

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370

**Wed 7d**

5/19/2005

**RECORD PACKET COPY**

**TO: COMMISSIONERS AND INTERESTED PERSONS**

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

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MELLO II  
LCP SEGMENT MAJOR AMENDMENT NO. #1-04D (Cannon Road),  
for Public Hearing and Possible Commission Action at the Meeting of  
June 8-10, 2005)**

---

**SYNOPSIS**

The LCP amendment submittal includes six separate components involving changes to both the certified LCP land use plan and the implementation plan. The amendment was filed on August 18, 2004. A one-year time extension for Commission action on LCPA #1-04 was approved by the Commission on October 14, 2004. The last day for Commission action is November 18, 2005. All but the subject component have been approved. The adjustment to the zoning boundaries in this amendment is part of a Citywide effort to bring the General/LCP Plan and Zoning into conformity.

**SUMMARY OF AMENDMENT REQUEST**

The subject component proposes to rezone two parcels totaling 1.6 acres on the southeast side of Cannon Road located adjacent to Kelly Ranch in Carlsbad from Multi-Family Residential (R-3-Q) to Open Space (O-S). The LCP Land Use designation for the project sites is Open Space.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the proposed LCP amendment as submitted. The proposed rezone to Open Space is consistent with the certified Mello II LUP designation of Open Space and would not result in adverse impacts to public access or sensitive resources.

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

**ADDITIONAL INFORMATION**

Further information on the submittal may be obtained from **Bill Ponder** at the San Diego Area Office of the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402, (619) 767-2370.

**PART I. OVERVIEW****A. LCP HISTORY**

The City of Carlsbad 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 segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment requests affects the Mello II LCP segment.

**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 resolution 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 reject the Implementation Program Amendment No. 1-04D for the City of Carlsbad LCP Mello II 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 AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment No.1-04D for the City of Carlsbad 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 and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program 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.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II IMPLEMENTATION PLAN AMENDMENT #1-04D AS SUBMITTED****A. AMENDMENT DESCRIPTION**

The proposed LCP amendment changes the zoning on two parcels totaling 1.6 acres on the southeast side of Cannon Road west of El Camino Real from multi-family residential (R-3-Q) to Open Space (O-S). The easternmost (approximately 4,000 sq.ft.) lot contains

an existing temporary sewage lift station. The larger (1.48 acres) westernmost lot contains an existing detention basin. The zone change is necessary to correct an inconsistency between the existing Mello II Land Use Plan (LUP) designation of Open Space and the current residential zoning. The existing detention basin would be allowed in the O-S zone without the need for a discretionary permit. The sewage lift station would be allowed in the O-S zone subject to the approval of a CUP; thus, the proposed zone change would not result in any existing uses or structures becoming non-conforming.

## **B. FINDINGS FOR APPROVAL**

1. Purpose and Intent of the Ordinance. The proposed O-S zone is the implementing zone for the existing Open Space LUP designation.

a. Open Space Zone. The proposed Open Space Zone provides for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned property such as parks, open space, recreation areas, civic centers and other public facilities of a similar nature. The zone also designates high priority resource areas at time of development that, when combined would create a logical open space system for the community.

b. R-1-30,000 Zone. The existing R-1-30,000 Zone implements the residential low density (RL), residential low-medium density (RLM) and residential medium density (RM) land use designations by providing regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses.

2. Major Provisions of the Ordinance.

a. Open Space Zone. The open space zone allows the following uses and structures: beaches and shoreline recreation, bicycle paths, horse trails, open space easements, public parks, City picnic areas and playgrounds, public access easements, scenic and slope easements, transportation rights-of-way, vista points, agricultural uses (field and seed crops, truck crops, horticultural crops, orchards and vineyards, pasture and rangeland, tree farms and fallow lands). Permitted accessory uses and structures include public restrooms, clubhouses, parking areas, barbecue and fire pits, playground equipment, stairways, patios, changing rooms, pool filtering equipment, fencing and other accessory uses required for the conduct of the permitted uses. Uses allowed by conditional use permit include group or organized camps, marinas, playfields and athletic fields, public facilities, recreational campgrounds, public stables and riding academies, golf courses, swimming pools, tennis courts, private playgrounds and picnic areas, other related cultural, entertainment and recreational activities and facilities and stands for the display and sale of aquaculture products grown on the premises. There is no minimum lot area established for the open space zone. No building or structure in the zone shall exceed thirty-five feet in height unless a higher elevation is approved as a conditional use permit by the Planning Commission.

b. R-1-30,000 Zone. The major provisions of the ordinance are to identify permitted and conditional uses and design and development standards for large lot single-family development.

3. Adequacy of the Ordinance to Implement the Certified LUP Segments.

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

The certified City of Carlsbad LCP land use plan (LUP) has been amended to incorporate the City's Habitat Management Plan (HMP). The HMP was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. The certified LUP includes Coastal Act Sections 30233 and 30240 as applicable standards of review for development within and adjacent to wetlands and other environmentally sensitive habitat areas. In addition, the HMP and certified LUP contain habitat protection requirements and conservation standards applicable to certain properties within the Carlsbad coastal zone (most of which are undeveloped), to concentrate future development adjacent to already-developed areas and protect slopes greater than 25% grade and scenic natural landforms.

In LCPA #2-99D (Kelly Ranch), the Commission established an open space preserve that ties upland portions of the 433-acre Kelly Ranch (canyons and dual criteria slopes) with low lying wetland areas associated with the south shore of Agua Hedionda Lagoon. The Kelly Ranch Open Space Preserve is identified as "Hardline" open space on the HMP/LCP maps. The HMP identifies such properties as those where the open space habitat preserve line was established based on a site-specific development plan. The connecting of these habitats creates a viable wildlife corridor. In its approval, the Commission found the Kelly Ranch Open Space Preserve was an environmentally sensitive habitat area requiring priority protection under the Coastal Act. The subject sites are within the Kelly Ranch Master Plan Open Space Preserve; thus, open space zoning is consistent with the LUP O-S designation. The existing detention basin and sewage pump station are acknowledged as pre-existing permitted uses within the preserve open space in this particular case.

One of the major goals of HMP implementation will be to establish an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It is anticipated this mechanism will include a conservation oriented open space zone or overlay that will restrict uses within the habitat preserve to resource dependent uses which are more restrictive and protective of coastal resources than the current open space zone certified in the LCP. The Commission finds, in the absence of a resource-oriented conservation zone, the habitat preserve will be protected as open space through the existing Open Space land use plan designation and the proposed open space zoning.

The City expects to have an LCP amendment addressing the complete HMP implementation plan submitted to the Commission for approval by November 2005.

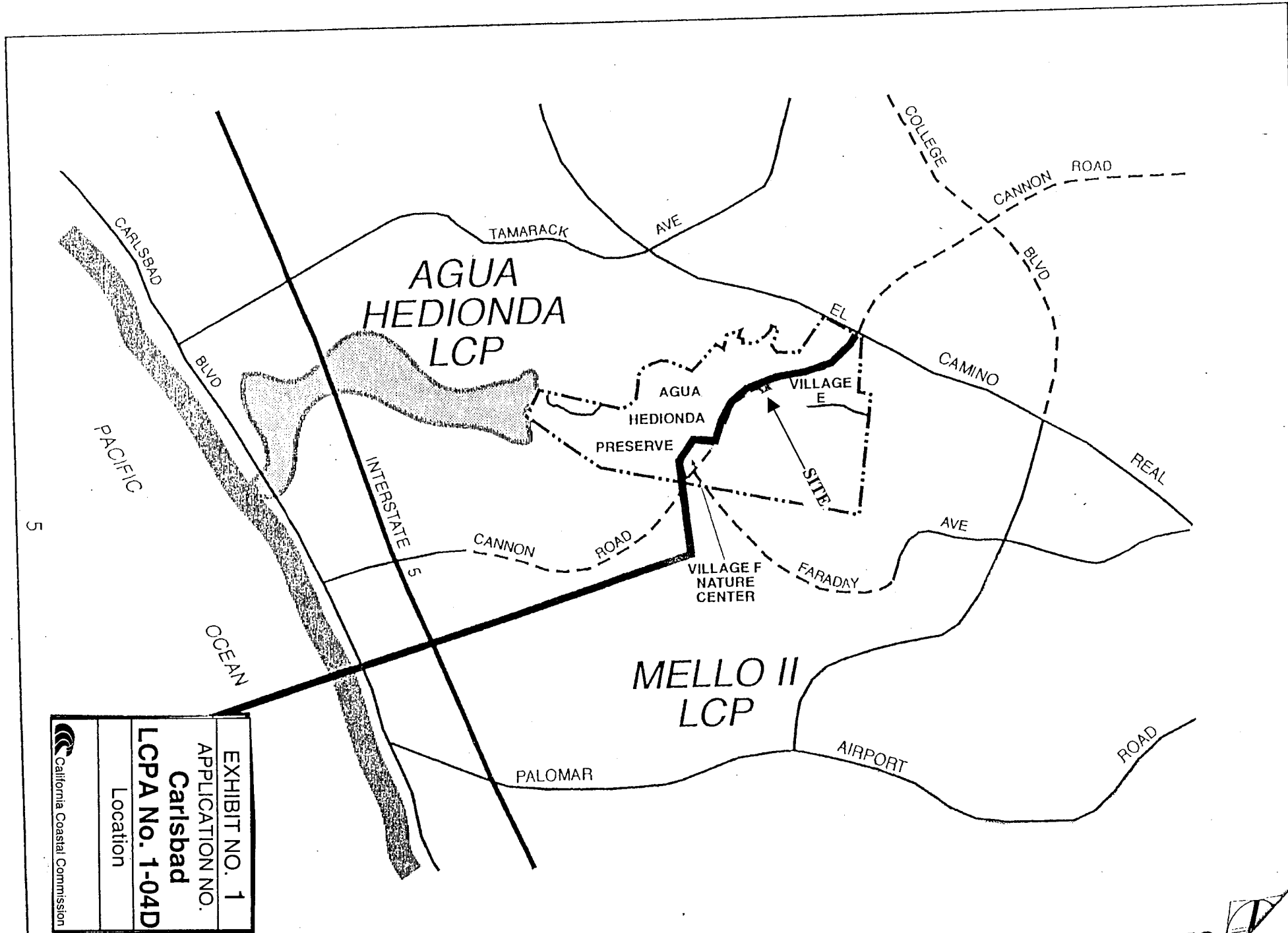
With this understanding, the Commission finds the proposed open space zoning would adequately implement the HMP/LCP in the interim and is consistent with and adequate to carry out the certified LUP.


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

Section 21080.9 of the California Public Resources Code – within the California Environmental Quality Act (CEQA) – exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required, in a LCP submittal or, as in this case, a LCP amendment submittal, to find that the approval of the proposed LCP, or LCP, as amended, conforms to CEQA provisions, including the requirement in CEQA section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. 14 C.C.R. §§ 13542(a), 13540(f), and 13555(b). The proposed zoning amendment will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which 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 1-04D Cannon Rd. Lift stfprt.doc)



 California Coastal Commission	EXHIBIT NO. 1
	APPLICATION NO. <b>Carlsbad</b>
	LCPA No. 1-04D
Location	

PLANNING SYSTEMS	
---------------------	---

LCP SEGMENT BOUNDARIES





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PASSED AND ADOPTED at a regular meeting of said City Council held on the

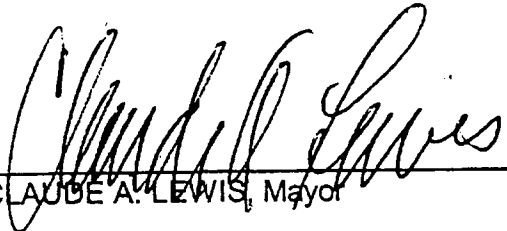
3rd day of February, 2004, by the following vote, to wit:

AYES: Council Members Lewis, Finnilla, Kulchin, Hall and Packard

NOES: None

ABSENT: None

ABSTAIN: None


  
\_\_\_\_\_  
CLAUDE A. LEWIS, Mayor

ATTEST:

  
\_\_\_\_\_  
LORRAINE M. WOOD, City Clerk

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

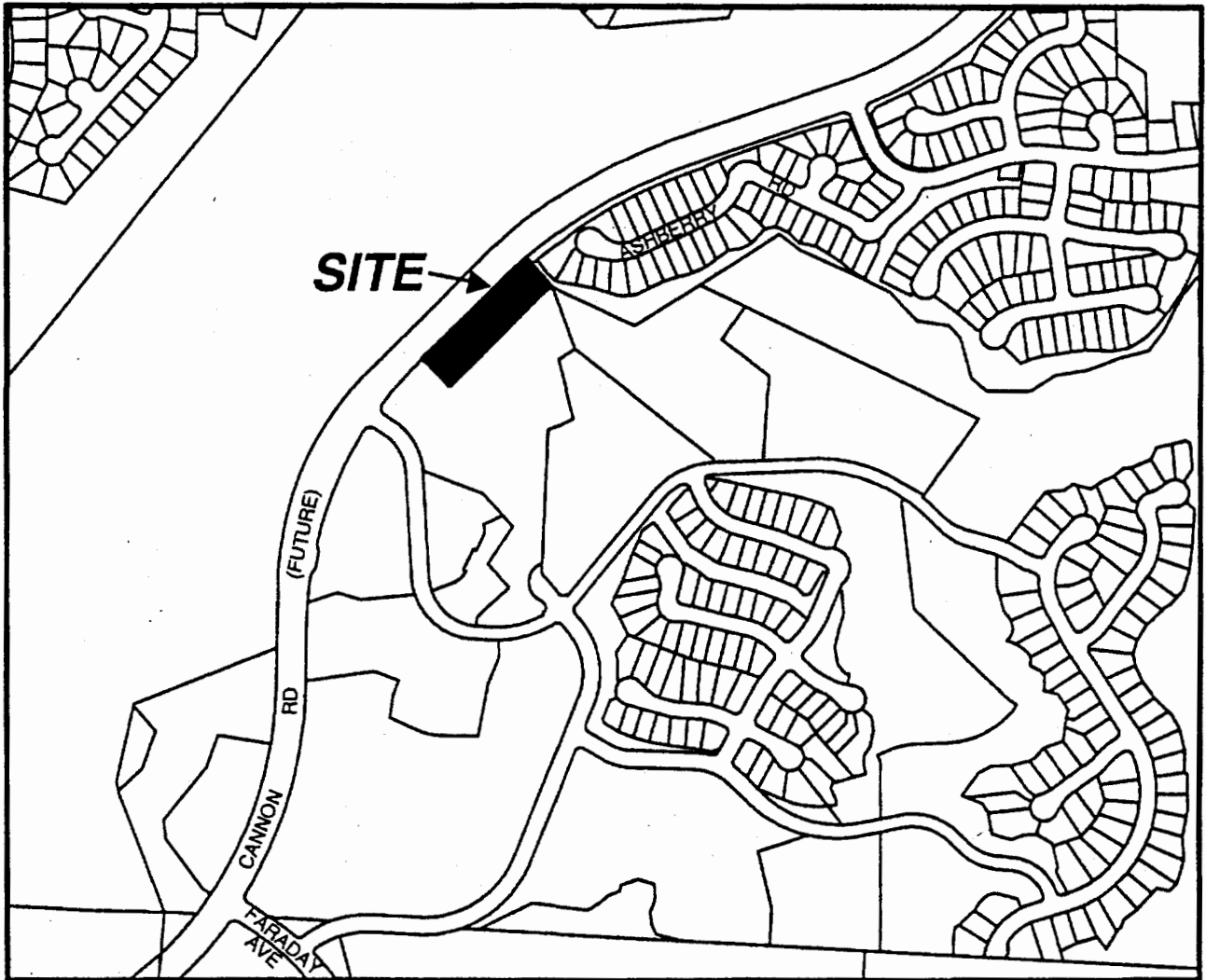
  
\_\_\_\_\_  
RONALD R. BALL, City Attorney  
2/4/04.

# PROPERTY ZONE CHANGE

ZC: 03-02

draft

final



Project Name: CANNON LIFT ZONE CHANGE			Related Case File No(s): LCPA 03-04		
Legal Description(s): Lots 82 and 171 of Map No. 14340					
Zone Change			Approvals		
Property:	From:	To:	Council Approval Date:		
A. 208-184-04	R-3-Q	OS	Ordinance No:		
B. 208-184-08	R-3-Q	OS	Effective Date:		
C.			Signature:		
D.					
Attach additional pages if necessary					