

CALIFORNIA COASTAL COMMISSION

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



August 24, 2016

Th9a

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-16-0015-2 Part A (Westin Hotel and Timeshare), is adequate to effectively certify its local coastal program (for Commission review at its meeting of September 8, 2016)

BACKGROUND

At its July 13, 2016 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment No. LCP-6-CAR-16-0015-2 Part A, regarding revisions to both the Land Use Plan and Implementation Plan components of the certified LCP, including modifying the land use designation and zoning on two parcels (APNs 212-271-02 and 211-023-07), incorporating these parcels into the Carlsbad Ranch Specific Plan and new Planning Area 5A, and text revisions to the Carlsbad Ranch Specific Plan development standards applicable to Planning Areas 5 and 5A. By its action adopting Resolution No. 2016-178 on August 23, 2016 the City Council has acknowledged and accepted the Commission's suggested modification. The modification adds a new policy to the Mello II LCP addressing lower cost visitor and recreational facilities. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

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



September 12, 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-16-0015-2 Part A (Westin Hotel and Timeshare)

Dear Mayor Hall:

The California Coastal Commission has reviewed the City's Resolution No. 2016-178 together with the Commission's action of July 13, 2016 certifying City of Carlsbad Local Coastal Program Amendment No. LCP-6-CAR-16-0015-2 Part A modifying the land use designation and zoning on two parcels (APNs 212-271-02 and 211-023-07), incorporating these parcels into the Carlsbad Ranch Specific Plan and new Planning Area 5A, and revising text of the Carlsbad Ranch Specific Plan development standards applicable to Planning Areas 5 and 5A. 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 September 7-9, 2016.

By its action on August 23, 2016, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including the suggested modification. The modification adds a new policy to the Mello II LCP addressing lower cost visitor and recreational facilities. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

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

RESOLUTION NO. 2016-178

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION'S RESOLUTION OF CERTIFICATION INCLUDING A SUGGESTED MODIFICATION FOR LCPA 14-03, AND APPROVING THE ASSOCIATED SUGGESTED MODIFICATION TO THE LOCAL COASTAL PROGRAM.

CASE NAME: WESTIN HOTEL AND TIMESHARE
 CASE NO.: LCPA 14-03

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

WHEREAS, on February 23, 2016, the City Council approved the Westin Hotel and Timeshare project, including associated amendments to the Local Coastal Program (LCPA 14-03);

and

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

WHEREAS, on March 18, 2016, the city submitted an application to the Coastal Commission requesting to amend the Carlsbad Local Coastal Program pursuant to LCPA 14-03;

and

WHEREAS, on July 13, 2016, the California Coastal Commission approved the city's Local Coastal Program Amendment (LCPA 14-03); and on July 20, 2016, the city received a letter dated July 14, 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 14-03), subject to a suggested modification; and

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

EXHIBIT NO. 1

Resolution

LCP-6-CAR-16-0015-2 Part A (Westin Hotel and Timeshare)



California Coastal Commission

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

WHEREAS, the City Council did on the day 23rd of August, 2016 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.
2. The City of Carlsbad acknowledges receipt of the California Coastal Commission’s resolution of certification including a suggested modification for Local Coastal Program amendment – LCPA 14-03, as set forth in Attachment 1A attached hereto.
3. The Local Coastal Program Land Use Plan Mello II, Chapter II-2 is amended (LCPA 14-03), as shown on Attachment 1B updated August 2016, attached hereto.

EFFECTIVE DATE: The approval of LCPA 14-03 shall not be effective until the Executive Director of the California Coastal Commission certifies that implementation of LCPA 14-03 will be consistent with the Coastal Commission’s suggested modifications for LCPA 14-03.

///
///
///
///
///
///
///
///
///
///

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

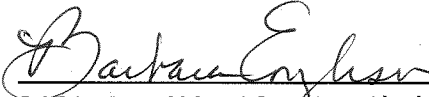
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on the 23rd day of August 2016, by the following vote, to wit:

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



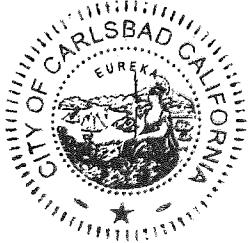
MATT HALL, Mayor

ATTEST:



BARBARA ENGLESON, City Clerk

(SEAL)



CALIFORNIA COASTAL COMMISSION

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



July 14, 2016

Mr. Christer Westman
City of Carlsbad
Planning Department
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Certification of City of Carlsbad LCP Amendment No. LCP-6-CAR-16-0015-2 Part A (Westin Hotel and Timeshare)

Dear Mr. Westman:

On July 13, 2016, the California Coastal Commission approved the above referenced amendment to the City of Carlsbad's Local Coastal Program (LCP). The amendment involves revisions to both the Land Use and Implementation Plan components of the certified LCP, including modifying the land use designation and zoning on two parcels (APNs 212-271-02 and 211-023-07), incorporating these parcels into the Carlsbad Ranch Specific Plan as new Planning Area 5A, and text revisions to the Carlsbad Ranch Specific Plan development standards applicable to Planning Areas 5 and 5A.

The Commission approved the LCP amendment with one suggested modification that addresses lower cost visitor and recreational facilities. The attached modifications contain the specific changes adopted by the Commission.

Before the amendment request can become effectively certified, the Executive Director must determine that implementation of the approved amendment will be consistent with the Commission's certification order. This is necessary because the amendment was certified with suggested modifications.

In order for the Executive Director to make this determination, the local government must formally acknowledge receipt of the Commission's resolution of certification, including any terms or suggested modifications; and take any formal action which is required to satisfy them, such as rezonings or other ordinance revisions. This certification must also include production of new Mello II LCP policy text demonstrating that the amendment, as approved by the Commission and accepted by the City, will be incorporated into the City's certified Local Coastal Program immediately upon concurrence by the Commission of the Executive Director's determination.

As soon as the necessary documentation is received in this office and accepted, the Executive Director will report his/her determination to the Commission at its next regularly scheduled public hearing. If you have any questions about the Commission's action or this final certification procedure, please contact our office. Thank you and the other staff members who worked on this planning effort. We remain available to assist you and your staff in any way possible to continue the successful implementation of the local coastal program.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabriel Buhr'.

Gabriel Buhr
Coastal Program Manager

July 14, 2016
Page 2

**CITY OF CARLSBAD LCP AMENDMENT NO. LCP-6-CAR-16-0015-2 PART A
WESTIN HOTEL AND TIMESHARE
SUGGESTED MODIFICATION ADOPTED BY COASTAL COMMISSION
(ON JULY 13, 2016)**

1. Add new Policy 6.10 to the Mello II Land Use Plan as follows:

POLICY 6.10 – LOWER COST VISITOR-SERVING RECREATIONAL USES

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided.

Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations.

The City of Carlsbad Local Coastal Program Land Use Plan – Mello II, Chapter II-2 is amended to add the following new policy to read as follows:

POLICY 6-10 LOWER COST VISITOR-SERVING RECREATIONAL USES

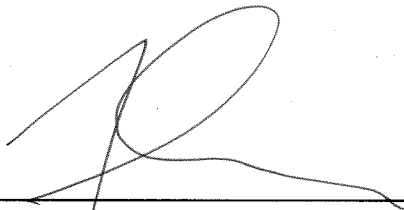
Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible provided.

Encourage a range of affordability for overnight visitor accommodations. Evaluate the affordability of any new or redeveloped overnight visitor accommodations, including amenities that reduce the cost of stay. Mitigation may be applied to protect and encourage affordable overnight accommodations.

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

I, Faviola Medina, Deputy City Clerk of the City of Carlsbad, County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original RESOLUTION NO. 2016-178 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, ACKNOWLEDGING RECEIPT OF THE CALIFORNIA COASTAL COMMISSION’S RESOLUTION OF CERTIFICATION INCLUDING A SUGGESTED MODIFICATION FOR LCPA 14-03, AND APPROVING THE ASSOCIATED SUGGESTED MODIFICATION TO THE LOCAL COASTAL PROGRAM. CASE NAME: WESTIN HOTEL AND TIMESHARE; CASE NO.: LCPA 14-03 with the original now on file in the Office of the City Clerk of the City of Carlsbad; that the same contains a full, true and correct transcript therefrom and of the whole thereof.

Witness my hand and the seal of said City of Carlsbad, this 24TH day of August, 2016.



FAVIOLA MEDINA
DEPUTY CITY CLERK

(SEAL)

