

CALIFORNIA COASTAL COMMISSION

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April 19, 2018

F15b**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: KARL SCHWING, DEPUTY DIRECTOR, SD COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SD COAST DISTRICT
ERIN PRAHLER, COASTAL PLANNER, SD COAST DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-CAR-17-0082-3 (Auto Repair and Auto
Storage) for Commission Meeting of May 9-11, 2018**

SYNOPSIS

The City of Carlsbad Local Coastal Program (LCP) Amendment No. LCP-6-CAR-17-0082-3 was submitted and filed as complete on December 20, 2017. The Commission granted a one-year time extension on February 8, 2018; therefore, the last date for Commission action on this item is February 18, 2019. This report addresses the entire submittal.

SUMMARY OF AMENDMENT REQUEST

The subject LCP amendment request involves revisions to the City's Zoning Ordinance, part of the certified LCP implementation plan. The amendment adds "Auto Repair" to the list of allowed uses within the P-M Planned Industrial zone subject to approval of a minor conditional use permit from the City Planner. Currently, some auto-related uses are already allowed in the P-M zone subject to a regular conditional use permit issued by the Planning Commission. The proposed amendment would also change the permit required for "Auto Storage" in the C-M Heavy Commercial-Limited Industrial, M Industrial and P-M zones from a conditional use permit to a minor conditional use permit, and establishes landscape screening requirements for auto repair and auto storage uses.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission approve the Implementation Plan amendment as submitted. The proposed amendment would expand the areas where auto repair uses are permitted by adding it to the list of allowable uses within the P-M zone subject to a minor conditional use permit. Similar auto-related uses are already permitted in the P-M zone with a conditional use permit. Most of the areas of the City that are currently zoned for P-M are located outside the coastal zone. Within the coastal zone, existing sites zoned for P-M are generally located east of the rail corridor and west of Interstate 5 between

Cannon Road and Poinsettia Lane near other areas of industrial use. The proposed amendment would also change the permit required for auto storage uses within the P-M, C-M and M zones from a conditional use permit with Planning Commission approval to a minor conditional use permit approved by the City Planner. Approval of a minor conditional use permit will still require specific findings of fact to ensure that the proposed auto storage use is appropriate and all development within these zones must comply with setback and buffer requirements as specified in the LCP to protect coastal resources. Finally, the addition of screening standards for auto repair and auto storage uses will minimize visual impacts to adjacent properties and public views.

The appropriate resolutions and motions begin on Page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 4.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0082-3 may be obtained from Erin Prahler, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – City Council Ordinance No. CS-326](#)

[Exhibit 2 – Proposed Text Changes in Strikeout/Underline](#)

[Exhibit 3 – Map showing Current and Proposed Zones Allowing Auto Repair](#)

[Exhibit 4 – Map showing Current Zones Allowing Auto Storage](#)

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 Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified.

B. STANDARD OF REVIEW

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

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 held Planning Commission and City Council meetings with regard to the subject amendment request on September 20, 2017 and October 24, 2017. 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 reject the Implementation Program Amendment for the City of Carlsbad LCP Amendment No. LCP-6-CAR-17-0082-3 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 AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, 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 CARLSBAD IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The City is requesting an amendment to the City's Implementation Program in order to allow auto repair uses in the P-M Planned Industrial zone, change the permit required for auto storage uses in the C-M Heavy Commercial-Limited Industrial, M Industrial and P-M zones, and establish screening requirements for auto repair and auto storage uses.

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 proposed amendment is to expand the areas where auto repair uses are allowed, simplify the city process to approve auto storage uses, and establish landscape screening requirements for auto repair and auto storage uses.

b) **Major Provisions of the Ordinance.** Ordinance No. CS-326 adds auto repair to Section 21.34.020 of the City's Zoning Ordinance to allow such uses within the P-M zone subject to approval of a minor conditional use permit. The amendment also revises Sections 21.30.010, 21.32.010 and 21.34.020 to require approval of a minor conditional

use permit instead of a conditional use permit for auto storage uses in the C-M, M and P-M zones. Finally, screening requirements for both auto repair and auto storage uses are added to Section 21.42.140.B of the Zoning Ordinance. ([Exhibit 1](#) and [Exhibit 2](#)).

c) **Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

The City's Mello II LUP includes the following relevant policies:

Policy 1-1 Allowable Land Uses states:

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

Policy 3-1.2 Environmentally Sensitive Habitat Areas (ESHA) states:

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

Policy 4-3 Accelerated Soil Erosion states, in relevant part:

- a. *All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein...*
- b. *Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollution loads and flows resulting from proposed future development. The City shall require new developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.*
- c. *Water pollution prevention methods shall be implemented to maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite into a municipal separate storm sewer system (MS4) shall be utilized.*

- d. *Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objective or which have not been reduced to the maximum extent practicable.*

Policy 7-10 Parking states:

Parking standards set forth in the City of Carlsbad Zoning Ordinance shall be applied to future developments.

The City's certified Habitat Management Plan also includes policies related to protection of ESHA that apply in all geographic LCP segments:

Policy 7-1 Environmentally Sensitive Habitat Areas (ESHA) states:

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

Policy 7-11 Buffers and Fuel Modification Zones states in relevant part:

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

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

Auto repair uses are currently allowed only in the C-2 General Commercial zone, as well as limited areas of the M Industrial zone and in Districts 3 and 6 of the downtown Village LCP segment. City staff has been contacted by auto repair business owners and operators expressing concern with the limited availability of sites where they can operate auto repair business in Carlsbad. Businesses are being displaced from the Car Country auto center just off Cannon Road due to new auto dealerships moving in at that location and also in the downtown Village segment due to revitalization over time. In addition, the City is considering reducing the sites available for auto repair uses within the Village segment of the City's coastal zone. In response to these concerns from business owners, the City's proposed amendment would expand the areas where auto repair uses are allowed to include areas zoned for Planned Industrial (P-M).

Similar auto-related uses including auto storage and auto wrecking are currently allowed in the P-M zone subject to approval of a conditional use permit. All sites currently zoned P-M within the City's coastal zone are located in the Mello II segment. These parcels are generally located east of the rail corridor and west of Interstate 5 between Cannon Road and Poinsettia Lane, and at the inland edge of the coastal zone boundary ([Exhibit 3](#)).

There are also several parcels within the Carlsbad Ranch Specific Plan area located east of LEGOLAND adjacent to The Crossings at Carlsbad Golf Course that are zoned P-M; however, the Carlsbad Ranch Specific Plan, part of the certified LCP, precludes auto-related uses on these parcels. Most of the areas zoned for P-M where auto repair uses would be allowed are located near the areas zoned for C-2 and M where auto repair uses are already permitted ([Exhibit 3](#)).

In addition to allowing auto repair uses within the P-M zone, the amendment proposes to simplify the process for approval of auto storage uses. Auto storage/impound yards are currently allowed in the C-M, M and P-M zones generally located east of the rail corridor and west of Interstate 5 between Cannon Road and Poinsettia Lane within the City's coastal zone ([Exhibit 4](#)). Car dealerships rely on off-site storage lots to maintain a large and flexible inventory. The proposed amendment would change the permit required for approval of auto storage uses from Planning Commission approval of a conditional use permit to City Planner approval of a minor conditional use permit. The proposal will result in an administrative process to approve an auto storage use rather than a public hearing process.

The minor conditional use permit required for auto repair uses in the P-M zone and for auto storage uses in the C-M, M and P-M zones is designed to ensure that auto repair and auto storage uses are sited in appropriate locations within the City and any potential adverse impacts associated with this use are avoided or appropriately mitigated. The City Planner must make specific findings of fact in order to approve a minor conditional use permit. In addition, all development within the P-M, C-M and M zones must meet all LCP required setback and buffer requirements from coastal resources. The proposed amendment also establishes screening requirements for auto repair and auto storage uses to minimize visual impacts. These development standards require the use of walls, fences, hedges or other landscaping to screen auto repair and auto storage uses from adjacent properties and public view. Therefore, the proposed zoning amendment is consistent with Policy 1-1 and Policy 3-1.2 of the Mello II LUP and with Policy 7-1 and Policy 7-11 of the Habitat Management Plan.

In addition, any new auto repair or auto storage use will be required to comply with the City's stormwater regulations (Municipal Code Chapter 15.12) to avoid adverse impacts to water quality. Finally, no change is proposed in the parking requirements applicable to auto repair and auto storage uses contained in Chapter 21.44 of the City's Zoning Ordinance. Therefore, the proposed zoning amendment is consistent with Policy 4-3 and Policy 7-10 of the Mello II LUP. As submitted, the Commission can therefore find the proposed ordinance revisions consistent with the certified land use plan(s) and approve the amendment request.

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

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.

An EIR (No. 13-02) was prepared and certified by the City on September 23, 2015 for the City's General Plan Update. The City determined that no subsequent EIR or other environmental review document is needed for the proposed revisions to allow auto repair uses in the P-M Planned Industrial zone, modify the decision making level for auto storage uses, or establish screening standards for auto repair and auto storage uses because all potential impacts were adequately addressed and disclosed in EIR No. 13-02.

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 Implementation Plan, as amended, conforms to the provisions of CEQA.