

CALIFORNIA COASTAL COMMISSION

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



July 27, 2016

Th15c

TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: JOHN AINSWORTH, ACTING EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Carlsbad, certifying the City's Local Coastal Program Amendment No. LCP-6-CAR-15-0034-2 (General Plan Update/LCP Map Revisions), is adequate to effectively certify its local coastal program (for Commission review at its meeting of August 11, 2016)

BACKGROUND

At its May 11, 2016 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment No. LCP-6-CAR-15-0034-2, regarding revisions to both the Land Use Plan and Implementation Plan components of the certified LCP, including numerous land use and zoning map revisions and text revisions to several Zoning Code sections to eliminate references to the RHNA base density requirement, reduce the minimum density of mixed-use development in the C-1, C-2, and C-L zones, and allow professional care facilities in the O zone. By its actions adopting Resolution No. 2016-150 on July 12, 2016 and Ordinance No. CS-302 on July 26, 2016, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The nine modifications add map notes on the LCP Land Use and Zoning Maps related to the Open Space land use and zoning boundary in the Terramar neighborhood, apply the Visitor Commercial land use designation and the Commercial Tourist zone to two hotel parcels, retain the Travel Services Commercial land use designation on the Strawberry Fields parcel, retain the Public Utilities land use designation on the power plant parcel, retain the One-Family Residential zone on fourteen parcels along Willow Place, retain the Open Space zone on the north shore of Batiquitos Lagoon, and add a map note to the LCP Zoning Map clarifying that the Commission retains permitting authority in areas of deferred certification.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Carlsbad is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



August 15, 2016

Mayor Hall
City of Carlsbad
City Hall
1200 Carlsbad Village Drive
Carlsbad, CA 92008

RE: Certification of the City of Carlsbad Local Coastal Program Amendment
No. LCP-6-CAR-15-0034-2 (General Plan Update/LCP Map Revisions)

Dear Mayor Hall:

The California Coastal Commission has reviewed the City's Resolution No. 2016-150 and Ordinance No. CS-302 together with the Commission's action of May 11, 2016 certifying City of Carlsbad Local Coastal Program Amendment No. LCP-6-CAR-15-0034-2 pertaining to revisions to the LCP Land Use and Zoning Maps and text revisions to several Zoning Code sections to eliminate references to the RHNA base density requirement, reduce the minimum density of mixed-use developments in the C-1, C-2, and C-L zones, and allow professional care facilities in the O zone. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of August 10-12, 2016.

By its actions on July 12, 2016 and July 26, 2016, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The nine modifications add map notes on the LCP Land Use and Zoning Maps related to the Open Space land use and zoning boundary in the Terramar neighborhood, apply the Visitor Commercial land use designation and the Commercial Tourist zone to two hotel parcels, retain the Travel Services Commercial land use designation on the Strawberry Fields parcel, retain the Public Utilities land use designation on the power plant parcel, retain the One-Family Residential zone on fourteen parcels along Willow Place, retain the Open Space zone on the north shore of Batiquitos Lagoon, and add a map note to the LCP Zoning Map clarifying that the Commission retains permitting authority in areas of deferred certification.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

John Ainsworth
Acting Executive Director

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RESOLUTION NO. 2016-150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION INCLUDING SUGGESTED MODIFICATIONS FOR LCPA 07-02, AND APPROVING THE ASSOCIATED AMENDMENTS TO THE LOCAL COASTAL PROGRAM LAND USE MAP (LCPA 07-02) AND GENERAL PLAN LAND USE MAP (GPA 07-02).

CASE NAME: GENERAL PLAN UPDATE
 CASE NO.: LCPA 07-02/ GPA 07-02

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

WHEREAS, on September 22, 2015, the City Council approved a comprehensive General Plan update, including associated amendments to the Local Coastal Program land use map and the zoning map (LCPA 07-02/ZC 15-02); and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on November 9, 2015, the city submitted an application to the Coastal Commission requesting to amend the Carlsbad Local Coastal Program pursuant to LCPA 07-02; and

WHEREAS, on April 27, 2016, the city requested that the Coastal Commission defer its decision on three components of the city's Local Coastal Program amendment application, described as follows:

Deferred Item	Proposed LCP Amendment	Reason to Defer Coastal Commission Decision
Marja Acres	Change LCP land use from: RLM (0-4 du/ac)/L (Local Shopping Center) to R-15 (8-15 du/ac)/GC (General Commercial) and Change LCP zoning from: RA-10,000 (Residential Agriculture) (General Commercial) to RD-M (Residential Density Multiple)/C-2 (General Co	At the request of Coastal Commission staff, additional time is needed to adequately evaluate LCP agriculture policies that may relate to this property. This land use and

Item # 12-AB#22,349

EXHIBIT NO. 1

Resolution

LCP-6-CAR-15-0034-2 (General Plan Update/LCP Map Revisions)

California Coastal Commission

<p>Zoning in Deferred LCP Certification Areas</p>	<p>To ensure consistency with proposed land use designations, change the zoning on various properties within the Agua Hedionda LCP segment and 10 parcels within the Mello II segment.</p>	<p>There is no certified LCP implementation plan for these properties; therefore, as determined by Coastal Commission staff, LCP zoning does not technically exist and cannot be changed. The proposed LCP zoning will be incorporated as part of the city's comprehensive LCP update (currently in process), which will include an implementation plan for these properties.</p>
<p>Residential in C-T Zone</p>	<p>Add residential as a permitted use within the C-T (Commercial Tourist) Zone, provided the residential use is located above the ground floor and the residential use is secondary/accessory to the primary visitor-serving commercial use.</p>	<p>At the request of Coastal Commission staff, additional time is needed to evaluate the proposal. This proposal will be incorporated with the city's comprehensive LCP update.</p>

WHEREAS, on May 11, 2016, the California Coastal Commission approved the city's Local Coastal Program Amendment (LCPA 07-02); and on May 16, 2016, the city received a letter dated May 13, 2016 from the California Coastal Commission, attached hereto as Attachment 1A, that certifies (resolution of certification) the Coastal Commission's approval of the city's Local Coastal Program amendment (LCPA 07-02), subject to nine suggested modifications; and

WHEREAS, acceptance of the California Coastal Commission's suggested modifications, as set forth in Attachment 1A attached hereto, is necessary to comply with the California Coastal Act and California Administrative Code; and

WHEREAS, the City Council did on the 12th day of July, hold a duly noticed public hearing as prescribed by law to consider said request.

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

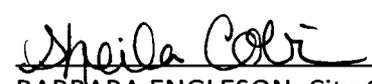
1. The foregoing recitations are true and correct.

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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 12th of July, 2016, by the following vote to wit:

AYES: Hall, Wood, Schumacher, Blackburn, Packard.
NOES: None.
ABSENT: None.


MATT HALL, Mayor


BARBARA ENGLERSON, City Clerk



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ORDINANCE NO. CS-302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AMENDMENTS TO THE ZONING MAP (LCPA 07-02/ZC 15-02) PURSUANT TO THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LOCAL COASTAL PROGRAM AMENDMENT (LCPA 07-02).

CASE NAME: GENERAL PLAN UPDATE

CASE NO.: LCPA 07-02/ZC 15-02

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

WHEREAS, on September 22, 2015, the City Council approved a comprehensive General Plan update, including associated amendments to the Local Coastal Program and zoning map (LCPA 07-02/ZC 15-02); and

WHEREAS, the California Coastal Act requires Coastal Commission certification of any local coastal program amendment; and

WHEREAS, on November 9, 2015, the city submitted an application to the Coastal Commission requesting to amend the Carlsbad Local Coastal Program pursuant to LCPA 07-02; and

WHEREAS, on April 27, 2016, the city requested that the Coastal Commission defer its decision on three components of the city's Local Coastal Program amendment application, described as follows:

Deferred Item	Proposed LCP Amendment	Reason to Defer Coastal Commission Decision
Marja Acres	Change LCP land use from: RLM (0-4 du/ac)/L (Local Shopping Center) to R-15 (8-15 du/ac)/GC (General Commercial) and Change LCP zoning from: RA-10,000 (Residential Agriculture)/C-2 (General Commercial) to RD-M (Residential Density Multiple)/C (General Commercial)	At the request of Coastal Commission staff, additional time is needed to adequately evaluate LCP agriculture policies that may relate to this property. This land use and zone change will continue to be processed and brought to the Coastal
Zoning in Deferred	To ensure consistency with pro use designations, change the z	

EXHIBIT NO. 2
Ordinance
LCP-6-CAR-15-0034-2 (General Plan Update/LCP Map Revisions)
California Coastal Commission

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LCP Certification Areas	various properties within the Agua Hedionda LCP segment and 10 parcels within the Mello II segment.	properties; therefore, as determined by Coastal Commission staff, LCP zoning does not technically exist and cannot be changed. The proposed LCP zoning will be incorporated as part of the city's comprehensive LCP update (currently in process), which will include an implementation plan for these properties.
Residential in C-T Zone	Add residential as a permitted use within the C-T (Commercial Tourist) Zone, provided the residential use is located above the ground floor and the residential use is secondary/accessory to the primary visitor-serving commercial use.	At the request of Coastal Commission staff, additional time is needed to evaluate the proposal. This proposal will be incorporated with the city's comprehensive LCP update.

WHEREAS, on May 11, 2016, the California Coastal Commission approved the city's Local Coastal Program Amendment (LCPA 07-02); and on May 16, 2016, the city received a letter dated May 13, 2016 from the California Coastal Commission (Attachment 1A of City Council Resolution No. 2016-150) that certifies (resolution of certification) the Coastal Commission's approval of the city's Local Coastal Program amendment (LCPA 07-02), subject to nine suggested modifications; and

WHEREAS, acceptance of the California Coastal Commission's suggested modifications are necessary to comply with the California Coastal Act and California Administrative Code; and

WHEREAS, the City Council did on the 12th day of July, 2016, hold a duly noticed public hearing as prescribed by law to consider said request.

NOW, THEREFORE, the City Council of the City of Carlsbad ordains as follows:

SECTION I: That Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map and the Local Coastal Program Zoning Map are amended as shown on Attachment 2A updated May 2016, attached hereto.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of

Carlsbad on the 26th day of July, 2016, by the following vote, to wit:

AYES: Hall, Wood, Schumacher, Blackburn, Packard.

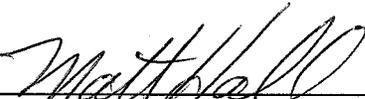
NOES: None.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:



CELIA A. BREWER, City Attorney

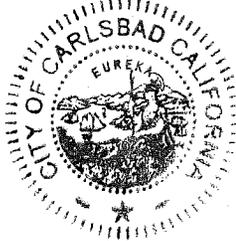


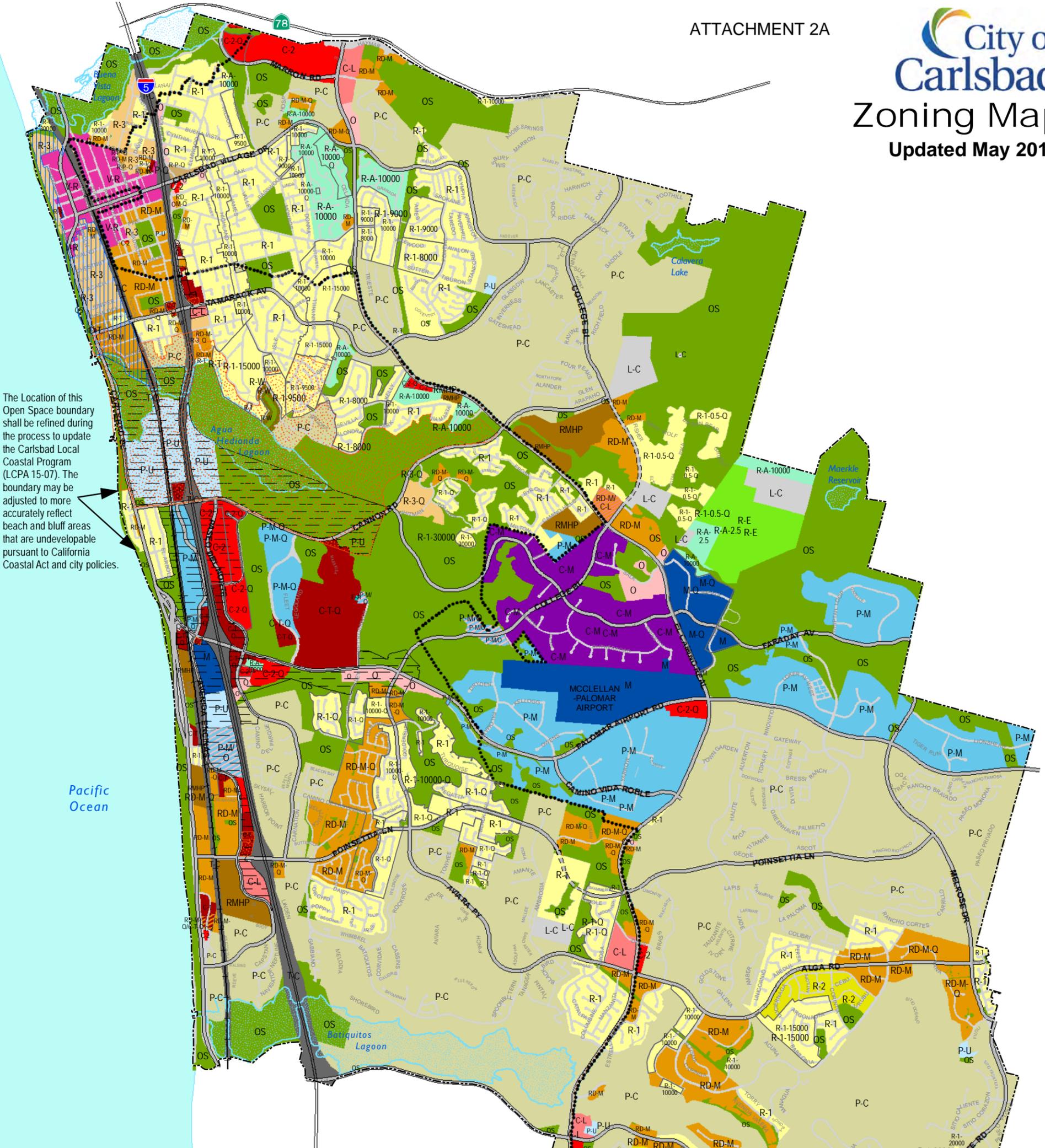
MATT HALL, Mayor

ATTEST:



BARBARA ENGLERSON, City Clerk





The Location of this Open Space boundary shall be refined during the process to update the Carlsbad Local Coastal Program (LCPA 15-07). The boundary may be adjusted to more accurately reflect beach and bluff areas that are undevelopable pursuant to California Coastal Act and city policies.

- Zoning:**
- E-A, Exclusive Agriculture
 - R-A, Residential Agriculture
 - R-E, Rural Residential Estate
 - R-1, One Family Residential
 - R-2, Two Family Residential
 - R-3, Multi Family Residential
 - RD-M, Residential Density - Multiple
 - RD-M/C-L, Res Density - Multiple/Local Shop. Center
 - RMHP, Residential Mobile Home Park
 - R-T, Residential Tourist
 - R-W, Residential Waterway
 - R-P-Q, Residential Professional
 - O, Office
 - C-L, Local Shopping Center
 - C-1 or C-2, General Neighborhood Commercial
 - C-T, Commercial Tourist
 - RD-M/C-T, Comm Tourist/Res Density - Multiple
 - C-M, Heavy Commercial
 - M, Industrial
 - P-M, Planned Industrial
 - P-M/O, Planned Industrial/Office
 - P-U, Public Utility
 - V-R, Village Review
 - P-C, Planned Community
 - L-C, Limited Control
 - OS, Open Space
 - T-C, Transportation Corridor

- Deferred Certification Area*
- Beach Overlay Zone
- Commercial Visitor Serving Overlay Zone
- Coastal Zone**
- Highway
- Major Street
- Planned Street
- Railroad
- Lagoon
- Right of Way
- City Limits

* Within the deferred certification areas, the zoning classifications shown on this map are not certified by the California Coastal Commission. Until a Local Coastal Program implementation plan is certified by the California Coastal Commission for these areas, the California Coastal Commission retains authority to issue coastal development permits for development on these properties. The California Coastal Commission will utilize the city's zoning, as shown on this map, as a guide when evaluating proposed coastal development permits within these areas.

** The area depicted within the Coastal Zone constitutes the Carlsbad Local Coastal Program Zoning Map.