of California, and shall bind the landowners and successors in interest. Said easement may include a term which states that the Commission may modify the easement at its sole discretion if the Commission determines that such modification would be essential to implement the remainder of the Carlsbad LCP.~~

The Occidental Land parcels are hereby designated as follows:

- (1) **The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.**
- (2) **The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.**
- (3) **The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.**
- (4) **The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses.**

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RESOLUTION NO. 2002-366

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, ADDENDUM AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE AND LOCAL COASTAL PROGRAM AMENDMENT, AND APPROVING SAID GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE MAPS BY CHANGING THE LAND USE DESIGNATION FROM "N" TO "RM" ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 5 AND POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 4.


CASE NAME: SMITH PROPERTY LAND USE CHANGE
CASE NO.: GPA 02-02/ZC 02-03/LCPA 02-05

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on September 18, 2002, hold a duly noticed public hearing as prescribed by law to consider a Mitigated Negative Declaration, General Plan Amendment, Zone Change and Local Coastal Program Amendment, and recommended their approval; and

WHEREAS, the City Council of the City of Carlsbad, on the 17th day of DECEMBER, 2002, held a duly noticed public hearing to consider said Mitigated Negative Declaration, General Plan Amendment, Zone Change and Local Coastal Program Amendment, and at that time received recommendations, objections, protests, and comments from all persons interested in or opposed to GPA 02-02, ZC 02-03 and LCPA 02-05;

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

1. That the above recitations are true and correct.
2. That the findings of the Planning Commission Resolution 5274 are incorporated herein by reference and are the findings of the City
3. That the Mitigated Negative Declaration, Addendum and Reporting Program are adopted as shown in Planning Commission Resolution 5274 and file with the City Clerk and incorporated herein by reference.

EXHIBIT NO. 3
APPLICATION NO.
Carlsbad
LCPA No. 1-03A
Council Resolution
For Land Use
Designation Change
Page 1 of 3
 California Coastal Commission

1 4. That the amendment to the General Plan Land Use Map (GPA 02-02), is
2 approved as shown in Planning Commission Resolution No. 5272, on file with the City Clerk and
3 incorporated herein by reference.

4 5. That the amendment to the Local Coastal Program Land Use Map (LCPA 02-05),
5 is approved as shown in Planning Commission Resolution No. 5274, on file with the City Clerk
6 and incorporated herein by reference.

7 6. That the approval of GPA 02-02 shall become effective within thirty (30) days
8 after its approval, upon the effective date of ZC 02-03, or upon the effective date of the
9 California Coastal Commission's approval of LCPA 02-05, whichever is the last to occur.

10 7. That the approval of LCPA 02-05 shall not become effective until it is approved
11 by the California Coastal Commission and the California Coastal Commission's approval
12 becomes effective.

13 PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
14 of the City of Carlsbad, California, held on the 17th day of DECEMBER 2002,
15 by the following vote, to wit:

16 AYES: Council Members Lewis, Kulchin, Hall

17 NOES: Council Members Finnilla, Packard

18 ABSENT: None

19 ABSTAIN: None

20 
21 CLAUDE A. LEWIS, Mayor

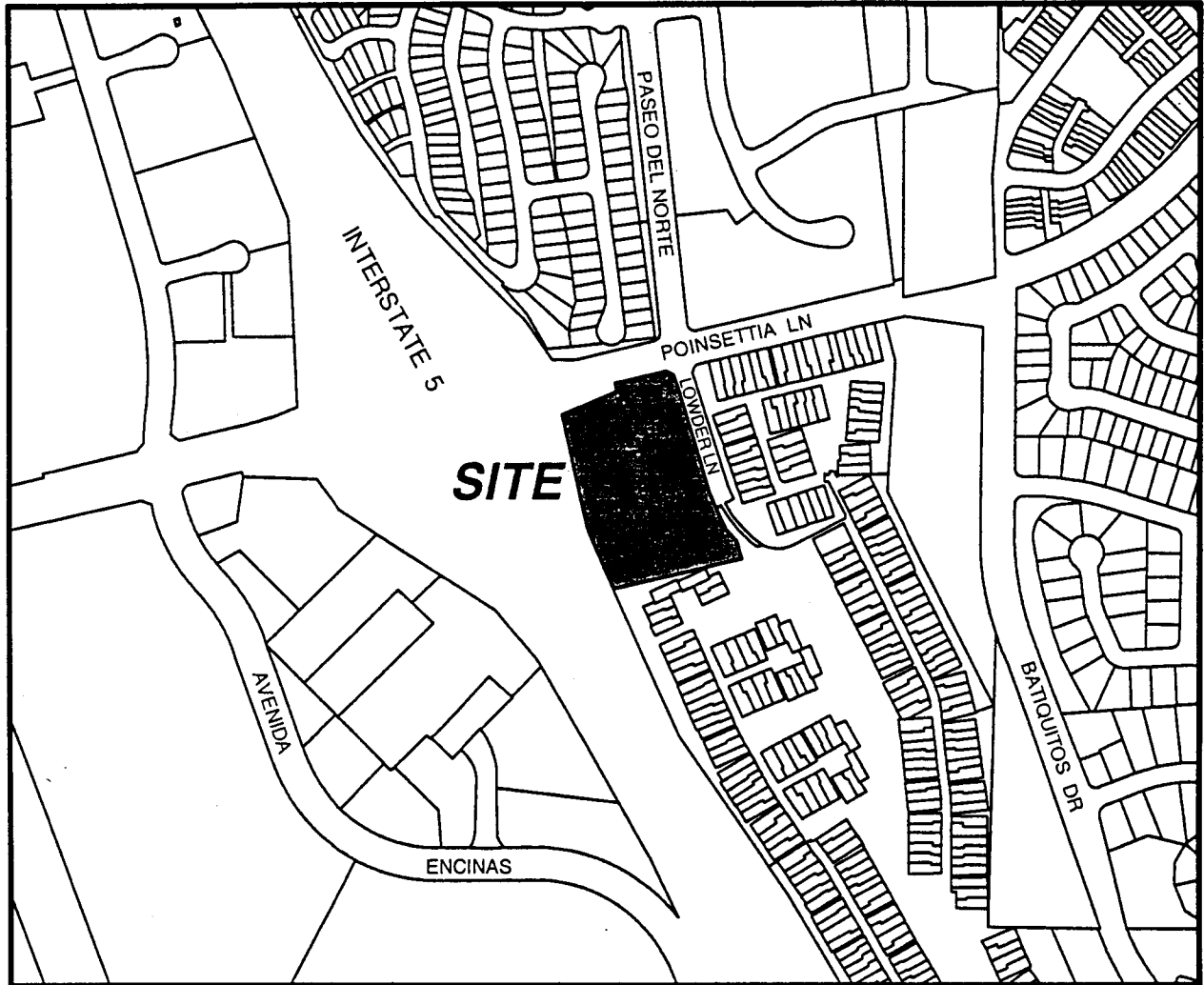
22 ATTEST:

23 
24 LORRAINE M. WOOD, City Clerk

25 (SEAL)

LOCAL COASTAL PROGRAM LAND USE MAP

LCPA 02-05

draft ☒final ☐

Project Name: SMITH PROPERTY LAND USE CHANGE

Related Case File No(s): GPA 02-02 / ZC 02-03

Property/Legal Description(s):

Lot 171 of Carlsbad Tract 73-24, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 7996, filed in the Office of the County Recorder of San Diego County, August 5, 1974.

LCPA Map Designation Change

Approvals

	From:	To:
Property APN: 214-471-53	N (5.12 ac.)	RM (5.12 ac.)

Council Approval Date: December 17, 2002
Resolution No: 2002-366

Effective Date: Upon approval by Coastal Commission
Signature:

Attach additional pages if necessary

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ORDINANCE NO. NS-654

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 AND THE LOCAL COASTAL PROGRAM ZONING MAP TO GRANT A ZONE CHANGE FROM C-1-Q TO RDM-Q, AND TO REMOVE THE COMMERCIAL VISITOR-SERVING OVERLY ZONE ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 5 AND POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 4, AND AMENDING THE TEXT OF SECTION 2 "OCCIDENTAL LAND, INC." POLICY 1 OF THE MELLO I SEGMENT OF THE LOCAL COASTAL PROGRAM.

CASE NAME: SMITH PROPERTY LAND USE CHANGE
CASE NO.: ZC 02-03 / LCPA 02-05

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 02-03" and "LCPA 02-05 Zoning", attached hereto and made a part hereof.


SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution No. 5271, 5273 and 5274 constitute the findings and conditions of the City Council.

SECTION III: That Section 2 "Occidental Land, Inc." Policy 1 of the Mello I Segment of the City of Carlsbad Local Coastal Program shall read as follows:

"2. Occidental Land, Inc.

Policy 1 - Land Uses

NOTE: The "Occidental Land, Inc." landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the "Occidental Land, Inc." properties to be developed in accordance with the land uses described below.

EXHIBIT NO. 4
APPLICATION NO.
Carlsbad
LCPA No. 1-03
Council Ordinance For Zone Change
Page 1 of 4
 California Coastal Commission

1 Pursuant to State Legislation in 1984, the Agricultural Subsidy Program
2 was replaced with the Agriculture Conversion Mitigation Fee (Public
3 Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy
2-1 Option 3).

4 As per Public Resource Code Section 30171.2, the land use policies
5 established in 1981 by the adoption of the Mello II Segment remained
"operative" even though the Agricultural Subsidy Program was replaced.

6 The Occidental Land parcels are hereby designated as follows:

- 7 (1) The area located east of Interstate 5 and north of Poinsettia Lane shall be
8 designated for residential use at a maximum density of 8 dwelling units per acre.
- 9 (2) The area located east of Interstate 5 and south of Poinsettia Lane shall be
10 designated for residential use at a maximum density of 8 dwelling units per acre.
- 11 (3) The area located west of Interstate 5 and south of Poinsettia Lane shall be
12 designated for visitor-serving or neighborhood commercial development
13 according to Chapter 21.26 of the Carlsbad Zoning Ordinance.
- 14 (4) The area located west of Interstate 5 and north of Poinsettia Lane shall be
15 designated for visitor-serving or neighborhood commercial development
16 according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a
17 minimum of 35% is developed as visitor serving uses."

18 EFFECTIVE DATE: This ordinance shall become effective thirty (30) days after
19 its adoption, upon the effective date of GPA 02-02, or upon the effective date of the California
20 Coastal Commission's approval of LCPA 02-05, whichever is the last to occur, and the City
21 Clerk shall certify to the adoption of this ordinance and cause it to be published at least once in
22 a newspaper of general circulation within fifteen (15) days after its adoption.

23 INTRODUCED AND FIRST READ at regular meeting of the Carlsbad City
24 Council held on the 17th day of DECEMBER, 2002, and thereafter.

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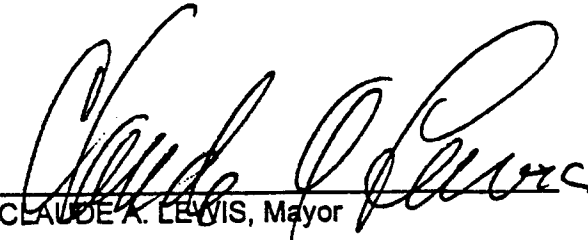
1 PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
2 of the City of Carlsbad, California, held on the 14th day of JANUARY 2003 by the following vote,
3 to wit:

4 AYES: Council Members Lewis, Kulchin, Hall

5 NOES: Council Members Finnilla, Packard

6 ABSENT: None

7 ABSTAIN: None

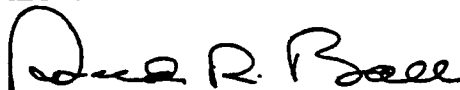
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12 CLAUDE A. LEWIS, Mayor

13 ATTEST:

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15 LORRAINE M. WOOD, City Clerk

16 (SEAL)

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19 APPROVED AS TO FORM AND LEGALITY:

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21 RONALD R. BALL, City Attorney
22 1-14-03.

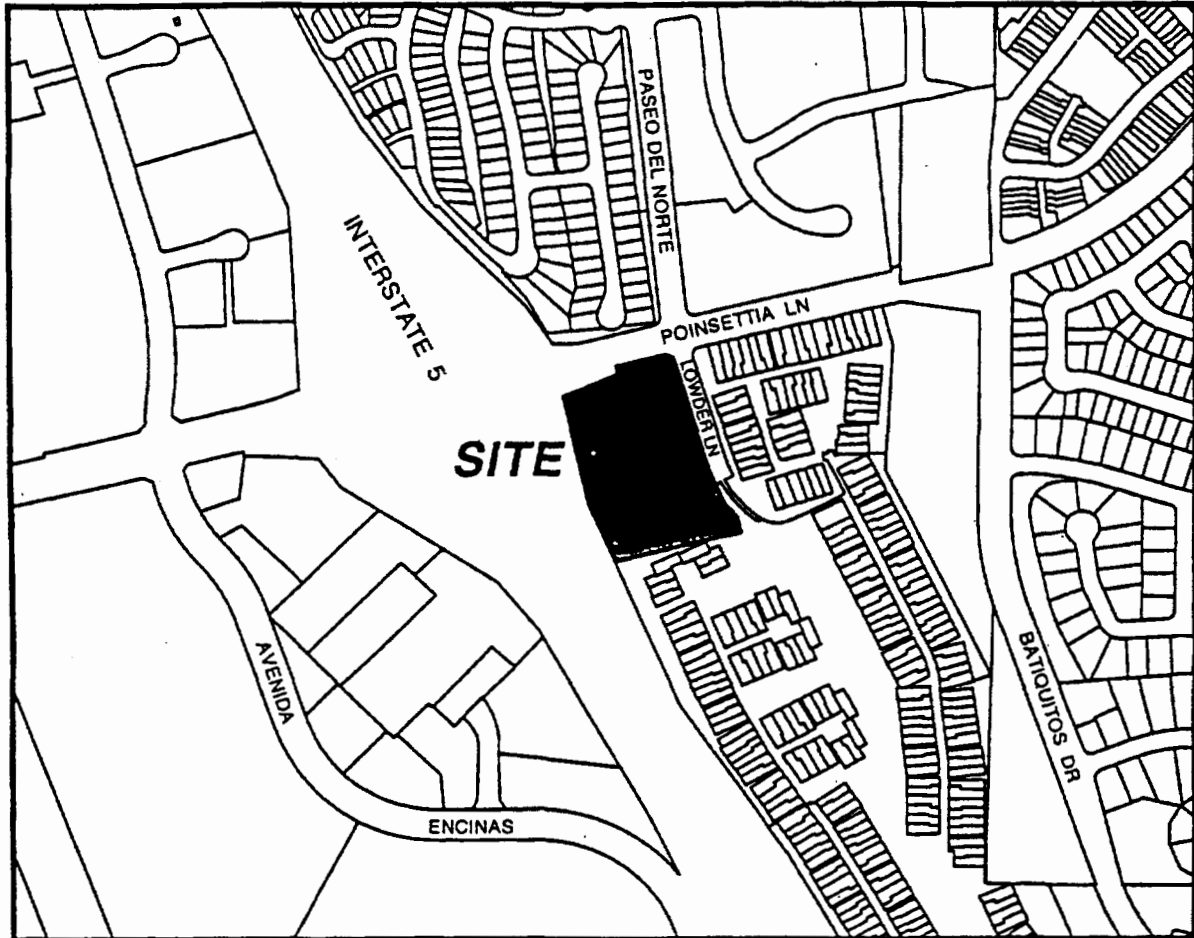
September 4, 2002

PROPERTY ZONE CHANGE

ZC 02-03

draft ☒

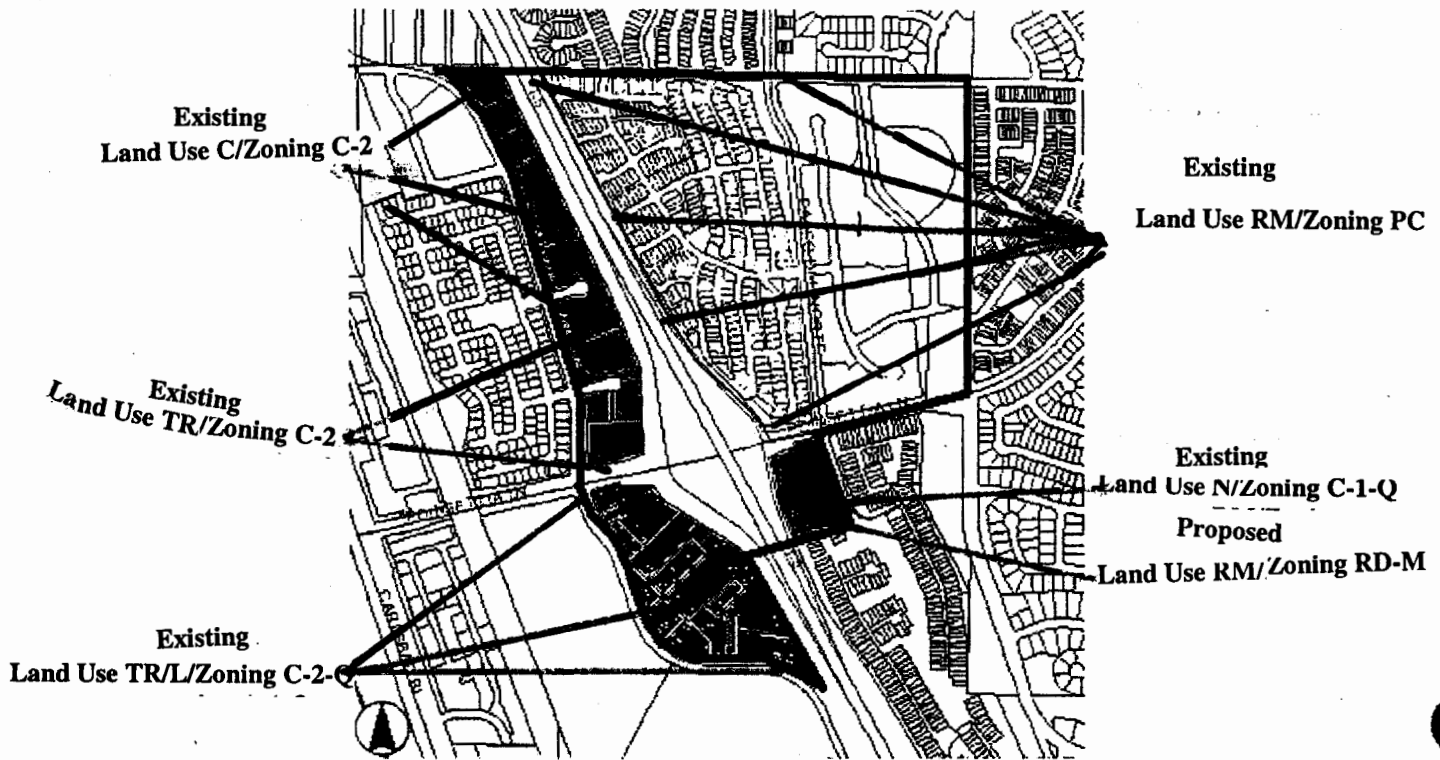
final ☐



Project Name: SMITH PROPERTY LAND USE CHANGE			Related Case File No(s): GPA 02-02 / LCPA 02-05
Legal Description(s):			
Lot 171 of Carlsbad Tract 73-24, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 7996, filed in the Office of the County Recorder of San Diego County, August 5, 1974.			
Zone Change			Approvals
Property:	From:	To:	Council Approval Date:
APN: 214-471-53	C-1-Q (5.12 ac.) <u>Within</u> Commercial Visitor-Serving Overlay Zone	RD-M-Q (5.12 ac.) <u>Without</u> Commercial Visitor-Serving Overlay Zone	Ordinance No:
			Effective Date:
			Signature:
Attach additional pages if necessary			

**CARLSBAD LOCAL COASTAL PROGRAM
MELLO II SEGMENT
OCCIDENTAL LAND AREA**

Existing and Proposed Land Use and Zoning Designations



Area	Existing Land Use	Existing Zoning	Proposed Land Use	Proposed Zoning	Acres
NEC – Yellow(1)	RM	PC	No proposed change	No proposed change	100
NWC – Pink (2)	C	C-2	No proposed change	No proposed change	11.45
NWC – Blue (3)	TR	C-2	No proposed change	No proposed change	7.4
SWC – Orange(4)	TR/L	C-2-Q	No proposed change	No proposed change	19.96
SEC – Red Project Site	N	C-1-Q	RM	RD-M	5.12

EXHIBIT NO. 5

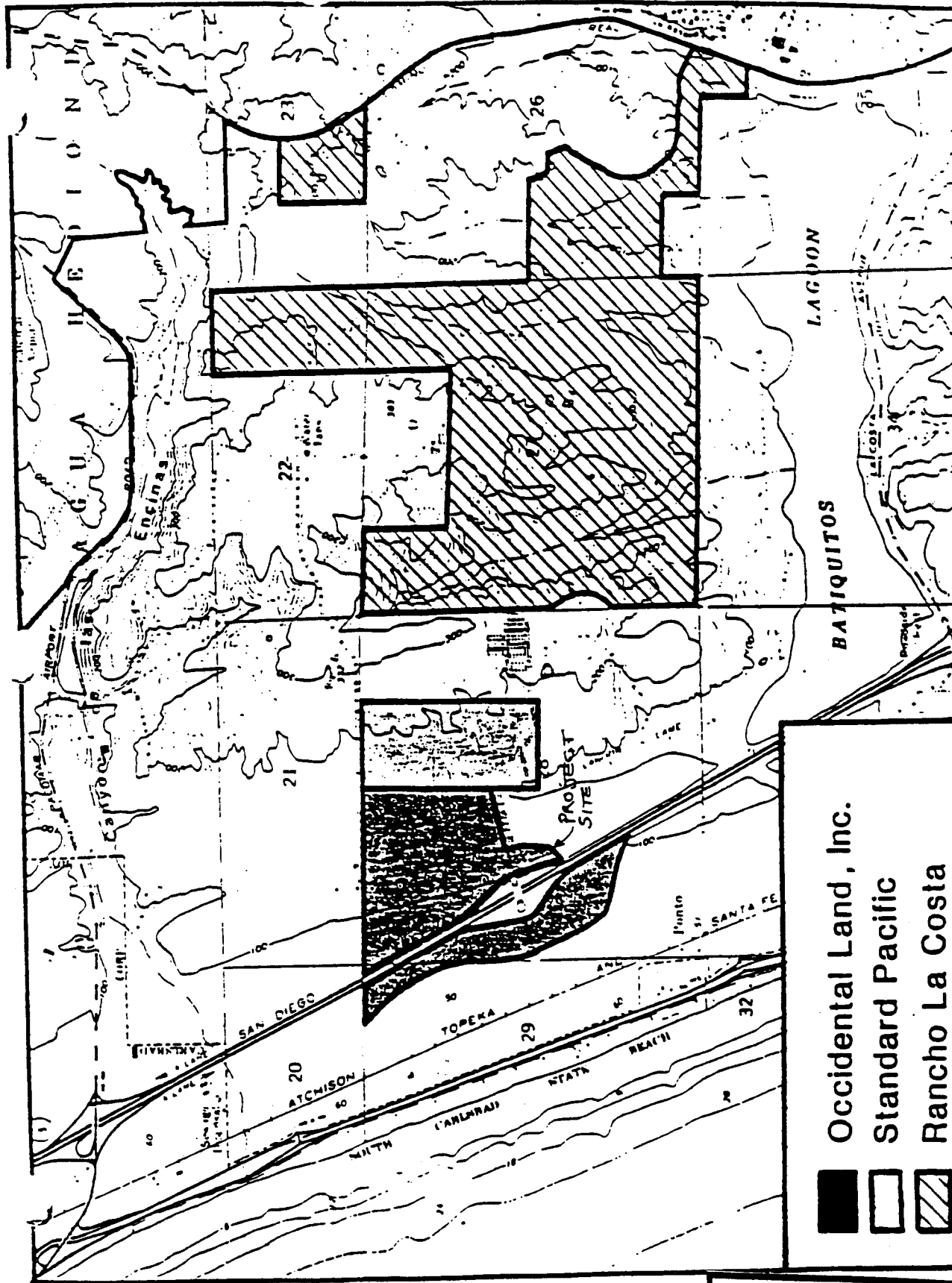
APPLICATION NO.

CAR LCPA 1-03A

LAND USE/ZONING
IN AREA

Page 1 of 1

California Coastal Commission



Occidental Land, Inc.

Standard Pacific

Rancho La Costa



EXHIBIT NO. 1

APPLICATION NO.

Carlsbad

LCPA No. 1-03A

Mello I LCP Segment

LOCAL COASTAL PROGRAM MELLO I SEGMENT
"OCCIDENTAL LAND, INC."
TEXT AMENDMENT

2. Occidental Land, Inc.

Policy 1 - Land Uses - ~~Planned Development~~

NOTE: ~~The "Occidental Land, Inc." landowners selected alternative #2 below. Alternative #2 allowed the "Occidental Land, Inc." properties to be included in the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971). The Agricultural Subsidy Program required payment of an agricultural conversion fee in exchange for land use defined in Policy 2-1, Option 3 of the Mello II LCP, Page 30.~~

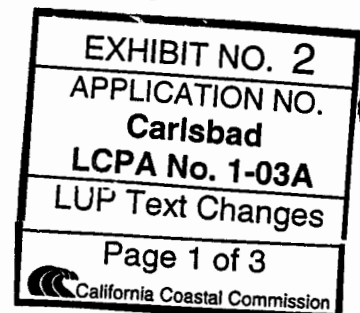
~~The Agricultural Subsidy Program was then modified by State Legislation (Public Resource Code Section 30171.2). (For more information about the program see Mello II LCP Segment, Policy 2-1, Page 30).~~

The "Occidental Land, Inc." landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the "Occidental Land, Inc." properties to be developed in accordance with the land uses described below.

Pursuant to State Legislation in 1984, the Agricultural Subsidy Program was replaced with the Agriculture Conversion Mitigation Fee (Public Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy 2-1 Option 3).

As per Public Resource Code Section 30171.2, the land use policies established in 1981 by the adoption of the Mello II Segment remained "operative" even though the Agricultural Subsidy Program was replaced.

~~The five Occidental Land parcels are hereby designated for planned development in a planned agriculture zone to encourage renewed agriculture and development that will improve the feasibility of renewed agriculture. The permitted uses in such zone shall be primarily agricultural uses, with conditional uses allowable subject to the issuance of a coastal development permit. Land divisions also require a coastal development permit.~~



~~Additional residential and commercial uses shall be allowed on portions of the property subject to a coastal development permit, if such additional uses increase the feasibility of long term agriculture.~~

~~Development may be permitted under such a permit in accordance with either of the following alternatives:~~

- ~~(1) Residential development on existing legal parcels having soils rated as Class I through Class IV in the U.S. Department of Agriculture Soil Conservation Service Land Use Compatibility Classification shall be assigned a density of 1 unit per 10 acres. However, to conserve these potentially productive agricultural lands, all such permitted development shall be located adjacent to existing roads, and all developed lots shall be clustered on one portion of the total parcel. Further, each permitted residential unit may be developed on a separate subdivided lot, but each such lot shall not exceed one acre in size; as an alternative, all development may be on a single lot at an overall density not less than 1 unit per acre.~~

~~Residential development on existing legal parcels with soils rated below Class IV in the USDA SCS Land Use Capability Classification shall be assigned a density of two units per acre, provided that residential use shall be clustered in a manner to minimize alteration of natural landform. Existing stands of trees that border the property shall be retained as a natural buffer.~~

- ~~(2) Or, as a planned commercial and residential development, if the Planned Agricultural Zone is developed as a single unit, at the following intensities:~~
 - ~~(a) Residential uses may be allowed on parcels with soils rated below Class IV in the Land Use Capability Classification (See Exhibit 4.2, Page 22), at an increased density of 4 units per acre, provided that such development meets the other requirements of these policies and the additional requirements of the RD-M zone.~~
 - ~~(b) Commercial uses may be allowed on the two parcels south of Poinsettia Lane and adjacent to I-5 on both sides of the freeway provided that 35% of the land area is devoted exclusively to tourist commercial uses.~~
 - ~~(c) The two parcels north of Poinsettia Lane on either side of I-5 and the portion of the easternmost parcel that contains any soils of Class I through IV under the Land Use Capability Classification (See Exhibit 4.2, Page 22) shall be permanently protected as agricultural cropland exclusively, through recordation of an agricultural conservation easement that allows only agricultural uses.~~
 - ~~(d) If, by December 1, 1980, the landowners of the Occidental parcels record an irrevocable offer to dedicate an agricultural conservation easement or a similar instrument providing for certain protection of agricultural land,~~

~~over the 57 acre and 22 acre parcels north of Poinsettia Lane, development may be allowed on the 25 acres of Class III soils (See Exhibit 4.2, Page 22) located immediately east of Paseo del Norte, and at the 28 acres of soil below Class IV in the same parcel of up to 7 units per acre. Said conservation easement or similar instrument shall be free of all prior liens and encumbrances, shall be executed in favor of the People of the State of California, and shall bind the landowners and successors in interest. Said easement may include a term which states that the Commission may modify the easement at its sole discretion if the Commission determines that such modification would be essential to implement the remainder of the Carlsbad LCP.~~

The Occidental Land parcels are hereby designated as follows:

- (1) **The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.**
- (2) **The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.**
- (3) **The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.**
- (4) **The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses.**

RESOLUTION NO. 2002-366

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, ADDENDUM AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A GENERAL PLAN AMENDMENT, ZONE CHANGE AND LOCAL COASTAL PROGRAM AMENDMENT, AND APPROVING SAID GENERAL PLAN AMENDMENT AND LOCAL COASTAL PROGRAM AMENDMENT TO AMEND THE GENERAL PLAN AND LOCAL COASTAL PROGRAM LAND USE MAPS BY CHANGING THE LAND USE DESIGNATION FROM "N" TO "RM" ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 5 AND POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 4.

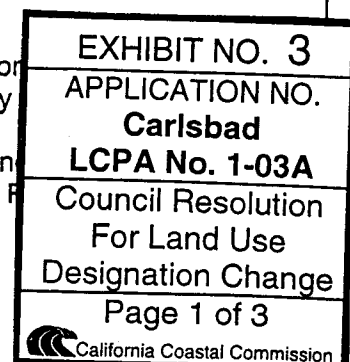
CASE NAME: SMITH PROPERTY LAND USE CHANGE
CASE NO.: GPA 02-02/ZC 02-03/LCPA 02-05

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on September 18, 2002, hold a duly noticed public hearing as prescribed by law to consider a Mitigated Negative Declaration, General Plan Amendment, Zone Change and Local Coastal Program Amendment, and recommended their approval; and

WHEREAS, the City Council of the City of Carlsbad, on the 17th day of DECEMBER, 2002, held a duly noticed public hearing to consider said Mitigated Negative Declaration, General Plan Amendment, Zone Change and Local Coastal Program Amendment, and at that time received recommendations, objections, protests, and comments from all persons interested in or opposed to GPA 02-02, ZC 02-03 and LCPA 02-05;

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

1. That the above recitations are true and correct.
2. That the findings of the Planning Commission Resolution 5274 are incorporated herein by reference and are the findings of the City
3. That the Mitigated Negative Declaration, Addendum and Reporting Program are adopted as shown in Planning Commission Resolution 5274 and file with the City Clerk and incorporated herein by reference.



1 4. That the amendment to the General Plan Land Use Map (GPA 02-02),
2 approved as shown in Planning Commission Resolution No. 5272, on file with the City Clerk and
3 incorporated herein by reference.

4 5. That the amendment to the Local Coastal Program Land Use Map (LCPA 02-05),
5 is approved as shown in Planning Commission Resolution No. 5274, on file with the City Clerk
6 and incorporated herein by reference.

7 6. That the approval of GPA 02-02 shall become effective within thirty (30) days
8 after its approval, upon the effective date of ZC 02-03, or upon the effective date of the
9 California Coastal Commission's approval of LCPA 02-05, whichever is the last to occur.

10 7. That the approval of LCPA 02-05 shall not become effective until it is approved
11 by the California Coastal Commission and the California Coastal Commission's approval
12 becomes effective.

13 PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
14 of the City of Carlsbad, California, held on the 17th day of DECEMBER 2002,
15 by the following vote, to wit:

16 AYES: Council Members Lewis, Kulchin, Hall

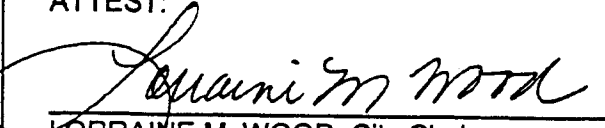
17 NOES: Council Members Finnilla, Packard

18 ABSENT: None

19 ABSTAIN: None

20 
21 CLAUDE A. LEWIS, Mayor

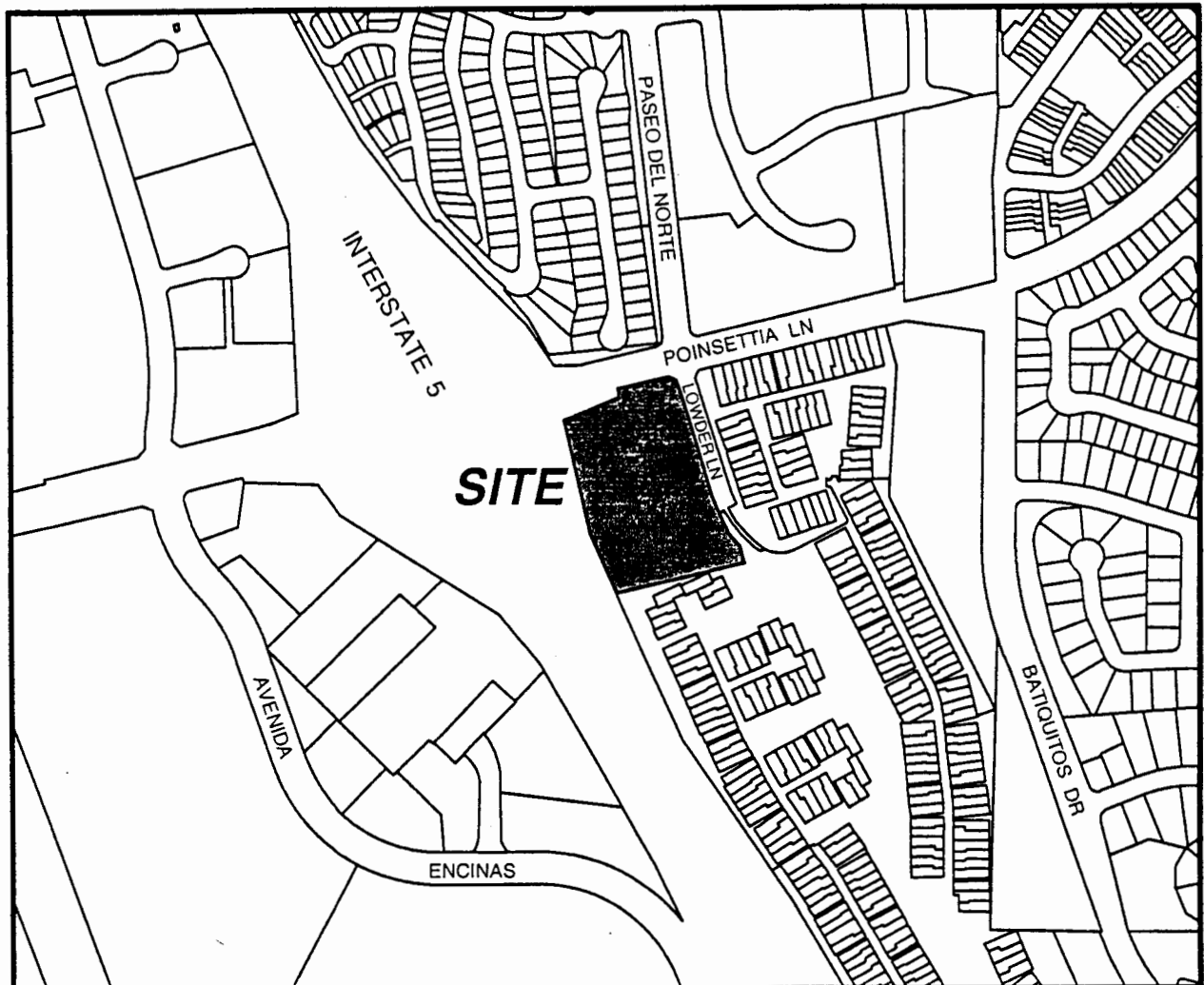
22 ATTEST:

23 
24 LORRAINE M. WOOD, City Clerk

25 (SEAL)

LOCAL COASTAL PROGRAM LAND USE MAP

LCPA 02-05

draft ☒final ☐

Project Name: SMITH PROPERTY LAND USE CHANGE			Related Case File No(s): GPA 02-02 / ZC 02-03
Property/Legal Description(s):			
Lot 171 of Carlsbad Tract 73-24, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 7996, filed in the Office of the County Recorder of San Diego County, August 5, 1974.			
LCPA Map Designation Change			Approvals
	From:	To:	Council Approval Date: December 17, 2002
Property APN: 214-471-53	N (5.12 ac.)	RM (5.12 ac.)	Resolution No: 2002-366
			Effective Date: Upon approval by Coastal Commission
			Signature:
Attach additional pages if necessary			

ORDINANCE NO. NS-654

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 AND THE LOCAL COASTAL PROGRAM ZONING MAP TO GRANT A ZONE CHANGE FROM C-1-Q TO RDM-Q, AND TO REMOVE THE COMMERCIAL VISITOR-SERVING OVERLY ZONE ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF INTERSTATE 5 AND POINSETTIA LANE IN LOCAL FACILITIES MANAGEMENT ZONE 4, AND AMENDING THE TEXT OF SECTION 2 "OCCIDENTAL LAND, INC." POLICY 1 OF THE MELLO I SEGMENT OF THE LOCAL COASTAL PROGRAM.

CASE NAME: SMITH PROPERTY LAND USE CHANGE

CASE NO.: ZC 02-03 / LCPA 02-05

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 02-03" and "LCPA 02-05 Zoning", attached hereto and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission as set forth in Planning Commission Resolution No. 5271, 5273 and 5274 constitute the findings and conditions of the City Council.

SECTION III: That Section 2 "Occidental Land, Inc." Policy 1 of the Mello I Segment of the City of Carlsbad Local Coastal Program shall read as follows:

"2. Occidental Land, Inc.

Policy 1 - Land Uses

NOTE: The "Occidental Land, Inc." landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the "Occidental Land, Inc." properties to be developed in accordance with the land uses described below.

EXHIBIT NO. 4
APPLICATION NO.
Carlsbad
LCPA No. 1-03A
Council Ordinance
For Zone Change

Pursuant to State Legislation in 1984, the Agricultural Subsidy Program was replaced with the Agriculture Conversion Mitigation Fee (Public Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy 2-1 Option 3).

As per Public Resource Code Section 30171.2, the land use policies established in 1981 by the adoption of the Mello II Segment remained "operative" even though the Agricultural Subsidy Program was replaced.

The Occidental Land parcels are hereby designated as follows:

- (1) The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.
- (2) The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.
- (3) The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.
- (4) The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses."

EFFECTIVE DATE: This ordinance shall become effective thirty (30) days after its adoption, upon the effective date of GPA 02-02, or upon the effective date of the California Coastal Commission's approval of LCPA 02-05, whichever is the last to occur, 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 (15) days after its adoption.

INTRODUCED AND FIRST READ at regular meeting of the Carlsbad City Council held on the 17th day of DECEMBER, 2002, and thereafter.

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1 PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council
2 of the City of Carlsbad, California, held on the 14th day of JANUARY 2003 by the following vote,
3 to wit:

4 AYES: Council Members Lewis, Kulchin, Hall

5 NOES: Council Members Finnilla, Packard

6 ABSENT: None

7 ABSTAIN: None

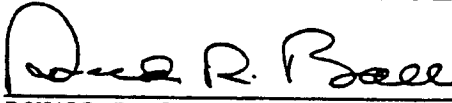
8
9
10
11 
12 CLAUDE A. LEWIS, Mayor

13 ATTEST:

14 
15 LORRAINE M. WOOD, City Clerk

16 (SEAL)

17
18
19 APPROVED AS TO FORM AND LEGALITY:

20 
21 RONALD R. BALL, City Attorney
22 1-14-03.

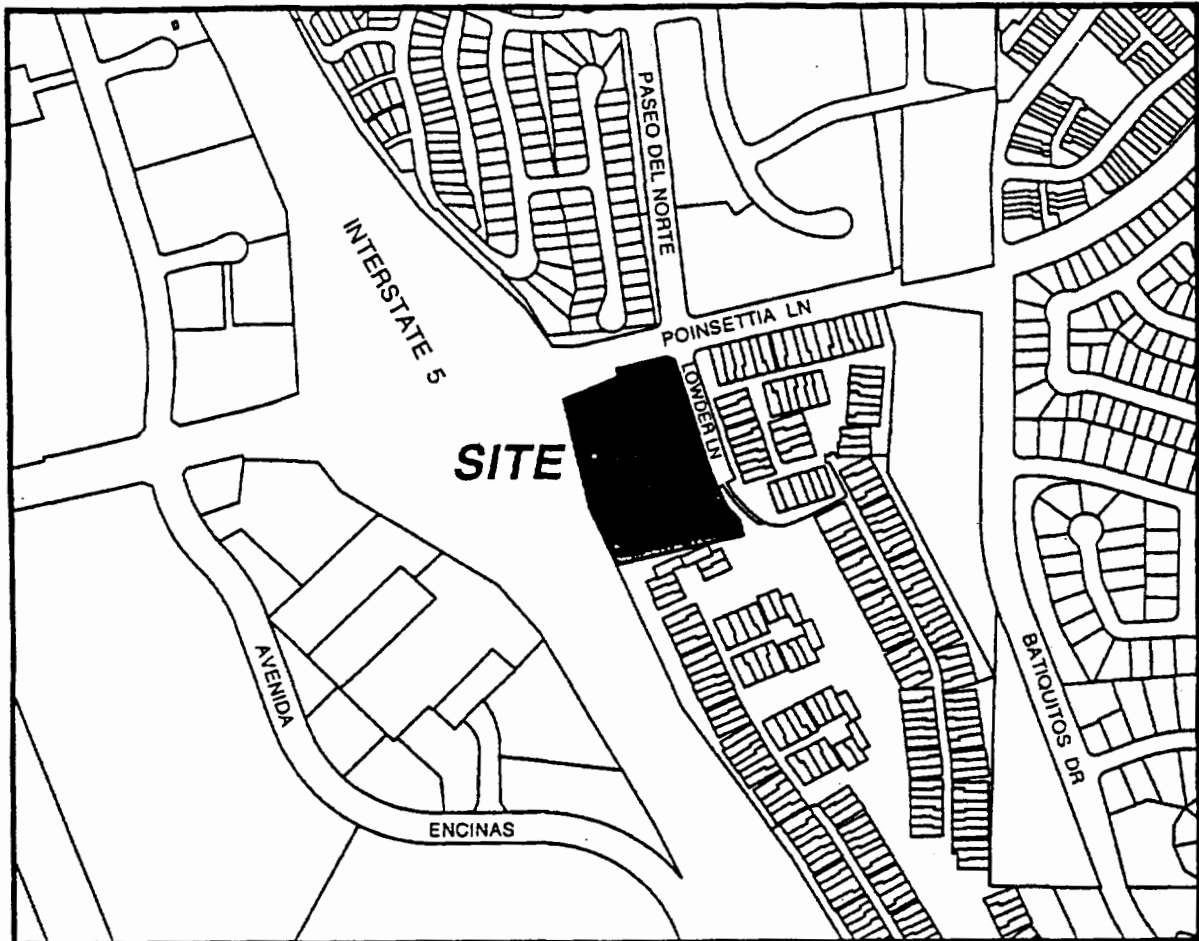
September 4, 2002

PROPERTY ZONE CHANGE

ZC 02-03




draft ☒

final ☐



Project Name: SMITH PROPERTY LAND USE CHANGE			Related Case File No(s): GPA 02-02 / LCPA 02-05	
Legal Description(s):				
Lot 171 of Carlsbad Tract 73-24, in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 7996, filed in the Office of the County Recorder of San Diego County, August 5, 1974.				
Zone Change			Approvals	
Property:	From:	To:	Council Approval Date:	
APN: 214-471-53	C-1-Q (5.12 ac.) <i>Within Commercial Visitor-Serving Overlay Zone</i>	RD-M-Q (5.12 ac.) <i>Without Commercial Visitor-Serving Overlay Zone</i>	Ordinance No:	
			Effective Date:	
			Signature:	
Attach additional pages if necessary				

EXHIBIT NO. 1
 APPLICATION NO.
 Carlsbad
 LCPA No. 1-03A
 Mello LCP Segment

 Occidental Land, Inc.
 Standard Pacific
 Rancho La Costa

