

**CALIFORNIA COASTAL COMMISSION**

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December 22, 2016

# F18b

**TO: COMMISSIONERS AND INTERESTED PERSONS**

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT  
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT  
ERIN PRAHLER, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP AMENDMENT  
NO. LCP-6-CII-16-0066-2 (Marja) for Commission Meeting of January 11-13, 2017**

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## SYNOPSIS

The City of Carlsbad's Local Coastal Program (LCP) land use plan and implementation plan amendment LCP-6-CII-16-0066-2 was submitted and filed as complete on November 21, 2016. The date by which the Commission must take action, absent an extension of the time limits by the Commission, is February 19, 2017. This report addresses the entire submittal.

## SUMMARY OF AMENDMENT REQUEST

LCP amendment request no. LCP-6-CII-16-0066-2 involves revisions to both the Land Use Plan (LUP) and Implementation Plan (IP) components of the certified LCP. The City proposes to change the land use designation and zoning on the Marja site which is comprised of two parcels totaling 20.7 acres, and is located on the south side of El Camino Real, approximately 800 feet east of Kelly Drive (Exhibit 1). On the northern parcel, the City proposes to modify the LCP land use designation from General Commercial (GC) and Residential Low Medium Density 0-4 dwelling units per acre (du/ac) (RLM) to General Commercial (GC); and to change the zoning from General Commercial (C-2), General Commercial with a Qualified Development Overlay (C-2-Q), and Residential Agriculture (R-A-10,000) to General Commercial (C-2). On the southern parcel, the City proposes to modify the LCP land use designation from Residential Low Medium Density 0-4 du/ac (RLM) to Residential 8-15 du/ac (R-15) and the zoning from Residential Agriculture (R-A-10,000) to Residential Density-Multiple (RD-M).

The City recently updated its General Plan and on May 11, 2016 the Commission approved LCP amendment request no. LCP-6-CAR-15-0034-2, involving numerous land use and zoning map revisions to make the LCP Land Use and Zoning Maps consistent with land use and zoning designations completed as part of the citywide General Plan update. The City agreed to remove several land use designation and zoning changes from LCP-6-CAR-15-0034-2 that required more substantive review, including the proposed map changes for the Marja site that is the subject of this LCP amendment request. After

several months of coordination regarding the history of agricultural use on the site, the City's proposed amendment request would make the LCP Land Use and Zoning Maps consistent with the General Plan land use designation and zoning, and would not result in any impacts to agricultural resources in the City.

Although not a project driven LCP amendment request, the City is proposing to increase residential density on the southern parcel to achieve residential density goals required by the City's Housing Element, and the City is reviewing a proposed residential project for the site at the local level.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the LCP amendment as submitted. The proposed land use designation and zoning modifications are consistent with the Mello II component of the City's LUP and with the Chapter 3 policies of the Coastal Act.

The appropriate resolutions and motions begin on page 4.

### **ADDITIONAL INFORMATION**

Further information on the City of Carlsbad's LCP amendment request no. LCP-6-CII-16-0066-2 may be obtained from Erin Prahler, Coastal Planner, at (619) 767-2370.

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### **EXHIBITS**

Exhibit 1 – Vicinity Map  
Exhibit 2 – Resolution  
Exhibit 3 – Ordinance  
Exhibit 4 – Proposed LCP Land Use Map  
Exhibit 5 – Proposed LCP Zoning Map

### **APPENDICES**

Appendix A – Substantive File Documents

## **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 Area. 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 LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment request affects the Mello II 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 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 No. LCP-6-CII-16-0066-2 for the City of Carlsbad 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's 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 No. LCP-6-CII-16-0066-2 for the City of Carlsbad as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the Mello II segment of the City of Carlsbad's LCP as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act, 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 would change the City's Land Use Plan by modifying the certified LCP Land Use Map to redesignate two parcels located on the south side of El Camino Real, approximately 800 feet east of Kelly Drive. The northern parcel is 6.3 acres fronting on El Camino Real. The City proposes to modify the split LCP land use designation that currently exists on the parcel from General Commercial (GC) and Residential Low Medium Density 0-4 du/ac (RLM) to GC on the entire parcel. This parcel has been in commercial use since the 1960s. Recent commercial operations onsite include a café, pottery, plant nursery, guitar repair, and bicycle and flower shops.

The southern parcel is 14.4 acres, most of which is set back from El Camino Real behind the northern parcel. The City proposes to modify the LCP land use designation from RLM to Residential 8-15 du/ac (R-15). Approximately 4.5 acres of the parcel is steep slopes. Since 1951 approximately 2 acres of the parcel has been used for a single family residence and accessory structures. The remaining 8 acres has been used intermittently for agriculture and since 2010 the property has been used by Habitat Restoration Science to cultivate native plants for off-site restoration projects.

Properties surrounding these parcels to the west, south and east are designated R-4 and developed with single family homes and a mobile home park. The subject parcels are located at the inland edge of the Coastal Zone. Properties located to the north across El Camino Real are outside of the Coastal Zone and are designated for Open Space and higher density residential development (R-8 and R-23).

**B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT**

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

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

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

The Commission therefore finds, for the specific reasons detailed below, that the land use plan conforms with Chapter 3 of the Coastal Act as set by the goals of the state for the coastal zone with regards to LCP amendment request no. LCP-6-CII-16-0066-2.

**C. CONFORMITY OF THE CITY OF CARLSBAD LAND USE PLAN WITH CHAPTER 3**

Relevant Coastal Act policies include the following:

Section 30241 states:

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

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

- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.*
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.*
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.*
- (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.*
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.*

Section 30242 states:

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

Section 30250 states, in part:

- (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 30251 states, in part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.*

Although the 6.3 acre northern parcel is currently designated for both commercial and residential land uses, it has been in commercial use since the 1960s. The City proposes to

eliminate the combination of residential and commercial land use designations on the site, in favor of the General Commercial (GC) land use designation to better reflect the historic and existing use of the parcel. The parcel's frontage along El Camino Real, a major roadway, further supports the elimination of the residential land use designation in favor of the commercial designation here.

Under the proposed amendment, the southern parcel will continue to be designated for residential use with an increased density range of 8-15 dwelling units per acre. The increased residential density at this site will help the City meet its Housing Element goals to accommodate projected population growth. This parcel is surrounded by lower density residential to the east, south, and west. Higher density residential development is planned across El Camino Real to the north. As a result, the proposed increase in residential density on this parcel can be found visually compatible with the surrounding area.

The subject site is identified in the City's Habitat Management Plan as a "developed area" and is not located adjacent to any designated lands contained within the Habitat Management Plan Preserve. The site does not provide any public access opportunities or any protected coastal views. As a result, the land use designation changes proposed by the City are consistent with Coastal Act sections 30250 and 30251. Any future development proposed on the site would further be reviewed by the City for compliance with its certified Mello II Local Coastal Program.

Finally, the proposed amendment also raises concerns regarding potential impacts to historical agricultural uses. The southern parcel does have a history of agricultural use. According to City records, from 1952 to 1963 the southern parcel was the site of a chicken and egg farm. As the surrounding area developed with residences, neighbors complained about odor and insects, leading the farm to close in 1963. No agricultural activity occurred on the site from 1963 to 1991. From 1991 to 2009 the parcel was used for crop production under short-term farm leases. The City indicates that crop production was unsuccessful due to rising costs and poor soil conditions. Since 2010, Habitat Restoration Sciences has used the southern parcel to cultivate native plants for off-site restoration projects.

However, the site does not qualify as prime agricultural land required to be preserved pursuant to Section 30241 due to poor soil conditions or other commercial agricultural operations. Further, because the certified LCP has already designated this area for commercial and residential uses, not agricultural use, the proposed LUP amendment does no more than to change the allowed use of the property from one type of residential use to another. Continued or renewed agriculture on the site is infeasible as demonstrated by failed efforts to use the site for crop production between 1991 and 2009 due to poor soil conditions. The site is surrounded by urban development, therefore any development of the site would be concentrated consistent with Section 30250. Finally, this site is isolated from other agricultural use areas and conversion to urban uses would not have any adverse impact on other agricultural lands within the City. Therefore, the proposed amendment does not raise any consistency concerns with Sections 30241 and 30242 of the Coastal Act.



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

**A. AMENDMENT DESCRIPTION**

The proposed amendment would change the City's Implementation Plan by modifying the LCP Zoning Map to rezone the two parcels. The City proposes to rezone the northern parcel from General Commercial (C-2), General Commercial with a Qualified Development Overlay (C-2-Q), and Residential Agriculture with a minimum lot size of 10,000 square feet (R-A-10,000) to C-2. On the southern parcel, the City proposes to rezone the site from R-A-10,000 to Residential Density-Multiple (RD-M).

**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.

a) Purpose and Intent of the Ordinance. The purpose and intent of the implementation plan amendment is to modify the zoning from C-2/C-2-Q/R-A-10,000 to C-2 on the northern parcel and from R-A-10,000 to RD-M on the southern parcel. The C-2 zone implements the GC land use designation, and the RD-M zone implements the R-15 land use designation.

b) Major Provisions of the Ordinance. Ordinance No. CS-287 provides for the proposed rezoning on the certified LCP Zoning Map. The C-2 zone allows commercial development, sets a 35 foot height limit that can be increased to a maximum height of 55 feet with approval of a site development plan, and establishes development standards for setbacks and placement of buildings. The C-2 zone also permits mixed-use residential development with a minimum density of 15 dwelling units per acre, with permitted commercial uses on the ground floor. The RD-M zone allows one-family, two-family, and multiple-family homes and associated structures, sets a 35 foot height limit, and establishes development standards for setbacks, placement of building, and minimum lot size (10,000 sq. ft.).

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The City of Carlsbad has applicable policies within the Mello II segment of its certified LCP that state:

**Policy 1-1 Allowable Land Uses**

*Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.*

**Policy 1-2 Maximum Density of Development**

*Residential densities shall be permitted and based on the underlying LCP land use designation. The residential land use designations shall represent the*

*maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.*

#### Policy 2-1 Conservation of Agricultural Lands

*(a)(1) Coastal Agriculture: Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands.*

#### Policy 2-4 Small Scattered Ineffective Agricultural Lands

*Approximately 100 acres of agricultural use are located in scattered parcels along El Camino Real both north and south of Agua Hedionda Lagoon. The small individual size of these parcels, together with the fact that they are not contiguous, precludes their effective use as agricultural land in the future. These lands are therefore designated for residential development, at a maximum density of one dwelling unit per acre as rural residential estate Section 21.09 or as residential agriculture zone, Section 21.08 of Carlsbad Zoning Ordinance. No further land divisions shall be allowed in the area under current agricultural production except in compliance with these policies.*

#### Policy 7-10 Parking

*Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.*

The primary concern raised by the proposed implementation plan amendment is the conversion of historical agricultural lands to more urban land uses. According to City records, from 1952 to 1963 the southern parcel was the site of a chicken and egg farm. As the surrounding area developed with residences, neighbors complained about odor and insects, leading the farm to close in 1963. No agricultural activity occurred on the site from 1963 to 1991. From 1991 to 2009 the parcel was used for crop production under short-term farm leases. The City indicates that crop production was unsuccessful due to rising costs and poor soil conditions. Since 2010, Habitat Restoration Sciences has used the southern parcel to cultivate native plants for off-site restoration projects.

Despite this history of agricultural use, the site does not qualify as prime agricultural land required to be preserved due to poor soil conditions or other commercial agricultural operations. Policy 2-1 *Conservation of Agricultural Lands* identifies as “coastal agriculture” certain non-prime agricultural lands that are suitable for conversion to urban uses subject to appropriate mitigation. In this case, however, the subject property is not identified as a coastal agriculture site, and therefore, conversion of this site to urban uses

does not require mitigation. The proposed zone change at this site provides for the balanced, orderly conversion of non-prime agricultural lands consistent with Policy 2-1.

Policy 2-4 *Small Scattered Ineffective Agricultural Lands* designates approximately 100 acres of land along El Camino Real for residential development acknowledging that these parcels cannot effectively operate as agricultural lands due to their small individual sizes and isolation from one another. The parcels subject to Policy 2-4 are not identified in the LUP, but after further investigation into the history of this policy, it does not appear that it was intended to apply to this site. The Mello II LUP policies, including Policy 2-4, were drafted in 1980. The agricultural policies were based on an agricultural technical report that identified agricultural lands in production in the late 1970s. There was no agricultural use occurring at the subject site between 1963 and 1991, and the agricultural technical report does not identify these parcels (or the surrounding area) as an agriculture area. As a result, it is unlikely that Policy 2-4 was intended to apply to this site.

The City proposes to rezone the northern parcel in favor of the General Commercial (C-2) zone to better reflect the historic and existing use of this parcel. Although the C-2 zone permits mixed-use residential development, ground floor uses are restricted to commercial uses with residential uses permitted above the ground floor. The C-2 zone implements the GC land use designation. The City also proposes to eliminate the Residential Agriculture (R-A-10,000) zone on the southern parcel in favor of the Residential Density-Multiple (RD-M) zone, allowing for more dense residential development. The RD-M zone implements the R-15 land use designation. The proposed zoning changes are consistent with the proposed land use designations and will, therefore, comply with Policy 1-1 and Policy 1-2 of the Mello II LUP.

The development standards (established in the City of Carlsbad Zoning Ordinance) applicable to the C-2 and RD-M zones will remain unchanged, along with the applicable parking standards, which are also set forth in the City's Zoning Ordinance. In addition, any new development or redevelopment of these parcels would still be subject to a coastal development permit, pursuant to Chapter 21.201 of the Zoning Ordinance. This means that adequate parking, consistent with Policy 7-10 of the Mello II LCP segment, will be required in conjunction with any new development resulting from the proposed amendment. Also, development standards such as building height limits, setback requirements, and lot coverage restrictions will be maintained, which will ensure that any future development will be visually compatible with the neighborhood.

Future development on the parcel will be thoroughly assessed for consistency with the certified Mello II LCP segment through the coastal development permitting process. In summary, because the proposed rezoning will implement the proposed land use designations, the Commission finds that the proposed amendment to the IP is consistent with and adequate to carry out the policies of the certified LUP.

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

The City prepared and certified EIR No. 13-02 on September 23, 2015 for its General Plan Update. The EIR concluded that, with mitigation, most environmental impacts associated with the proposed General Plan Update (and by association this proposed LCP amendment) would be reduced to less than significant levels. Thus, the City adopted a Statement of Overriding Consideration for these impacts. The unavoidable adverse impacts identified were related to air quality and transportation and are not at issue for this submittal.

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. 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 submission.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal resources. Further, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP amendment conforms to the provisions of CEQA.

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**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

- City of Carlsbad LCP Amendment No. LCP-6-CII-16-0066-2 submittal
- City of Carlsbad Mello II LCP
- City of Carlsbad Local Coastal Program Agriculture Technical Support Paper, prepared by PRC Toups Corporation, dated April 30, 1980.



EXHIBIT NO. 1

Vicinity Map

LCP-6-CII-16-0066-2 (Marja)

California Coastal Commission



RESOLUTION NO. 2015-243

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT TO COMPREHENSIVELY UPDATE THE GENERAL PLAN, INCLUDING THE HOUSING ELEMENT, AND ASSOCIATED AMENDMENTS TO THE LOCAL COASTAL PROGRAM AND CITYWIDE FACILITIES AND IMPROVEMENTS PLAN, AND AN ALLOCATION FROM THE EXCESS DWELLING UNIT BANK.

CASE NAME: GENERAL PLAN UPDATE

CASE NO.: GPA 07-02/LCPA 07-02/SS 15-06

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

WHEREAS, the City Council accepted the Carlsbad Community Vision in January 2010 and achievement of said vision is supported by the General Plan Amendment and associated Zoning Ordinance Amendment, Zone Change, Local Coastal Program Amendment, and Citywide Facilities and Improvements Plan Amendment; and

WHEREAS, per City Council direction on September 11, 2012 and on November 5, 2013, staff utilized the Preferred Plan in the preparation of the General Plan update; and

WHEREAS, the Planning Commission recommends revisions to the project as identified in the Memorandum to the Planning Commission dated July 24, 2015 and titled "Errata Sheet for the General Plan Update and Climate Action Plan", on file with the City Clerk and incorporated by this reference; and

WHEREAS, pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH # 2011011004) relative to the proposed project – General Plan Amendment, Climate Action Plan, Zoning Ordinance Amendment, Zone Change, Local Coastal Program Amendment, and Citywide Facilities and Improvements Plan Amendment – has been prepared and the City Council has certified it per City Council Resolution No. 2015-242; and

EXHIBIT NO. 2

Resolution

LCP-6-CII-16-0066-2 (Marja)

California Coastal Commission

1 WHEREAS, the City Council did on July 18, 2015 hold a duly noticed joint public  
2 hearing with the Planning Commission, as prescribed by law to receive a staff presentation and  
3 public testimony regarding said project; and  
4

5 WHEREAS, the City Council adjourned their public hearing on July 18, 2015 and  
6 the Planning Commission continued their public hearing on July 22, 23 and 24, 2015, as  
7 prescribed by law to consider said project; and

8 WHEREAS, the Planning Commission adopted Planning Commission Resolutions  
9 No. 7112, 7113 and 7114 recommending approval of said project with revisions identified in the  
10 Memorandum to the Planning Commission dated July 24, 2015 and titled "Errata Sheet for the  
11 General Plan Update and Climate Action Plan", on file with the City Clerk and incorporated by  
12 this reference; and  
13

14 WHEREAS, in addition to the revisions recommended by the Planning Commission  
15 in the "Errata Sheet for the General Plan Update and Climate Action Plan," the Planning  
16 Commission identified concerns regarding the draft General Plan Mobility Element, as identified  
17 in the minutes for the July 22, 23 and 24, 2015 Planning Commission meetings, on file with the  
18 City Clerk and incorporated by this reference; and

19 WHEREAS, to address said Planning Commission concerns, city staff recommends  
20 revisions to the draft General Plan Mobility Element and the Citywide Facilities and  
21 Improvements Plan, as identified in Exhibit 12A and Exhibit 12B, respectively, of the City Council  
22 Agenda Bill for this project, dated September 22, 2015, on file with the City Clerk and  
23 incorporated by this reference; and  
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1 WHEREAS, at said public hearing, upon hearing and considering all testimony and  
2 arguments, if any, of all persons desiring to be heard, the City Council considered all factors  
3 relating to: a) the draft General Plan GPA 07-02 (Exhibits 2A and 2B of Planning Commission  
4 Resolution No. 7112, on file with the City Clerk and incorporated by this reference); b) the Local  
5 Coastal Program Amendment LCPA 07-02 (Exhibit 2B of Planning Commission Resolution No.  
6 7112, on file with the City Clerk and incorporated by this reference); c) the Citywide Facilities and  
7 Improvements Plan Amendment SS 15-06 (Exhibit 2C of Planning Commission Resolution No.  
8 7112, on file with the City Clerk and incorporated by this reference); d) the request for an  
9 allocation from the city's excess dwelling unit bank (per Planning Commission Resolution No.  
10 7114, on file with the City Clerk and incorporated by this reference); e) Planning Commission  
11 recommended revisions to the draft General Plan and Local Coastal Program, pursuant to the  
12 memorandum to the Planning Commission, dated July 24, 2015 and titled "Errata Sheet for the  
13 General Plan Update and Climate Action Plan" (on file with the City Clerk and incorporated by  
14 this reference); and f) staff recommended revisions to address Planning Commission concerns  
15 regarding the draft General Plan Mobility Element, pursuant to Exhibit 12A and Exhibit 12B of the  
16 City Council Agenda Bill for this project, dated September 22, 2015 (on file with the City Clerk and  
17 incorporated by this reference); and  
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21 WHEREAS, State Coastal Guidelines requires a six-week public review period for  
22 any amendment to the Local Coastal Program; and

23 WHEREAS, on August 25, 2015, the City Council approved the Agua Hedionda  
24 South Shore Specific Plan, which includes revisions to the General Plan.

25 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of  
26 Carlsbad, as follows:  
27

- 28 1. The foregoing recitations are true and correct.



1                   2.       The state-mandated six-week review period for the Local Coastal Program  
2 Amendment (LCPA 07-02) started on March 27, 2015 and ended on May 8, 2015; no comments  
3 were received in response to the LCPA notice.  
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5                   3.       The draft General Plan is amended to incorporate: a) the  
6 recommendations of the Planning Commission, as identified in Planning Commission Resolution  
7 No. 7112, on file with the City Clerk and incorporated herein by reference, and b) the  
8 recommendations of staff, as identified in Exhibit 12A of the City Council Agenda Bill for this  
9 project, dated September 22, 2015, on file with the City Clerk and incorporated herein by  
10 reference.  
11

12                   4.       The findings of the Planning Commission contained in Planning  
13 Commission Resolution No. 7112, on file with the City Clerk and incorporated herein by  
14 reference, are the findings of the City Council.

15                   5.       General Plan Amendment GPA 07-02 (Exhibits 2A and 2B of Planning  
16 Commission Resolution No. 7112, on file with the City Clerk and incorporated by this reference),  
17 amended as stated above, is approved.  
18

19                   6.       Local Coastal Program Amendment LCPA 07-02 (Exhibit 2B of Planning  
20 Commission Resolution No. 7112, on file with the City Clerk and incorporated by this reference),  
21 amended as stated above, is approved.

22                   7.       The draft Citywide Facilities and Improvements Plan Amendment SS 15-06  
23 (Exhibit 2C of Planning Commission Resolution No. 7112, on file with the City Clerk and  
24 incorporated by this reference), is amended to incorporate the recommendations of staff, as  
25 identified in Exhibit 12B of the City Council Agenda Bill for this project, dated September 22, 2015,  
26 on file with the City Clerk and incorporated herein by reference.  
27  
28

1                   8.     Citywide Facilities and Improvements Plan Amendment SS 15-06 (Exhibit  
2     2C of Planning Commission Resolution No. 7112, on file with the City Clerk and incorporated by  
3     this reference), amended as stated above, is approved.  
4

5                   9.     The City Planner is directed to revise General Plan data and figures, as  
6     necessary, to be consistent with the approved land use map and other approved revisions to the  
7     plan.  
8

9                   10.    The City Planner is directed to revise the General Plan data and figures, as  
10    necessary, to be consistent with the approved Agua Hedionda Specific Plan.  
11

12                  11.    This action is final on the date this resolution is adopted by the City Council.  
13     The Provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review"  
14     shall apply:  
15

16                                 "NOTICE"

17     The time within which judicial review of this decision must be sought is governed by Code of Civil  
18     Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad  
19     Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the  
20     appropriate court not later than the ninetieth day following the date on which this decision  
21     becomes final; however, if within ten days after the decision becomes final a request for the  
22     record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation  
23     of such record, the time within which such petition may be filed in court is extended to not later  
24     than the thirtieth day following the date on which the record is either personally delivered or  
25     mailed to the party, or his attorney of record, if he has one. A written request for the preparation  
26     of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad  
27     Village Drive, Carlsbad, CA, 92008.  
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1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City  
2 of Carlsbad on the 22<sup>nd</sup> day of September 2015, by the following vote to wit:

3 AYES: Council Members Hall, Blackburn, Schumacher, Wood, Packard.  
4

5 NOES:  
6

7 ABSENT:  
8  
9

10   
11 MATT HALL, Mayor

12 ATTEST:  
13

14   
15 BARBARA ENGLESON, City Clerk  
16

17 (SEAL)  
18



ORDINANCE NO. CS-287

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT, ZONE CHANGE, AND LOCAL COASTAL PROGRAM AMENDMENT TO ENSURE CONSISTENCY WITH THE UPDATED GENERAL PLAN BY AMENDING THE ZONING MAP, AMENDING THE MINIMUM RESIDENTIAL DENSITY FOR MIXED USE, REMOVING THE REFERENCES TO "RHNA BASE" DENSITY, AND AMENDING THE OFFICE ZONE TO CONDITIONALLY PERMIT PROFESSIONAL CARE FACILITIES.

CASE NAME: GENERAL PLAN UPDATE

CASE NO.: ZCA 07-01/ZC 15-02/LCPA 07-02

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

WHEREAS, the City Council did on July 18, 2015 hold a duly noticed joint public hearing with the Planning Commission, as prescribed by law to receive a staff presentation and public testimony regarding said request; and

WHEREAS, the City Council adjourned their public hearing on July 18, 2015 and the Planning Commission continued their public hearing on July 22, 23 and 24, 2015, as prescribed by law to consider said request; and

WHEREAS, the City Council did on September 22, 2015 hold a duly noticed public hearing as prescribed by law to consider the Planning Commission's recommendation on said request; and

WHEREAS, at said public hearings, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors relating to ZCA 07-01/ZC 15-02/LCPA 07-02 – GENERAL PLAN UPDATE; and

WHEREAS, on August 25, 2015, the City Council approved the Agua Hedionda South Shore Specific Plan, which includes revisions to the Zoning Map.

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

SECTION I: That Section 21.05.030 of the Carlsbad Municipal Code, being the Zoning Map and the Local Coastal Program Zoning Map are amended as shown on map marked "Exhibit X1 – ZONING MAP (ZC 15-02/LCPA 07-02)" dated July 18, 2015, and as revised by Planning Commission "Errata Exhibit E", attached hereto and made a part hereof, Plan, on file with the City Clerk and incorpora

EXHIBIT NO. 3

Ordinance

LCP-6-CII-16-0066-2 (Marja)

California Coastal Commission

1 SECTION II: That Section 21.26.015.C (Residential Uses in the C-1 Zone) is amended to read  
2 as follows:

3 C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per  
4 Table 2-4 of the general plan land use and community design element, subject to approval of a site  
5 development plan processed in accordance with Chapter 21.06 of this title.

6 1. Density and yield of residential uses shall be determined consistent with the  
7 residential density calculations and residential development restrictions in Section 21.53.230 of this title and  
8 shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be  
9 subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at  
10 least one dwelling unit in a mixed use development.

11 2. Residential uses shall be secondary and accessory to the primary commercial use of  
12 the site. Compliance with this provision shall be evaluated as part of the site development plan.

13 SECTION III: That Section 21.28.015.C (Residential Uses in the C-2 Zone) is amended to read  
14 as follows:

15 C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per  
16 Table 2-4 of the general plan land use and community design element, subject to approval of a site  
17 development plan processed in accordance with Chapter 21.06 of this title.

18 1. Density and yield of residential uses shall be determined consistent with the  
19 residential density calculations and residential development restrictions in Section 21.53.230 of this title and  
20 shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be  
21 subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at  
22 least one dwelling unit in a mixed use development.

23 2. Residential uses shall be secondary and accessory to the primary commercial use of  
24 the site. Compliance with this provision shall be evaluated as part of the site development plan.

1 SECTION IV: That Section 21.29.030 (Permitted uses) is amended by the addition of the  
2 following use:

3

USE	P	CUP	Acc
Residential uses (subject to Section 21.29.035 of this title)	X		

4

5 SECTION V: That Section 21.29.035 (Residential uses in the C-T Zone) is added as  
6 follows:

7 21.29.035 Residential uses in the C-T zone.

8 Mixed use developments that propose residential uses in combination with commercial uses shall  
9 comply with the following requirements.

10 A. Residential uses shall be located above the ground floor of a multi-storied commercial  
11 building with one or more of the non-residential uses permitted by Section 21.29.030 of this title located on  
12 the ground floor.

13 B. Residential uses shall be subject to the requirements of the chapters of this title, which  
14 include but are not limited to, Chapter 21.29, Chapter 21.44, and in the case of airspace subdivisions, Chapter  
15 21.47.

16 C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per  
17 Table 2-4 of the general plan land use and community design element, subject to approval of a site  
18 development plan processed in accordance with Chapter 21.06 of this title.

19 1. Density and yield of residential uses shall be determined consistent with the  
20 residential density calculations and residential development restrictions in Section 21.53.230 of this title and  
21 shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be  
22 subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at  
23 least one dwelling unit in a mixed use development.

24 2. Residential uses shall be secondary and accessory to the primary visitor-serving  
25 commercial use of the site. Compliance with this provision shall be evaluated as part of the site development  
26 plan.  
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1 SECTION VI: That Section 21.31.065.C (Residential Uses in the C-L Zone) is amended to read  
2 as follows:

3 C. Residential uses shall be constructed at a minimum density of 15 dwelling units per acre, per  
4 Table 2-4 of the general plan land use and community design element, subject to approval of a site  
5 development plan processed in accordance with Chapter 21.06 of this title.

6 1. Density and yield of residential uses shall be determined consistent with the  
7 residential density calculations and residential development restrictions in Section 21.53.230 of this title and  
8 shall be based on twenty-five percent of the developable area. Unit yield in excess of the minimum shall be  
9 subject to the finding in subsection 2 below. In no case shall the calculation preclude the development of at  
10 least one dwelling unit in a mixed use development.

11 2. Residential uses shall be secondary and accessory to the primary commercial use of  
12 the site. Compliance with this provision shall be evaluated as part of the site development plan.

13 SECTION VII: That Section 21.53.230(e) (Residential density calculations, residential  
14 development restrictions on open space and environmentally sensitive lands) is amended to read as follows:

15 (e) The potential unit yield for a property, based on the minimum, growth management control  
16 point (GMCP), or maximum density of the applicable general plan land use designation, shall be subject to  
17 the following:

18 (1) Equation used to determine unit yield: developable lot area (in acres) x density =  
19 unit yield.

20 (A) "Density" used in this calculation is the minimum, GMCP, or maximum  
21 density of the applicable general plan land use designation;

22 (B) The resulting unit yield shall be subject to Table A, below.

23 (2) For purposes of this section:

24 (A) "Rounded-up" means rounding the fractional unit yield up to the next whole  
25 unit; and  
26  
27  
28

(B) "Rounded-down" means rounding the fractional unit yield down to the previous whole unit, but not less than one unit.

(3) The information contained in Table A, below, shall not preclude the city from approving residential densities above the GMCP, or maximum density of the applicable land use designation, subject to adopted city policies and regulations.

Table A  
Unit Yield Rounding

Density Used for Calculation	Unit Yield Includes a	Provisions for Unit Yield Rounding
MINIMUM	fractional unit of .5 or greater	SHALL be rounded-up <sup>1</sup>
	fractional unit below .5	MAY be rounded-down <sup>2</sup>
GMCP	fractional unit of .5 or greater	MAY be rounded-up <sup>3</sup>
	fractional unit below .5	SHALL be rounded-down
MAXIMUM	fractional unit	SHALL be rounded-down

Notes:

1) Unless the project density is allowed below the minimum of the density range, pursuant to the General Plan.

2) Unit yields rounded-down pursuant to this provision that result in a density below the minimum density of the applicable land use designation shall be considered consistent with the General Plan.

3) Subject to a fractional and/or whole unit allocation from the "excess dwelling unit bank" and provided the maximum density of the applicable land use designation is not exceeded.

SECTION VIII: That Table A of Section 21.27.020 (Permitted uses in the Office Zone) is proposed to be amended by the addition of the following use:

Use	P	CUP	Acc
Professional Care Facilities (defined: Section 21.04.295)		2	

SECTION IX: That the findings of the Planning Commission in Planning Commission Resolution No. 7112 shall also constitute the findings of the City Council.

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1 EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption; and the city  
2 clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the  
3 ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation  
4 in the City of Carlsbad within fifteen days after its adoption. *(Notwithstanding the preceding, this ordinance*  
5 *shall not be effective within the Coastal Zone until LCPA 07-02 is approved by the California Coastal*  
6 *Commission.)*

7 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the  
8 22<sup>nd</sup> day of September, 2015, and thereafter.

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PASSED AND ADOPTED at a regular meeting of the City Council of the City of Carlsbad on  
the 6<sup>th</sup> day of October, 2015, by the following vote, to wit:

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

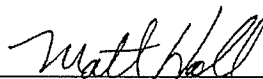
NOES: None.

ABSENT: None.

ABSTAIN: None.

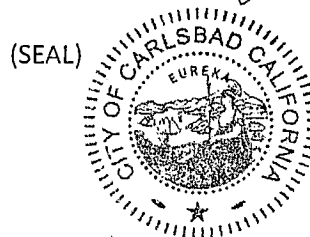
APPROVED AS TO FORM AND LEGALITY

  
CELIA A. BREWER, City Attorney

  
MATT HALL, Mayor

ATTEST:

  
BARBARA ENGLESON, City Clerk





# Marja Acres Proposed LCP Land Use Map Amendment

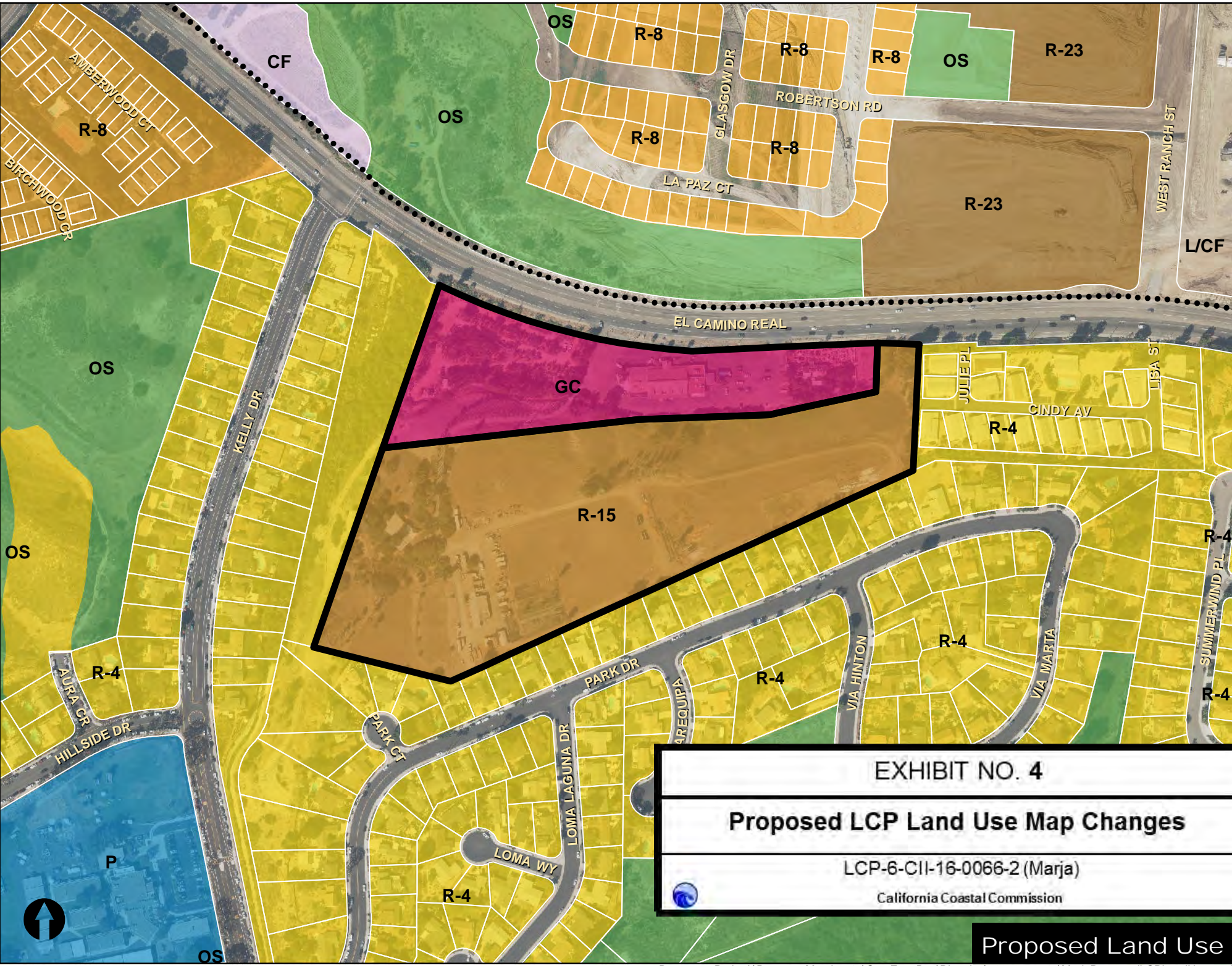
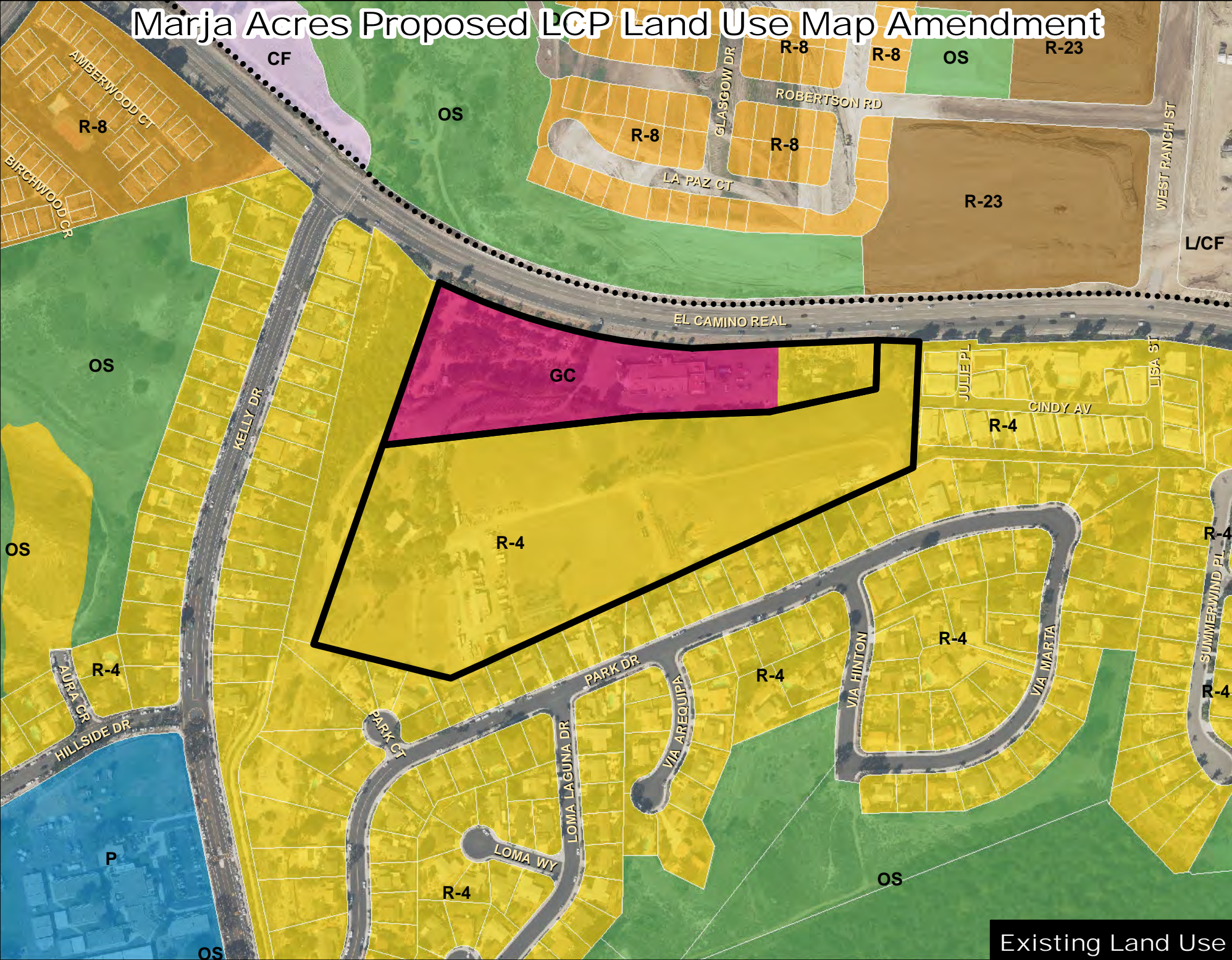


EXHIBIT NO. 4	
Proposed LCP Land Use Map Changes	
LCP-6-CII-16-0066-2 (Marja)	
	California Coastal Commission



# Marja Acres Proposed LCP Zoning Map Amendment

