

CALIFORNIA COASTAL COMMISSION

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February 17, 2012

W12b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
TONI ROSS, COASTAL PROGRAM ANALYST, SAN DIEGO COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP
AMENDMENT CAR-MAJ-3-10B (Golf Course Revisions) for Commission
Meeting of March 7-9, 2012**

SYNOPSIS

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on January 26, 2011. A one-year time extension was granted on April 13, 2011. As such, the last date for Commission action on this item is April 26, 2012. This is the second component of two unrelated items submitted as LCP Amendment No. 3-10 to be heard by the Commission. The first component LCPA 3-10A (Inclusionary Housing), is also scheduled for the March, 2012 hearing.

SUMMARY OF AMENDMENT REQUEST

The City of Carlsbad is requesting to amend land use and zoning designations on a 500 acre, 100 parcel site currently developed with "The Crossings", the City's municipal golf course, a facility located partially in the coastal zone and the City's Habitat Management Preserve.

The site is located north of Palomar Airport Road, south of Faraday Avenue, east of Hidden Valley Road and extends on either side of College Boulevard. The site is located both in and out of the coastal zone, with approximately two-thirds of the site located within the coastal zone. The project is immediately east of Carlsbad Ranch/Legoland and west of the Carlsbad Research Center and Palomar Airport. To the north is the Veteran's Memorial Park which will ultimately be developed as an outdoor recreation facility. To the west is Legoland Carlsbad which is also primarily an outdoor recreation facility.

The Crossings Municipal Golf Course has been in operation since 2006. The Commission first reviewed and approved the development on appeal in 2003. However, the land use and zoning on the property was not modified at that time, as the mixture of golf course, clubhouse, parking lot, and preserve lands were all consistent with the existing land use and zoning. Currently, 207.73 acres of the property is designated Planned Industrial (PI) and 296.97 acres are designated as Open Space (OS). The

corresponding zoning is Planned Industrial (P-M) and Open Space (O-S) respectively. While a golf course is a use consistent with both Planned Industrial and Open Space land use designations/zonings, the City feels that Planned Industrial does not accurately reflect the golf course. As such, the subject LCP amendment would modify the PI designation and P-M zoning to OS designation/zoning on all but two lots for the portion of the golf course located within the coastal zone.

The two remaining lots (Lot Nos. 5 and 9) are currently designated/zoned Open Space, and Planned Industrial. Specifically, Lot 9 is entirely designated as Open Space. Lot 9 will be redesignated to Planned Industrial/Office. Lot 5 is only partially located within the coastal zone. The portion of the lot located within the coastal zone is two parcels and designated/zoned Planned Industrial (abbreviated PI for the land use and P-M for zoning) on one parcel and Open Space (OS) on the other. As proposed, Lot 5 will be consolidated into one parcel, and will be redesignated and zoned as Planned Industrial/Office (PI/O, P-M/O respectively). Both lots are proposed for redesignation in order to facilitate future development. Both lots were graded and developed with manufactured slopes and/or retaining walls associated with the original development of the golf course and therefore approved by the Commission in 2003. As such, all impacts to coastal resources and associated mitigation requirements were identified, addressed and mitigated in the coastal development permit for the golf course (ref. CDP No. A-6-CII-00-087). Additionally, after the issuance of the golf course permit, the Commission reviewed and certified the City's Habitat Management Plan. During this time, all lands within the City's golf course were surveyed and the appropriate lands were protected by being incorporated into the City's Habitat Management Plan Preserve. Neither Lots 5 nor 9 were identified as lands to be incorporated into the City's preserve. Currently, both remain as graded pads and do not contain sensitive habitat.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval as submitted of the proposed LCP amendment. The majority of the proposed modifications will result in the City's municipal golf course being redesignated as Open Space. However, as previously discussed, two lots (Lot Nos. 5 & 9) will be redesignated from Open Space or Planned Industrial to Planned Industrial/Office. In both cases, the grading of the lots occurred previously associated with the construction of the golf course and approved on appeal by the Commission in 2003. As such, there is no habitat present on either lot. Additionally, Lot 5 was clearly identified for future development at the time the Commission was reviewing the construction of the golf course. Lot 9, while not specified for future development was clearly identified as an area to be constructed with a level graded pad, and was not identified as part of the preserve, golf course facility, or any other specific development.

While modifying an open space land use type to a development land use type may raise some concerns, the Commission reviewed previous grading on these lots both during the approval of the golf course permit as well as certification of the City's HMP. At neither time were these lands identified as lands that should be preserved, or remain as an open space land use designation. Again there is no sensitive habitat on these lots and

collectively they include 6 acres of the over 500 acre golf course site. Modifying these two lots from an Open Space to a Planned Industrial/Commercial designation will not raise any costal resource impacts concerns, and therefore, the subject land use amendment does not raise consistency concerns with the Coastal Act or the City's LCP. The proposed LCP amendment can therefore be found consistent with the applicable policies of the Coastal Act and will not create inconsistencies with the rest of the City's certified Land Use Plan, and staff is therefore recommending that the amendment be approved as submitted.

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 9.

BACKGROUND

The City's proposal to construct The Crossings Municipal Golf Course was first appealed by the Commission on June 27, 2000. The Commission found that substantial issue existed relative to the proposed development on June 12, 2003 (ref. CDP No. A-6-CII-00-87). The project was subsequently approved by the Commission at a de novo hearing in August of 2003. At the time of approval, the site was vacant and contained sensitive habitat, including coastal sage scrub, riparian areas and wetlands. The original design for the golf course was later modified through an amendment to the City's certified LCP and certification of the City's Habitat Management Plan (HMP). The modifications to the original design allowed for additional habitat to be preserved, and eliminated all impacts to wetland and riparian areas within the coastal zone. The project as approved resulted in impacts to 14.2 acres of coastal sage scrub. All impacts were mitigated at a 2:1 ratio with at least 1:1 new creation. All mitigation was accomplished on site.

As stated above, the proposed LCP amendment is also located in an area protected through the City's Habitat Management Plan (HMP). The Carlsbad HMP was prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans replace interim restrictions placed by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

In its action on City of Carlsbad LCP Amendment No. 1-03B in July 2003, the Commission certified the HMP as part of the LCP and found it to meet the requirements of Sections 30240 and 30250 of the Coastal Act despite some impacts to environmentally

sensitive habitat area (ESHA). The Commission found that, pursuant to Sections 30007.5 and 30200(b), certification of the HMP with suggested modifications was most protective of significant coastal resources, through conflict resolution.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment 3-10A may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad'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 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 Mello II Segment Land Use Plan and Implementation Plan were approved in 1981. The Mello II Segment is comprised of 5,500 acres, or approximately 75% of the City. Unresolved issues remained for the segment regarding preservation of agricultural lands, and protection of steep sensitive slopes. Multiple additional amendments were brought forward, with the incorporation of the Carlsbad Ranch Specific Plan, the Commission certified the City's LCP, and the City obtained permit authority in 1996. The proposed amendment will affect the Mello II Segment of the 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 for the City of Carlsbad Amendment No. 3-10B 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 Mello II Segment of the City of Carlsbad 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 for the City of Carlsbad LCP Amendment No. 3-10B 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 City of Carlsbad 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 certified Land Use Plan, 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 LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment includes modifying the land use designations on a number of parcels that comprise the 500 acre City Municipal Golf Course; two thirds of the which is located in the coastal zone. Currently, 207.73 acres of the property is designated Planned Industrial (PI) and 296.97 acres are designated as Open Space (OS). While a golf course is a use consistent with both Planned Industrial and Open Space land use designations, the City feels that Planned Industrial does not accurately reflect the development of the golf course. As such, the subject LCP amendment would modify the Planned Industrial designation to Open Space on all but two lots for the portion of the golf course located within the coastal zone. The remaining two lots will be modified from Open Space and Planned Industrial to Planned Industrial/Office (PI/O). These two lots are proposed as PI/O to facilitate development.

B. CONFORMANCE WITH CHAPTER 3 OF THE COASTAL ACT

1. **Relevant Chapter 3 Policies.** The Coastal Act provides:

Section 30240.

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

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. [...]

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

2. **Findings for Approval.** The Commission finds, for the specific reasons detailed below, that the land use plan amendment conforms with Chapter 3 of the Coastal Act.

The City of Carlsbad's Municipal Golf Course was approved on appeal by the Commission in 2003. The golf course has been in operation since 2006. The proposed LCP amendment does not include the proposal for any additional development nor does it proposed any changes to the physical golf course itself. The subject LCP amendment is being proposed to modify the land use designation on portions of the golf course. Currently, the land use designations on the golf course are split between Planned Industrial (PI) and Open Space (OS). The proposed amendment would modify all the land comprising the golf course to Open Space. Currently, the golf course is fully

developed, sensitive resources are protected as preserve HMP lands, and all impacts associated with any grading, development, etc., were addressed and mitigated in association with the Commission's 2003 approval of the golf course development. As such, the proposed land use modifications do not raise any Coastal Act concerns, and can be approved as submitted.

That being said, there are two lots within the golf course property, Lot Nos. 5 & 9 (ref. Exhibit #3), that have not yet been fully improved. The City is proposing to modify the land use on these lots from Open Space and Planned Industrial to Planned Industrial/Office. The City is proposing this redesignation to facilitate the lease/sale of the lots to private entities and subsequent development of golf-related commercial/industrial uses. In addition, Lot 5 was previously identified by the City and reviewed by the Commission as an area that may be used for future private golf-related commercial development opportunities associated with the approval of the golf course permit. However, potential resource concerns remain regarding the change in land use from a designation that restricts the types of permitted development (OS) to a use that will facilitate development (PI/O).

Because the City's golf course is located inland, Coastal Act policies pertaining to ocean resources are not applicable. However, the City's golf course does include a significant amount of Environmentally Sensitive Habitat Area (ESHA) including coastal sage scrub and wetlands. As such, the proposed land use change must be found consistent with the associated Coastal Act policies.

Both Lots 5 & 9 were previously developed with a graded pad and manufactured slopes through the approval of the original golf course. Both lots remain graded, with manufactured slopes, and therefore currently contain no habitat. However, the lots are located adjacent to the HMP preserve and, therefore, sensitive habitat. As previously discussed, there is no development proposed at this time. Therefore, potential resource concerns regarding adequate buffers from adjacent sensitive habitat will be addressed with the future coastal development permits. Additionally, both lots are approximately 3 acres in size, and are surrounded by manufactured slopes. As such, both have sufficient land to accommodate development and adequate buffers. As such, modifying the land use on these lots from Open Space to Planned Industrial/Office will not result in lot configurations/designations in which future development cannot be approved without adversely impacting sensitive habitat. The amendment is therefore consistent with Sections 30240 and 30250 of the Coastal Act.

Because portions of these lots are being modified from Open Space to Planned Industrial/Commercial, subsequent development facilitated by this land use change may result in impacts to water quality. However, as previously discussed, specific drainage and water quality improvements will be required associated with future coastal development permits. Additionally, the Commission previously approved an exhaustive water quality management plan for the golf course, and this amendment will not modify the current water quality management and monitoring activities.

Again, while modifying an open space land use type to a development land use type may raise some concerns, the Commission reviewed and approved previous grading on these lots during the approval of the golf course permit. Additionally, these lands were not identified for preservation associated with the certification of the City's HMP. Again, there is no sensitive habitat on these lots. Therefore, modifying the land use on the Open Space designation of Lot 9 and a portion of Lot 5 to Planned Industrial/Commercial is consistent with the habitat and water quality provisions of the Coastal Act, and the amendment does not raise other coastal resource concerns. As such, the proposed land use redesignations can be found consistent with all applicable policies of the Coastal Act and can be approved as submitted.

PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

Similar to the proposed land use modifications, the implementation plan amendment includes revising the zoning on the City's Municipal golf course. For the portions in the coastal zone, within the exemption of two parcels, the entire golf course is proposed to be zoned Open Space. The two remaining parcels are City-owned, and not currently developed. The proposed implementation plan amendment would modify the entirety of one site (Lot 9) from the Open Space Zone to Planned Industrial/Office (P-M/O) Zone. The second lot (Lot 5) will be modified from two parcels to one. The existing parcels that comprise the lot include Planned Industrial (P-M) and Open Space (OS) zoned lots. As proposed, both lots will be redesignated as P-M/O. As previously discussed, it is the desire of the City to make these lots available for sale or lease to private, golf-related businesses. Again, there is no proposed development associated with the proposed implementation plan changes.

B. FINDINGS FOR APPROVAL

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. As such, the site is subject to the requirements of the City's Mello II land use policies and the policies contained within the Habitat Management Plan.

1. Applicable Land Use Plan Policies

Policy 3-1 of the Mello II LUP states in part:

Certain areas in Carlsbad coastal zone have very high habitat value. These areas are not suitable for farming. These areas exhibit a large number and diversity of both plant and animal species, several of which are threatened because of extensive conversion of mixed Chaparral and Coastal Sage Scrub.....Section 30240(a) of the Coastal Act established a specific mandate for resource prevention. It states in part "(e)nvironmentally sensitive habitat areas shall be protected against any significant

disruption of habitat values...” Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as “any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which should be easily disturbed or degraded by human activities and developments.”

Policy 3-1.2 of the Mello II LUP and 7.1 of the HMP state, in part:

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Policy 3-1.3 of the Mello II LUP and 7-2 of the HMP state, in part:

Coastal Sage Scrub is a resource of particular importance to the ecosystem of the Coastal Zone, due in part to the percentage of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum of 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.

Policy 3-1.9 of the Mello II LUP and 7-8 of the HMP state, in part:

There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Native Grassland, and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.

Policy 3-7 of the Mello II LUP and Section 7-13 of the HMP state, in part:

a. The impact and conservation areas for the municipal golf course are shown as a Hardline design in the HMP (Figure 8 Revised), and which shall serve as the standard of review for determining areas in which development may occur in future. Areas shown for conservation shall not be impacted or disturbed except for revegetation, restoration, and other similar activities related to mitigation. Areas shown for impact may be fully developed with appropriate mitigation.

b. Any impacts to Coastal Sage Scrub shall be mitigated by on-site creation at a ratio of 2:1 in compliance with the no net loss standard stated in Policy 3-1.2 (7-1). Onsite revegetation or restoration may be done on agricultural, disturbed or non-native grassland areas. For impacts to the Coastal California gnatcatcher, additional mitigation shall be provided by acquisition and preservation at a 1:1 ratio of land supporting gnatcatchers. Impacts to dual criteria slopes shall not exceed 10%.

Policy 3.1-12 of the Mello II LUP and Section 7-11 of the HMP state in part:

Buffers should be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:

- a. 100 ft. for wetlands
- b. 50 ft. for riparian areas
- c. 20 ft. for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland).

The HMP Section “F” addresses standards for lands adjacent to development and states in part:

Adjacency Standards. The HMP will result in an urban wildlife preserve system in which conserved habitat areas are adjacent to development of various types. In order to prevent negative effects of either area on the other, these adjacency standards must be addressed in the planning of any development/habitat interface:

- Fire Management
- Erosion Control
- Landscaping restrictions
- Fencing, Signs and lighting
- Predator and exotic species control

2. Adequacy of the Zone Change to Implement the Certified LUP Segments

The proposed amendment will modify the zoning on portions of the City’s municipal golf course. The golf course property includes an 18 hole championship golf course, clubhouse, parking lot, maintenance facilities, driving range, conference center and pads for future industrial/golf related uses. The subject LCP amendment is proposing to modify all the lands currently designated as Planned Industrial (P-M) to Open Space (O-S) with the exception of two lots (Lot Nos. 5 & 9). These two lots will be modified from P-M and O-S to Planned Industrial/Office (PM-I). The intent of these zoning changes is 1) combine the entire golf course into one Open Space zoning designation and; 2) to facilitate future development opportunities on the remaining two lots (Lot Nos. 5& 9).

The golf course is located within the City's Habitat Management Plan and portions of the golf course are part of the City's habitat preserve. The certified HMP was developed by the City to protect the endangered California Gnatcatcher and other listed species by contributing to an interlinked regional preserve system. As such, the proposed zoning redesignation must be found consistent with the City's Habitat Management Plan (HMP) policies.

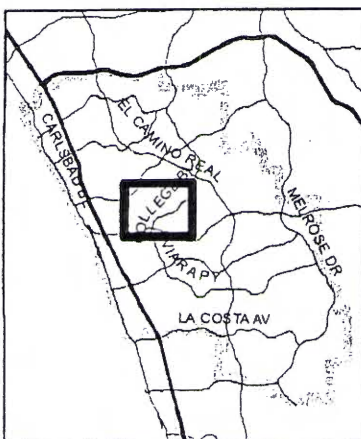
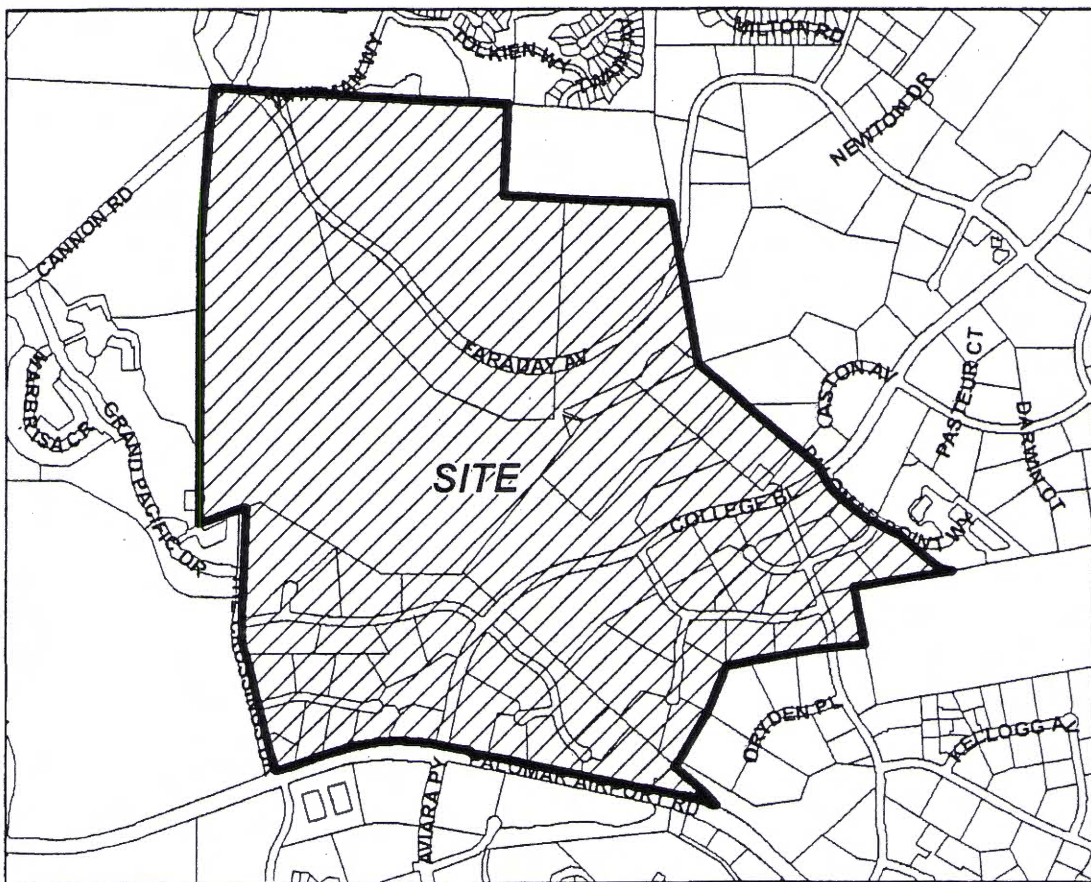
As previously discussed, the majority of the land proposed for rezoning includes modifying the zoning on the golf course and auxiliary structures from Planned Industrial to Open Space. Because the site has already been developed and the LCP amendment is proposing to modify the Planned Industrial portions of the golf course to a more restrictive zoning, there are no LUP consistency concerns associated with this portion of the proposed LCP amendment. The OS zone will appropriately restrict uses to parkland and recreational uses, while protecting all preserve areas consistent with the certified HMP.

The second component includes modifying two lots (Lot Nos. 5 & 9) from Open Space and Planned Industrial to Planned Industrial/Office (P-M/O) in order to facilitate the potential sale/lease and subsequent development of these two locations. Both of these properties were previously developed with graded pads and manufactured slopes associated with the original permitting of the golf course development. As such, neither lot currently contains any sensitive habitat. Therefore, proposing a zoning change that would facilitate development will not result in any direct impacts to environmentally sensitive habitat, consistent with the City's HMP. As previously stated, the HMP preserve is located within areas of the subject LCP amendment. These two lots are not located within the City's preserve but both are located adjacent to preserve lands. As such, approving an industrial/commercial zoning on these lots could result in impacts to sensitive habitat through "edge effects." Edge effects occur when there is a juxtaposition of contrasting environments (urban vs. rural) on an ecosystem. The City's HMP has identified the concerns associated with locating development adjacent to preserve lands. These include increased fire concerns, introduction of exotic species, pets getting introduced as new predators on native fauna, and increased erosion. In response to these concerns, the City developed "Adjacency Standards", which are to be applied to any development proposals located adjacent to the City's preserve. These Adjacency Standards have been certified by the Commission as a part of the City's LUP. Although the zoning on these lots would be modified to a industrial/office zoning designation, any proposed development must also adhere to these adjacency standards. However, no development is proposed at this time. Subsequent development of the lots would require coastal development permits and therefore would also have to meet all adjacency standards. In addition to the adjacency standards, any proposed development on the lots would also need to include adequate buffers. The City's LUP requires a 20' buffer for all native habitats. Both of the lots are approximately 3 acres in size, and are surrounded by manufactured slopes. As such, both have sufficient land to accommodate both development and adequate buffers. As such, the proposed rezoning of Lot Nos. 5 & 9 can therefore be found consistent with the City's LUP as proposed, and can be approved as submitted.

**PART V. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL
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. 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 land use and zoning amendments 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.



SITE MAP




NOT TO SCALE

Carlsbad Municipal Golf Course *MAPPING*
 GPA 09-06 / ZC 09-07 / LCPA 09-06
 SP 181(G) / SP 199(B) / C

EXHIBIT #1

LCPA project location

LCPA #3-10B Golf Course Revisions

 California Coastal Commission

RESOLUTION NO. 2010-262

1
2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, DETERMINING THAT THE
4 PROJECT IS WITHIN THE SCOPE OF A PREVIOUSLY
5 CERTIFIED ENVIRONMENTAL IMPACT REPORT, AND
6 APPROVING A GENERAL PLAN AMENDMENT TO CHANGE
7 THE GENERAL PLAN LAND USE DESIGNATIONS FROM
8 PLANNED INDUSTRIAL (PI) AND OPEN SPACE (OS) TO OS
9 AND A COMBINATION DISTRICT OF PLANNED
10 INDUSTRIAL/OFFICE (PI/O) AND A LOCAL COASTAL
11 PROGRAM AMENDMENT TO CHANGE THE LAND USE AND
12 ZONING DESIGNATIONS FROM PLANNED INDUSTRIAL AND
13 OPEN SPACE TO OPEN SPACE AND A COMBINATION
14 DISTRICT OF PLANNED INDUSTRIAL/OFFICE ON PROPERTY
15 GENERALLY LOCATED NORTH OF PALOMAR AIRPORT
16 ROAD, EAST AND WEST OF COLLEGE BOULEVARD, AND
17 SOUTH OF FARADAY AVENUE WITHIN THE BOUNDARIES OF
18 THE CITY OF CARLSBAD MUNICIPAL GOLF COURSE IN
19 LOCAL FACILITIES MANAGEMENT ZONES 5 AND 8.

CASE NAME: CARLSBAD MUNICIPAL GOLF COURSE
MAPPING

CASE NO.: GPA 09-06/LCPA 09-06

20
21 The City Council of the City of Carlsbad, California, does hereby resolve as
22 follows:

23 WHEREAS, pursuant to the provisions of the Municipal Code, the Planning
24 Commission did, on September 15, 2010, hold a duly noticed public hearing as prescribed by
25 law to consider the General Plan Amendment GPA 09-06, according to Exhibit "GPA 09-06"
26 attached to Planning Commission Resolution No. 6715 and incorporated herein by reference,
27 and Local Coastal Program Amendment LCPA 09-06, according to Exhibit "LCPA 09-06"
28 attached to Planning Commission Resolution No. 6717 and incorporated herein by reference, to
change the General Plan and Local Coastal Program Land Use designations from Planned
Industrial (PI) and Open Space (OS) to Open Space (OS) and a combination district of Planned
Industrial/Office (PI/O), and the Local Coastal Program Zoning designation from Planned
Industrial (PI) and Open Space (OS) to Open Space (OS) and a combination district of Planned
Industrial/Office (P-M/O), and the Planning Commission adopted Planning Commission
Resolutions No. 6715, 6716, and 6717 recommending to the City Council that they be
approved; and

EXHIBIT #2

Resolution of Approval

LCPA #3-10B Golf Course Revisions



California Coastal Commission

1 WHEREAS, the City Council of the City of Carlsbad, on the 30th day of
2 November, 2010, held a duly noticed public hearing to consider said determination
3 that the project is within the scope of a previously certified Environmental Impact Report,
4 General Plan Amendment, and Local Coastal Program Amendment; and

5 WHEREAS, at said public hearing, upon hearing and considering all testimony
6 and arguments, if any, of all persons desiring to be heard, the City Council considered all factors
7 relating to the determination that the project is within the scope of a previously certified
8 Environmental Impact Report, General Plan Amendment, and Local Coastal Program
9 Amendment.

10 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City
11 of Carlsbad as follows:

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

13 2. That the recommendation of the Planning Commission for the
14 determination that the project is within the scope of a previously certified Environmental Impact
15 Report, and approval of a General Plan Amendment (GPA 09-06) and Local Coastal Program
16 Amendment (LCPA 09-06) are adopted and approved, and that the findings and conditions of
the Planning Commission contained in Planning Commission Resolutions No. 6715, 6716, and
6717 on file with the City Clerk and incorporated herein by reference, are the findings and
conditions of the City Council.

17 3. That the application for a General Plan Amendment to change the Land
18 Use designation from Planned Industrial (PI) and Open Space (OS) to a combination district of
Planned Industrial/Office (PI/O) and Open Space on property generally located north of Palomar
19 Airport Road, east and west of College Boulevard, and south of Faraday Avenue within the
boundaries of the City of Carlsbad Municipal Golf Course as shown in Planning Commission
20 Resolution No. 6715, is hereby accepted and approved, and shall be effective no sooner than
thirty days after its adoption, but not until LCPA 09-06 is approved by the California Coastal
21 Commission.

22 4. That the approval of LCPA 09-06 to change the Local Coastal Program
Land Use designation from Planned Industrial (PI) and Open Space (OS) to a combination
23 district of Planned Industrial/Office (PI/O) and Open Space and to change the Local Coastal
Program Zoning designation from Planned Industrial (P-M) and Open Space (OS) to a
24 combination district of Planned Industrial/Office (P-M/O) and Open Space (OS) shall not
become effective until it is approved by the California Coastal Commission and the California
25 Coastal Commission's approval becomes effective.

26 ///

27 ///

1 5. This action is final the date this resolution is adopted by the City Council
2 and is subject to the approval of the LCPA 09-06 by the California Coastal Commission. The
3 Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review"
4 shall apply:

5 "NOTICE TO APPLICANT"

6 The time within which judicial review of this decision must be sought is governed
7 by Code of Civil Procedure, Section 1094.6, which has been made applicable in
8 the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or
9 other paper seeking review must be filed in the appropriate court not later than
10 the ninetieth day following the date on which this decision becomes final;
11 however, if within ten days after the decision becomes final a request for the
12 record is filed with a deposit in an amount sufficient to cover the estimated cost
13 or preparation of such record, the time within which such petition may be filed in
14 court is extended to not later than the thirtieth day following the date on which the
15 record is either personally delivered or mailed to the party, or his attorney of
16 record, if he has one. A written request for the preparation of the record of the
17 proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad
18 Village Drive, Carlsbad, CA. 92008."

19 PASSED AND ADOPTED at a special meeting of the City Council of the City of
20 Carlsbad on the 30th day of November, 2010, by the following vote, to wit:

21 AYES: Council Members Lewis, Kulchin, Hall, Packard and Blackburn.

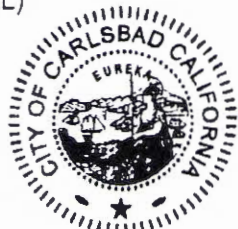
22 NOES: None.

23 ABSENT: None.

24 *Signature on file* *Signature on file*
25 *S.* *S.*
26 _____
27 CLAUDE A. LEWIS, Mayor

28 ATTEST:
29 *Signature on file* *Signature on file*
30 *S.* *S.*
31 _____
32 LORRAINE M. WOOD, City Clerk

33 (SEAL)



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CASE NAME: CARLSBAD MUNICIPAL GOLF COURSE
MAPPING
CASE NO: LCPA 09-06

WHEREAS, **the City of Carlsbad**, “Developer and Owner,” has filed a verified application for an amendment to the Local Coastal Program designations regarding property described as

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit **LCPA 09-06** dated **September 15, 2010**, attached

1 hereto, as provided in Public Resources Code Section 30514 and Section 13551 of California
2 Code of Regulations Title 14, Division 5.5; and

3 WHEREAS, the Planning Commission did on **September 15, 2010**, hold a duly
4 noticed public hearing as prescribed by law to consider said request; and

5 WHEREAS, at said public hearing, upon hearing and considering all testimony
6 and arguments, if any, of all persons desiring to be heard, said Commission considered all factors
7 relating to the Local Coastal Program Amendment; and

8 WHEREAS, State Coastal Guidelines requires a six-week public review period
9 for any amendment to the Local Coastal Program.

10 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
11 Commission of the City of Carlsbad, as follows:

- 12 A) That the foregoing recitations are true and correct.
- 13 B) At the end of the State-mandated six-week review period, starting on **May 7,**
14 **2010** and ending on **June 18, 2010**, staff shall present to the City Council a
15 summary of any comments received, if any.
- 16 C) That based on the evidence presented at the public hearing, the Commission
17 **RECOMMENDS APPROVAL** of **CARLSBAD MUNICIPAL GOLF**
18 **COURSE MAPPING – LCPA 09-06** based on the following findings, and
19 subject to the following conditions:

20 **Findings:**

- 21 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is
22 in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies
23 of the **Mello II** segment of the Carlsbad Local Coastal Program not being amended by
24 this amendment, in that **the proposed Local Coastal Program PI/O land use**
25 **designation and P-M/O zoning designation is consistent with the proposed Planned**
26 **Industrial/Office (PI/O) General Plan Land Use designation and the Planned**
27 **Industrial/Office (P-M/O) zoning designation; the development does not obstruct**
28 **public views of the coastline as seen from public lands or rights-of-way; the project**
complies with erosion and storm water control measures; sensitive resources are
protected onsite, public access includes a portion of the Carlsbad citywide trail
system, no water oriented recreational activities exist on or near the site; and the
site is located 2,200 feet from the water's edge of Agua Hedionda Lagoon and 1.3
miles from the Pacific Ocean. The Carlsbad Municipal Golf Course was approved
by Conditional Use Permit 97-07 and constructed on property with a General Plan

1 **Land Use designation and Zoning of Planned Industrial and Open Space. The**
2 **Local Coastal Program Amendment changes all but 18.5 acres of the existing**
3 **Planned Industrial designations to Open Space, changes .843 acres of Open Space to**
4 **Planned Industrial, and 2.7 acres of Open Space to Planned Industrial/Office and**
5 **results in a net increase in both General Plan Land Use and Zoning Open Space**
6 **over the entire project property of 186.53 acres.**

7 2. That the proposed amendment to the **Mello II** segment of the Carlsbad Local Coastal
8 Program is required to bring **the property's Local Coastal Program Land Use and**
9 **Zoning designations** into consistency with **the City's General Plan Land Use and**
10 **Zoning designations.**

11 3. The Planning Director has determined that:

12 a. the project is a(n) subsequent activity of a project for which an EIR was prepared
13 (City of Carlsbad Municipal Golf Course EIR 97-01), and a notice for the activity has
14 been given, which includes statements that this activity is within the scope of the EIR
15 approved earlier, and that the EIR adequately describes the activity for the purposes
16 of CEQA) [15168(c)(2) and (e)];

17 b. this project is consistent with the **project** cited above;

18 c. EIR **97-01** was certified in connection with the prior project; and

19 d. the project considered the change of Zoning and General Plan Land Use and has no
20 new significant environmental effect not analyzed as significant in the prior **EIR 97-**
21 **01;**

22 e. none of the circumstances requiring a Subsequent EIR or a Supplemental EIR under
23 CEQA Guidelines Sections 15162 or 15163 exist.

24 4. The Planning Commission has reviewed each of the exactions imposed on the Developer
25 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
26 to mitigate impacts caused by or reasonably related to the project, and the extent and the
27 degree of the exaction is in rough proportionality to the impact caused by the project

28 **Conditions:**

1 1. If any of the following conditions fail to occur, or if they are, by their terms, to be
2 implemented and maintained over time, if any of such conditions fail to be so
3 implemented and maintained according to their terms, the City shall have the right to
4 revoke or modify all approvals herein granted; deny or further condition issuance of all
5 future building permits; deny, revoke, or further condition all certificates of occupancy
6 issued under the authority of approvals herein granted; record a notice of violation on the
7 property title; institute and prosecute litigation to compel their compliance with said
8 conditions or seek damages for their violation. No vested rights are gained by Developer
9 or a successor in interest by the City's approval of this **Local Coastal Program**
10 **Amendment.**

2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Local Coastal Program Amendment** documents, as necessary to make them internally consistent and in conformity with the final action on the project. Development shall occur substantially as shown on the approved Exhibits. Any proposed development, different from this approval, shall require an amendment to this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval of this **Local Coastal Program Amendment**, (b) City's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. This approval is granted subject to the approval of **GPA 09-06, ZC 09-07, SP 181(G), and SP 199(B)** and is subject to all conditions contained in Planning Commission Resolutions No. **6715, 6716 and 6718** for those other approvals incorporated herein by reference.
7. Developer shall implement, or cause the implementation of, the CARLSBAD MUNICIPAL GOLF COURSE – **EIR 97-07** Project Mitigation Monitoring and Reporting Program.

1 PASSED, APPROVED, AND ADOPTED at a regular meeting to the Planning
2 Commission of the City of Carlsbad, held on **September 15, 2010**, by the following vote, to wit:

3 AYES: Chairperson Douglas, Commissioners Baker, L'Heureux,
4 Nygaard, and Schumacher

5 NOES:

6 ABSENT: Commissioners Dominguez and Montgomery

7 ABSTAIN:
8
9

10 *Signature on file*

11 
12 FARRAH G. DOUGLAS, Chairperson
CARLSBAD PLANNING COMMISSION

13 ATTEST:
14

15 *Signature on file*


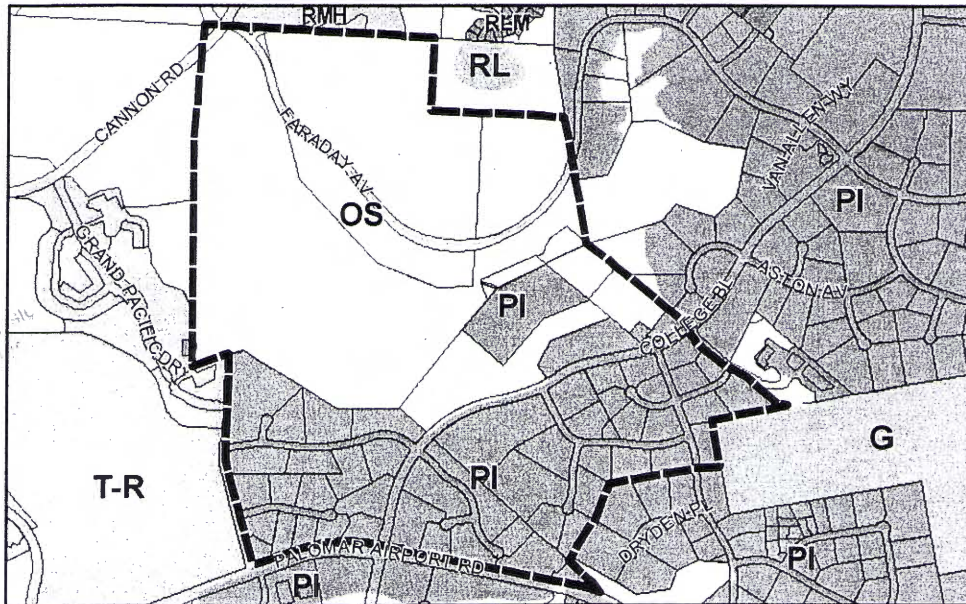
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17 DON NEU
Planning Director
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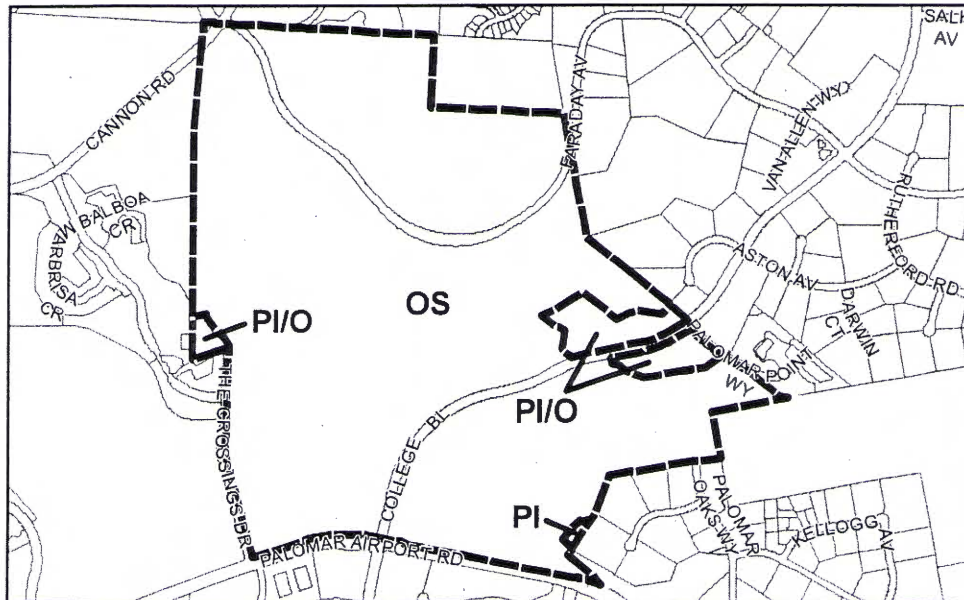
Exhibit "LCPA 09-06"

September 15, 2010

LCPA 09-06 (Land Use) Carlsbad Municipal Golf Course Mapping



EXISTING



PROPOSED

Related Case File No(s): GPA 09-06/ZC 09-07/CT 09-03

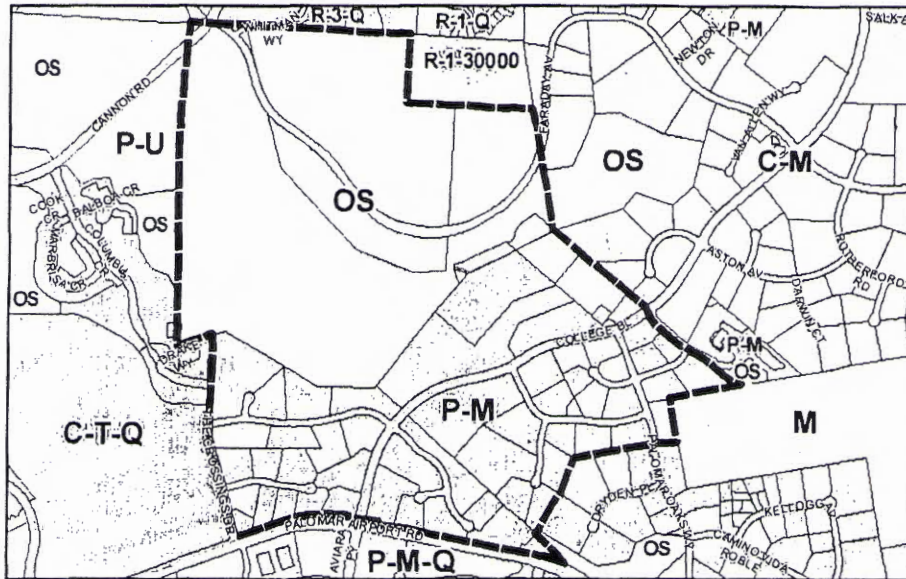
LCPA Land Use Designation Changes

Property	From:	To:
A. 212-041-12 thru 37	PI	OS
B. 212-081-01 thru 03	PI	OS
C. 212-081-10 thru 15	PI	OS
D. 212-082-01 thru 04	PI	OS
E. 212-082-06 thru 09	PI	OS
F. 212-081-04 thru 09	PI	PI/OS
G. 212-081-16 thru 18	PI	PI/OS
H. 212-082-05	PI	PI/OS
I. 212-081-20	OS	OS/PI
J. 212-082-10	OS	OS/PI
K. 212-010-15	OS	OS/PI
L. 212-010-15	OS	PI/O
M. 212-081-05	OS	PI/O
N. 212-081-17	OS	PI/O

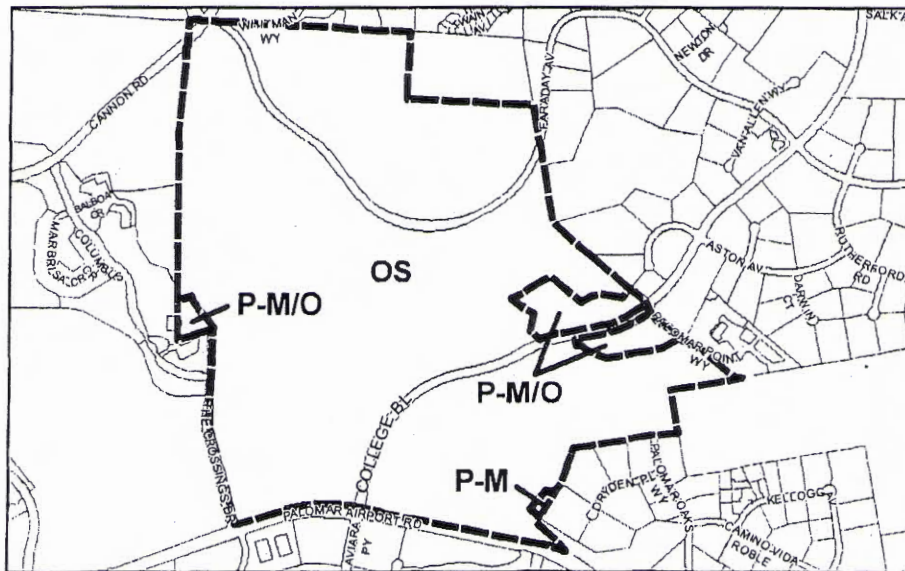
Exhibit "LCPA 09-06"

September 15, 2010

LCPA 09-06 (Zoning) Carlsbad Municipal Golf Course Mapping



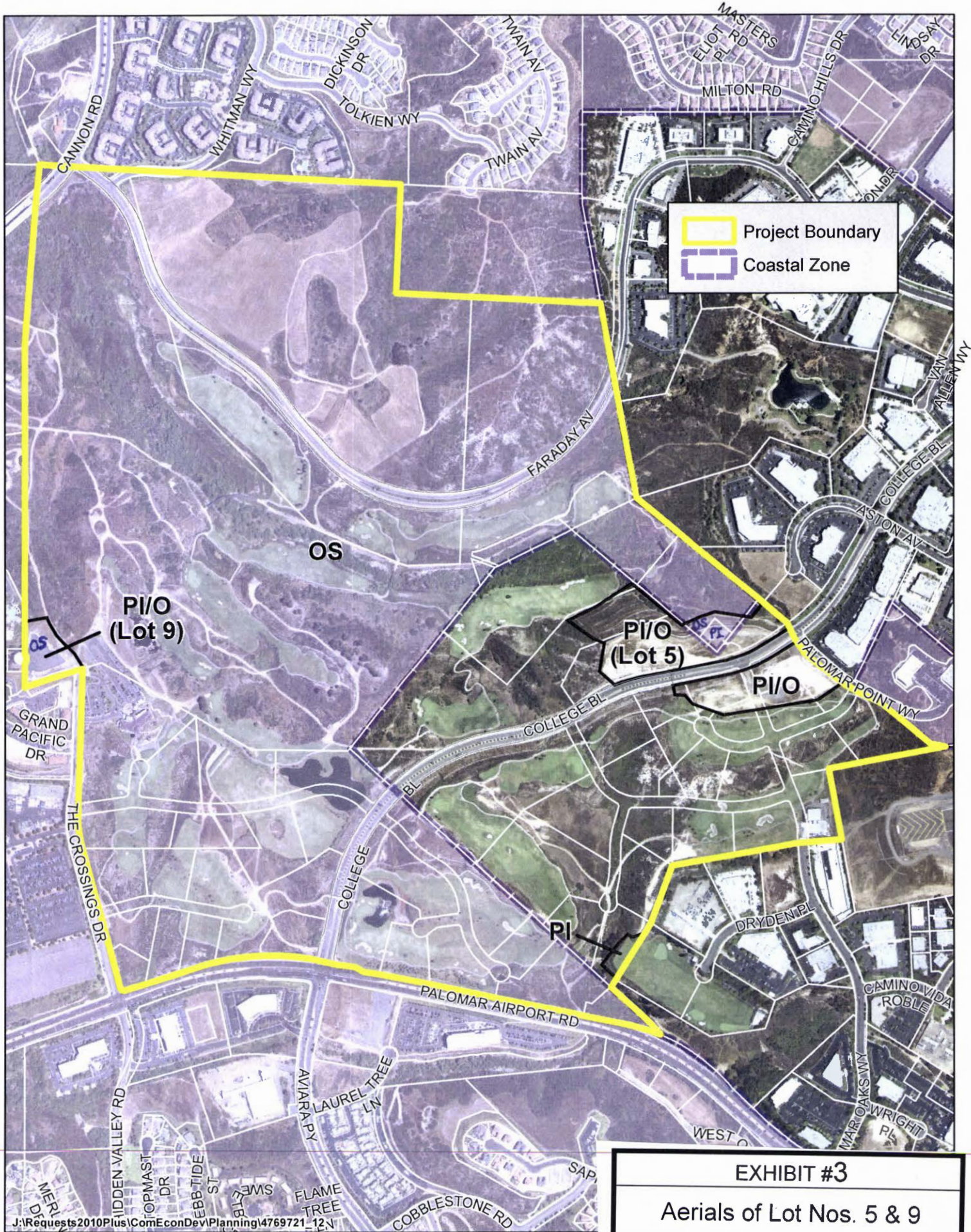
EXISTING



PROPOSED

Related Case File No(s): GPA 09-06/ZC 09-07/CT 09-03

LCPA Zoning Designation Changes		
Property	From:	To:
A. 212-041-12 thru 37	P-M	OS
B. 212-081-01 thru 03	P-M	OS
C. 212-081-10 thru 15	P-M	OS
D. 212-082-01 thru 04	P-M	OS
E. 212-082-06 thru 09	P-M	OS
F. 212-081-04 thru 09	P-M	P-M/OS
G. 212-081-16 thru 18	P-M	P-M/OS
H. 212-082-05	P-M	P-M/OS
I. 212-082-10	P-M	P-M/OS
J. 212-081-20	OS	OS/P-M
K. 212-010-15	OS	OS/P-M
L. 212-010-15	OS	P-M/O
M. 212-081-05	OS	P-M/O
N. 212-081-17	OS	P-M/O



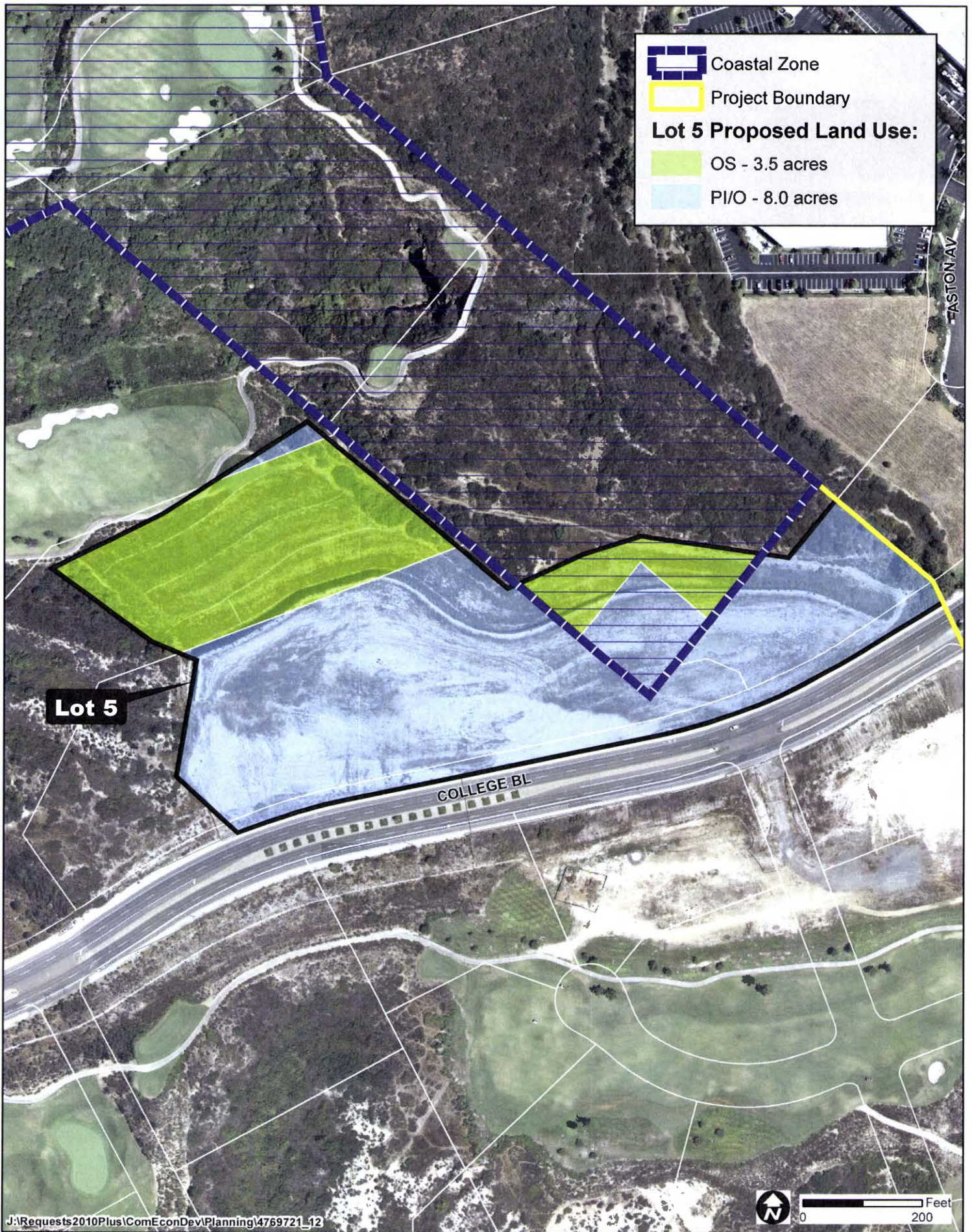
Carlsbad Municipal Golf Course - Proposed Layout

EXHIBIT #3

Aerials of Lot Nos. 5 & 9

LCPA #3-10B Golf Course Revisions

California Coastal Commission



Carlsbad Municipal Golf Course - Lot 5 Proposed Land Use



Carlsbad Municipal Golf Course - Lot 9 Proposed Land Use