

CALIFORNIA COASTAL COMMISSION

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July 25, 2017

W17b

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
LCP-6-CAR-17-0032-4 (Cannon Road Agriculture/Open Space Zone) for
Commission Meeting of August 9-11, 2017**

SYNOPSIS

The City of Carlsbad's Local Coastal Program (LCP) land use plan and implementation plan amendment LCP-6-CAR-17-0032-4 was submitted and filed complete on April 12, 2017. The Commission granted a one-year extension on June 7, 2017; therefore, the last date for Commission action on this item is July 11, 2018. This report addresses the entire submittal.

SUMMARY OF AMENDMENT REQUEST

LCP amendment request no. LCP-6-CAR-17-0032-4 involves revisions to both the land use plan (LUP) and implementation plan (IP) components of the City's certified LCP. The amendment involves adding text to and revising an exhibit of the certified Mello II LUP, adding a new Chapter 21.209 Cannon Road-Agriculture/Open Space Zone (CR-A/OS) to the Zoning Ordinance and revising other sections of the Zoning Ordinance for consistency with the new CR-A/OS zone, rezoning two properties located south of Cannon Road, and revising the Carlsbad Ranch Specific Plan text and figures to reflect the new CR-A/OS zone and make minor cleanup changes.

The City is proposing these changes in order to implement Proposition D, "Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers' Money," which was approved by a vote of the citizens of Carlsbad in 2006 ([Exhibit 2](#)). Proposition D placed a permanent open space zone on approximately 300 acres located south of Agua Hedionda Lagoon, east of Interstate 5 ([Exhibit 3](#)). All the land is privately owned and is used for agricultural practices. The purpose of Proposition D is to protect the agricultural use on these properties as long as it is economically feasible to do so. Once the property owners determine that farming is no longer economically viable, the property owners will be able to convert all or some of the land to other open space uses. The new CR-A/OS zone details allowable agricultural and open space uses and specifies development standards for those uses ([Exhibit 6](#)).

The subject LCP amendment proposes to apply the new CR-A/OS zone to only the two Proposition D parcels located south of Cannon Road ([Exhibit 1](#)). The LCP Zoning Map would be modified from Open Space (OS) to CR-A/OS on two parcels located south of Cannon Road, east of Car Country Drive, within the Carlsbad Ranch Specific Plan (Specific Plan) area ([Exhibit 7](#)). These two parcels make up Planning Area 8 (PA 8), and total approximately 72 acres located in two non-contiguous areas of the Specific Plan and were originally identified as the site of a future golf course development ([Exhibit 4](#)).

The proposed revisions to the Mello II LUP segment and to the Specific Plan would eliminate references to a golf course on PA 8 and replace them with references to agriculture and open space uses and the CR-A/OS zone ([Exhibit 5 and Exhibit 8](#)). The Specific Plan would also be revised to add policies requiring new trails located in PA 8a (the western parcel of PA 8).

The City proposes cleanup revisions to the Specific Plan to update references to the City's recently updated General Plan goals. Also proposed are text and map revisions in the Specific Plan to reflect land use designation title changes and land use designation changes the Commission approved in LCP-6-CAR-15-0034-2 (General Plan Update) in May 2016. Finally, this LCP amendment includes administrative cleanup revisions to the Specific Plan to update page number references, replace references to "D Street" with "Fleet Street," and replace references to the "Planning Director" with "City Planner."

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval of the LCP amendment as submitted by the City. The proposed LCP amendment will have no significant adverse impacts to coastal resources or public access, and will facilitate continued agricultural uses on the properties proposed to be rezoned. The proposed LCP amendment is consistent with the Chapter 3 policies of the Coastal Act and the Mello II component of the City's LUP.

The appropriate resolutions and motions begin on Page 5.

BACKGROUND

Following voter approval of Proposition D in 2006, the City of Carlsbad adopted the Cannon Road Agriculture/Open Space zone and submitted an LCP amendment request to the Commission in August 2011. Due to Commission staff concerns regarding the allowable uses proposed by the City in the CR-A/OS zone, the City withdrew LCP Amendment No. CAR-MAJ-2-11B in September 2012 before the Commission took action on the submittal. After several years of coordination with Commission staff regarding appropriate uses in the CR-A/OS zone, development standards protective of coastal resources, and new trail requirements on PA 8, the City held public hearings on the revisions before submitting this LCP amendment request in compliance with Section 30503 of the Coastal Act.

Although Proposition D applies to lands located north of Cannon Road and south of Agua Hedionda Lagoon, at Commission staff's request, the current submittal would apply the CR-A/OS zone only to the two Proposition D parcels located south of Cannon Road, within the Mello II LCP segment. The parcel located north of Cannon Road along the south shore of Agua Hedionda Lagoon that is subject to Proposition D is not included in this LCP amendment request, because that land is located within the Agua Hedionda LCP segment, a deferred certification area. Because the Agua Hedionda segment does not have a certified implementation plan, the Commission lacks jurisdiction to review any zoning changes within that segment. In May 2016, during consideration of LCP-6-CAR-15-0034-2 (General Plan Update), the Commission directed the City and Commission staff to address the south shore of Agua Hedionda Lagoon, the remaining Proposition D lands, within the City's ongoing comprehensive LCP update, which will include certification of the Agua Hedionda segment.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0032-4 may be obtained from Erin Prahler, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Proposition D – Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers' Money](#)

[Exhibit 3 – Lands subject to Proposition D](#)

[Exhibit 4 – Carlsbad Ranch Specific Plan Map](#)

[Exhibit 5 – Proposed Changes to Mello II LUP](#)

[Exhibit 6 – City Council Ordinance No. CS-317](#)

[Exhibit 7 – Proposed LCP Zoning Map Changes](#)

[Exhibit 8 – Proposed Changes to Carlsbad Ranch Specific Plan](#)

[Exhibit 9 – Planning Commission Resolution No. 7218](#)

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 primarily the Mello II segment of the LCP, since that is the LUP segment proposed to be modified, and the IP changes, while applicable to the entire LCP, are primarily focused on two parcels located within 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 and conforms with 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).

A decision to certify an LUP amendment requires 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 to reject an IP amendment by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be

the land use plan most recently certified by the Commission. Thus, if the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. 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 Land Use Plan Amendment No. LCP-6-CAR-17-0032-4 for the City of Carlsbad certified LCP 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 LCP-6-CAR-17-0032-4 for the City of Carlsbad LCP as submitted and adopts the findings set forth below on grounds that the Land Use Plan Amendment 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 Amendment 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 Amendment.

- II. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-CAR-17-0032-4 for the City of Carlsbad certified LCP 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 LCP-6-CAR-17-0032-4 for the City of Carlsbad certified 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 Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The primary intention of the proposed LCP amendment is to certify the new CR-A/OS zoning designation and apply it to the two parcels that make up PA 8 of the Carlsbad Ranch Specific Plan area. To do this, the City must update the Mello II LUP to be internally consistent with the new zoning designation. Both parcels that will be subject to the new CR-A/OS are currently designated for Open Space on the LCP Land Use Map and this amendment will not change those designations. However, the amendment would change the Mello II LUP by adding text to Policy 2-2(b), stating that the two properties that comprise Carlsbad Ranch Planning Area 8 will be used for agriculture or open space consistent with the provisions of the CR-A/OS. Exhibit 4.3 of the Mello II LUP would also be revised to replace references to “golf course” with “agriculture and open space” on those two properties ([Exhibit 5](#)).

The proposed amendment also includes revisions to the Carlsbad Ranch Specific Plan. The Specific Plan governs approximately 451 acres located between Palomar Airport Road and Cannon Road just east of the I-5 within the Mello II LUP segment of the Carlsbad LCP. The Specific Plan defines the allowable type and intensity of land uses for 18 Planning Areas (PA), provides development and design standards and criteria, and describes implementation methods. As such, the Specific Plan is a combination land use plan/implementation plan document. While the Carlsbad Ranch is within and subject to the provisions of the Mello II LUP segment, the Specific Plan provides more specificity with regard to permitted uses and design/development standards. The permitted land uses in the Specific Plan area are a mix of non-residential uses which include the LEGOLAND theme park, the Gemological Institute of America campus, several hotels and timeshare properties, a destination resort, flower fields, a golf course, and light manufacturing/offices.

The proposed modifications to the Specific Plan would eliminate references to a golf course on PA 8, and require continued agricultural uses as long as it remains economically viable. When agricultural uses are determined to no longer be economically viable on the PA 8 parcels, other open space uses specified in the CR-A/OS zone will be allowed. The revisions also include the addition of two new policies requiring pedestrian trails within PA 8a, the western parcel of PA 8. Policy 11-D would require an east-west trail across the southern portion of PA 8a that would connect PA 6 on Paseo del Norte to the existing promenade along Armada Drive. The exact location of this trail would be determined concurrent with city review of any discretionary permit for future development of PA 8a. Policy 11-E would require a north-south pedestrian trail along the eastern boundary of PA 8a connecting the promenade along Armada Drive and the pedestrian undercrossing at Cannon Road east of Car Country Drive ([Exhibit 8](#)).

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b 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 or the goals of the state for the coastal zone with regards to LCP amendment request no. LCP-6-CAR-17-0032-4.

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

1. Public Access/Recreational Facilities

Section 30210 states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

As originally approved, the Carlsbad Ranch Specific Plan anticipated future development of a golf course on PA 8 and required that the golf course be open to the public to ensure public access to recreation and to the ocean and lagoon views offered from PA 8. No golf course has ever been constructed and PA 8 has continued to be used for agricultural purposes and remained inaccessible to the public. Although the proposed LUP amendment would eliminate the golf course use, a public golf course, The Crossings Golf Club, already exists immediately east of the Carlsbad Ranch area. To ensure some public recreational opportunity is provided in place of the previously planned golf course on PA 8, this amendment would add policies to the Specific Plan requiring development of two pedestrian trail segments across PA 8a to expand pedestrian access within the Specific Plan area and to access points north of Cannon Road along the south shore of Agua Hedionda Lagoon.

To accommodate the existing agricultural uses occurring on PA 8, the policies require the trails to be designed to allow movement of farm vehicles and allow the trails to be

intermittently closed to pedestrian access for farm operations like pesticide application. However, the policies also require that when agricultural use is no longer economically viable and the site converts to an allowed open space use, or when onsite agriculture operations change to allow permanent pedestrian access, all gates would be removed. The proposed trail requirements would provide a new recreational opportunity within PA 8 and ensure the public will continue to have access to the expansive views available from the site. During local public hearings on this amendment, no objections were raised regarding the replacement of the golf course use with provision of trails on PA 8. Therefore, the proposed trail policies do not raise any conflicts with Coastal Act Sections 30210 and 30213.

2. Visual 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 the surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The pedestrian trails required by Policy 11-D and 11-E providing public recreational access through PA 8a are intended to provide public access to the ocean and lagoon views on the site. Any future development of PA 8 will be subject to design standards applicable to the CR-A/OS zone that address the height, bulk and community character of new development to minimize visual impacts. The new zone will limit the height of buildings and structures to 25 feet (unless up to a maximum of 35 feet is authorized through a site development permit) and limits development to 50% of the lot. The CR-A/OS zone further requires that development must be sited and designed to preserve public view corridors and vantage points established within the Carlsbad Ranch Specific Plan. Therefore, the Commission finds that the proposed LUP amendment is consistent with Coastal Act Section 30251.

3. Agriculture

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.

The Carlsbad Ranch area is non-prime agricultural land and therefore an amendment to the LUP must be consistent with Section 30242 of the Coastal Act. The conversion of agricultural resources on the site and conformity with Coastal Act Section 30242 was addressed in the Commission's previous review of LCP Amendment No. 1-96C, the Carlsbad Ranch Specific Plan, in 1996. The Commission approved application of the City's agricultural conversion mitigation program to the Carlsbad Ranch area and found that the conversion of agricultural land within Carlsbad Ranch, including PA 8, to urban uses was consistent with Section 30242(2). The mitigation would subsidize the continued operation of the 52 acre Flower Field portion of Carlsbad Ranch, which would be preserved in agricultural use, and additionally, the proposed conversion would be consistent with continued agricultural use on surrounding lands. As a result, PA 8 was designated for Open Space on the LCP Land Use Map and identified as the site of a future golf course in the Specific Plan. The proposed LUP amendment replaces the planned golf course use with agricultural and open space uses, but does not propose any change to the existing Open Space land use designation, and therefore, will not facilitate a new conversion of agricultural lands. Therefore, the Commission finds that the amendment is consistent with Coastal Act Section 30242.

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

A. AMENDMENT DESCRIPTION

The IP amendment involves adding a new Chapter 21.209 Cannon Road-Agriculture/Open Space Zone (CR-A/OS) to the Zoning Ordinance (part of the City's certified implementation plan) and revising other sections of the Zoning Ordinance for consistency with the new CR-A/OS zone, rezoning two properties located south of Cannon Road, and revising the Carlsbad Ranch Specific Plan text and figures to reflect the new CR-A/OS zone and make minor cleanup 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.

a) Purpose and Intent of the Ordinance. The IP amendment request is intended to create a new zoning designation, the Cannon Road Agriculture/Open Space zone (CR-A/OS) and apply that designation to two parcels located south of Cannon Road within the Carlsbad Ranch area. The new CR-A/OS zone is intended to implement Proposition D to protect agricultural use on these properties for as long as is economically feasible, and then restrict further use of these properties to open space uses for public enjoyment.

b) Major Provisions of the Ordinance. Ordinance No. CS-317 adds Chapter 21.209 Cannon Road Agricultural/Open Space Zone to the City's Zoning Ordinance, which includes the intent and purpose, definitions, guiding principles, conditional use

permit requirements, site development plan requirements, a community input process, development and design standards, and a severability clause, intended to guide future development of these agricultural lands. The new zone also includes a list of primary and secondary agricultural and open space uses for the properties. The zone encourages new and continued agricultural uses until the land owners determine that it is no longer economically viable and then the primary and secondary open space uses will be allowed. The Ordinance details a community input process, requiring property owners to develop a strategy for soliciting community input and submit it to the City Planner for review. This community input strategy must include at least one publicly noticed community workshop or similar event to be completed prior to submitting a conditional use permit or site development plan application to the City. The application submittal must include a written description of the community input strategy, description of the public noticing, and any public feedback incorporated into the project design. The Ordinance also revises several sections in Chapter 21.05 Zone Establishment – Boundaries and in Chapter 21.06 Q Qualified Development Overlay Zone to maintain internal consistency with the new CR-A/OS zone.

Ordinance No. CS-317 provides for the rezoning of the PA 8 parcels from Open Space (OS) to CR-A/OS on the certified LCP Zoning Map and amends the Carlsbad Ranch Specific Plan to replace references to “golf course” with “agriculture and open space” throughout the document and replace the existing PA 8 development standards and design guidelines with references to the development and design standards specified in the CR-A/OS zone in Chapter 21.209 of the Zoning Ordinance.

The Ordinance provides for cleanup revisions to the Specific Plan to update references to the City’s recently updated General Plan goals. Also proposed are text and map revisions in the Specific Plan to reflect land use designation title changes and land use designation changes the Commission approved in LCP-6-CAR-15-0034-2 (General Plan Update) in May 2016. Finally, this LCP amendment includes administrative cleanup revisions to the Specific Plan to update page number references, replace references to “D Street” with “Fleet Street,” and replace references to the “Planning Director” with “City Planner.”

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 2-1 Conservation of Agricultural Lands

(a)(1) Coastal Agriculture: Consistent with the provisions of 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. Non-prime agricultural lands identified on Map X, including the 301.38 Carlitas Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP. Any acreage under the control of a

public entity for a public recreation or open space use shall be exempt from Policy 2-1 and be permitted to convert from an agricultural use without satisfying one of the three conversion options.

Policy 2-2 LCPA 90-08 Carlsbad Ranch Specific Plan “Mixed-Use” Development

This policy provides conditional development standards for the area of approximately 423 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3). All such lands owned by either Cartas or Ecke or their successors in interest shall be permitted, pursuant to approval of a Specific Plan to convert certain agricultural lands to residential and/or non-residential (including tourist-serving commercial) development as a means of providing supplementary uses which will assist in the retention of agricultural and public recreation uses on the remaining portions of these parcels. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where they are compatible with adjacent uses.

[...]

(b) Uses Conditionally Permissible Pursuant to the Development of the Entire Area Subject to a Specific Plan.

(4) All remaining lands as shown on Exhibit 4.3 shall as a condition of the Specific Plan be preserved in agriculture and/or public recreation for as long as feasible. Feasibility shall be determined for the entire area covered by this restriction. Further, feasibility shall be subject to the requirements of the Mello II Coastal Agricultural Overlay Zone Section 21.82.060(c).

(8) The Specific Plan shall provide a mix, location and intensity of land uses that are compatible with and will not adversely impact the long term viability of agricultural and/or recreation uses.

(27) The approximately 72.07 acres contained in areas 3 and 5 as shown on Exhibit 4.3 shall be used for agriculture or open space subject to the provisions of Carlsbad Municipal Code Chapter 21.209 – Cannon Road Agricultural/Open Space (CR-A/OS) Zone.

The Carlsbad Ranch Specific Plan governs approximately 451 acres located between Palomar Airport Road and Cannon Road just east of the I-5 within the Mello II LUP segment of the Carlsbad LCP. The Specific Plan defines the allowable type and intensity of land uses for 18 Planning Areas (PA), provides development and design standards and criteria, and describes implementation methods. As such, the Specific Plan is a combination land use plan/implementation plan document. As discussed in Part III of this staff report regarding the LUP amendment, two policies requiring trails in PA 8a would

be added to the Land Use and Circulation section of the Specific Plan. These policies state:

Policy 11-D: In addition to the pedestrian trail identified in Policy 11-C, establish another pedestrian trail through Planning Area 8a that provides a connection between the Specialty Retail area (Planning Area 6) on Paseo del Norte with the promenade along Armada Drive.

A pedestrian trail through Planning Area 8a is planned to connect the Specialty Retail area (Planning Area 6) on Paseo del Norte with the promenade along Armada Drive, subject to the following:

- 1. The exact location of the trail shall be determined concurrent with city review of any discretionary permit for future development in Planning Area 8a.*
- 2. The trail should be designed to allow movement of farm vehicles across the trail to adjoining farming operations. The pedestrian connection would serve to channel foot traffic which presently traverses the fields, particularly when flowers are in bloom.*
- 3. The trail will be gated at both ends so that pedestrian access can be intermittently closed off completely, if warranted by farming operations, such as during application of pesticides.*
 - a. When either agricultural uses are determined to no longer be economically viable and the site converts to an allowed open space use in Planning Area 8a, or when onsite agricultural operations change to allow permanent through access for the public, then the trail shall be made a permanent trail connection with any gates removed.*
- 4. Construction of the trail shall be completed prior to occupancy of any future development within Planning Area 8a that is subject to a discretionary permit approval.*

Policy 11-E: Establish a pedestrian trail along the eastern boundary of Planning Area 8a that provides a connection between the promenade along Armada Drive and the pedestrian under crossing at Cannon Road just east of Car Country Drive.

A pedestrian trail is planned to connect the promenade along Armada Drive with Cannon Road and the pedestrian under crossing, subject to the following:

- 1. The trail shall be located along the easterly boundary of Planning Area 8a on the highest portion of the planning area taking advantage of the sweeping coastal and lagoon views.*
- 2. The trail should be designed to allow movement of farm vehicles across the trail to adjoining farming operations.*
- 3. The trail will be gated at both ends so that pedestrian access can be intermittently closed off completely, if warranted by farming operations, such as during application of pesticides.*
 - a. When either agricultural uses are determined to no longer be economically viable and the site converts to an allowed open space use in Planning Area 8a, or when onsite agricultural operations change to allow*

- permanent through access for the public, then the trail shall be made a permanent trail connection with any gates removed.*
4. *Construction of the trail shall be completed prior to occupancy of any future development within Planning Area 8a that is subject to a discretionary permit approval.*

The primary purpose of this LCP amendment is to create a new zoning designation, the Cannon Road Agriculture/Open Space zone, and apply it to two parcels located within the Carlsbad Ranch Specific Plan area to implement Proposition D ([Exhibit 7](#)). Proposition D was intended to protect agricultural use on specific properties, including the two parcels that are the subject of this IP amendment, as long as it is economically feasible. Once the property owners determine that agricultural use is no longer economically viable, they will be able to convert some or all of the land to other open space uses. Under the CR-A/OS zone, permitted open space uses on these properties will be more restricted than would be permitted under the existing Open Space zoning designation that applies to these properties. Since originally submitted to the Commission in 2011, the City also revised this list of allowed open space uses to remove uses like aquarium, art gallery, community learning center, and performing arts centers which might result in higher impact development and are inconsistent with the intent of the CR-A/OS zone to enhance and encourage public access and public uses. Commission staff worked with City staff over several years to ensure that the permitted open space uses in the CR-A/OS zone would be consistent with the intent of Proposition D, the Chapter 3 policies of the Coastal Act, and the policies of the City's certified LUP.

The proposed Chapter 21.209 Cannon Road Agriculture/Open Space Zone defines permitted primary and secondary agricultural and open space uses ([Exhibit 6](#)). The primary agricultural uses include, but are not limited to, agricultural crop production, agricultural education, farmers' markets, greenhouses, utility buildings, and vineyards/wineries. The secondary agricultural uses include, but are not limited to, accessory or related uses to promote the continuation of a primary permitted agricultural use, public/private events and activities related to promoting a primary permitted agricultural use, retail sales of agricultural crops and related products (both less than and greater than 1,000 sq. ft. in size).

Primary open space uses include, but are not limited to, amphitheater, civic and public gathering spaces, community meeting center, dog park, gardens, habitat preserve and natural areas, historic center, agricultural or natural history related museum, parks, trails, and sports or recreation center. Secondary open spaces uses include food service, public/private events related to promoting a primary permitted open space use, retail sales related to a primary permitted open space use, and other accessory or related uses that promote the continuation of a primary permitted open space use. This list of permitted uses in the CR-A/OS zone is consistent with the open space land use designation.

As described in Part III regarding the LUP amendment, the conversion of agricultural uses to urban uses within Carlsbad Ranch, including PA 8, was authorized by the Commission in 1996. As a result, PA 8 was designated for Open Space and identified as

the site of a future golf course in the Specific Plan. The Mello II LUP requires that agriculturally designated lands pay a mitigation fee when conversion to urban uses is proposed. Mello II LUP Policy 2-1 provides that PA 8 may be converted to a public recreation or open space use without paying the fee provided that the use is open to the public and under the control of a public entity. The proposed IP amendment does not raise any conflict with this requirement. Conversion of the site in the future to another use that is inconsistent would require an LCP amendment and payment of agricultural mitigation fee if the approved use is not for public recreation or open space. Therefore, the Commission finds that the proposed IP amendment is consistent with the requirements of Mello II LUP Policy 2-1.

Mello II LUP Policy 2-2 calls for a mix of land uses supportive of agriculture and public recreation within the Carlsbad Ranch area and subsection (b)(4) calls for preservation of agricultural use and public recreation for as long as feasible. Finally, as amended by this LCP amendment, subsection (b)(27) directs that the two parcels making up PA 8 shall be used only for agriculture and open space uses. The proposed CR-A/OS zone and rezoning of the two parcels that make up PA 8 is consistent with the requirements of this policy. Section 21.209.040.D. states that “[t]he establishment and continuation of agricultural uses in the zone is encouraged for as long as the land owners determine that it is economically viable. When agriculture is no longer economically viable for the land owners, only the other open space uses listed in Table A shall be permitted.” Chapter 21.209 also requires that development proposals include feasible and appropriate public art, public access, and public gathering space elements. Finally, although the IP amendment will eliminate the golf course use on PA 8, the new Specific Plan Policies 11-D and 11-E will ensure that public recreation in the form of two pedestrian trails will continue on the site. As a result, the proposed IP amendment is consistent with the requirements of Mello II LUP Policy 2-2 and consistent with the existing Open Space land use designation on these parcels.

Specific Plan Policies 11-D and 11-E require an east-west pedestrian trail across PA 8a to connect the Specialty Retail Area (PA 6) and the promenade along Armada Drive and a north-south pedestrian trail along the eastern boundary of PA 8a to connect the promenade along Armada Drive with a pedestrian undercrossing at Cannon Road. These trails are intended to ensure public access to PA 8a and provide a public recreational amenity onsite. In addition, the north-south trail will ensure that the public can access lagoon and coastal views from PA 8a. The trails required by Policies 11-D and 11-E are shown on the City’s Trails Master Plan as future multi-use recreational trails suitable for wheelchair, pedestrian, and bike uses. As described in the Trails Master Plan, these trail segments will be 8 feet wide and offer basic trail-head amenities, including trash receptacles, trail identification and regulation signage, and dog stations.

Chapter 21.209 is intended to protect, encourage, and enhance public uses, public access, public views/vantage points, and community gathering areas. Provision of trails and pathways that maximize access to ocean and lagoon views is a guiding principle of the CR-A/OS zone. Proposals for development within the CR-A/OS zone must include public access and public gathering space elements. Development must also be sited and

designed to preserve all significant view corridors and vantage points established in the Specific Plan. These requirements are consistent with Specific Plan Policies 11-D and 11-E requiring provision of trails within PA 8a.

Finally, the proposed cleanup revisions to the Specific Plan to update references to the City's General Plan goals, update the land use designation titles consistent with revisions previously approved by the Commission in LCP-6-CAR-15-0034-2 (General Plan Update), update page number references, replace references to "D Street" with "Fleet Street," and replace references to the "Planning Director" with "City Planner" do not raise any concerns regarding consistency with the provisions of the certified LUP.

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

The City of Carlsbad prepared and adopted a Negative Declaration on May 24, 2011 and then prepared and adopted an Addendum to the Negative Declaration on January 4, 2017. The Addendum to the Negative Declaration was required to describe changes to the LCP submittal that had occurred after coordination between City and Commission staff but that had not been approved by the City Council. The Negative Declaration did not identify any significant impacts requiring mitigation and the City's Addendum to the Negative Declaration concludes that the differences between the City's prior LCP amendment and the current LCP amendment do not constitute a substantial change in the proposed project or in the circumstances under which the project is undertaken; and no new information of substantial importance is known. The proposed amendments do not make any substantial change in the nature or scope of the project or in the analysis of environmental effects contained in the original Negative Declaration.

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. 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 City's amendment request consists of a Land Use Plan amendment and an Implementation Plan amendment. The Land Use Plan amendment as originally submitted is consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. As submitted, the Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of CEQA.

Further, the Commission finds that approval of the Implementation Plan amendment as originally submitted would not result in significant adverse environmental impacts under

the meaning of CEQA. Therefore, the Commission finds that approval of the LCP amendment conforms to the applicable requirements of CEQA as there are no feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0032-4 submittal
- City of Carlsbad LCP
- City of Carlsbad Ranch Specific Plan

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