

CALIFORNIA COASTAL COMMISSION

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May 31, 2019

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TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
CORT HITCHENS, COASTAL PROGRAM ANALYST, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-CVR-18-0070-1 (Village and Barrio
Master Plan) for Commission Meeting of June 12-14, 2019**

SYNOPSIS

The City of Carlsbad's Local Coastal Program (LCP) land use plan and implementation plan amendment LCP-6-CVR-18-0070-1 was filed as complete on October 25, 2018. The Commission granted a one-year time extension November 20, 2018; therefore, the last date for Commission action on this item is January 23, 2020. This report addresses the entire submittal.

SUMMARY OF AMENDMENT REQUEST

The City of Carlsbad proposes to repeal the existing Village Master Plan and Design Manual (the LUP/IP for the Village segment) and replace it with new Village & Barrio Master Plan (VBMP); expand the boundaries of the existing Village LCP segment to incorporate the existing Barrio area and several other parcels from the Mello II LCP segment and rename the Village LCP segment to the Village-Barrio LCP segment; revise text and graphics in the City's certified LUP; revise text in the Zoning Ordinance (part of the City's IP); and re-designate and rezone all parcels within the Village-Barrio segment with a new Village-Barrio (V-B) land use and zone. The proposed amendment would affect both the land use plan and implementation plan components of the existing Village and Mello II LCP segments.

Since the original submission of the Village and Barrio Master Plan to the Commission, City staff have also requested several minor text edits and modifications that are non-substantial to the certification of the Village and Barrio Master Plan. A compilation of these technical corrections and clarifications can be found in Appendix B.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that, after a public hearing, the Commission first deny the proposed LUP/IP as submitted, and then recommends the Commission certify the LUP/IP only if

modified pursuant to twenty-three (23) suggested modifications. While the request includes revisions to the City's LUP and Zoning Ordinance, as well as components of the Village and Mello II LCP segments, through cooperative work between City and Commission staffs, most potential LUP/IP inconsistency concerns have been addressed and agreed upon. The majority of the suggested modifications are clarifications and refinements to proposed LUP policies.

The Village Barrio Master Plan represents the culmination of the City's efforts to revitalize its historic downtown core. The "Village" is developed along the major corridors of Carlsbad Village Drive and Carlsbad Boulevard/Coast Highway which also serve as critical coastal access corridors to bring both residents and visitors to the shoreline. In the last several years, the Commission has seen a number of proposals seeking to redesign and modify historic Coast Highway along San Diego County's north coast shoreline. Most recently, in Encinitas, the Commission approved the Encinitas Streetscape proposal after careful analysis and the inclusion of public access benefits. Directly north of Carlsbad, the City of Oceanside is also conducting studies to revitalize and redevelop its Coast Highway corridor.

The Commission supports "complete streets" concepts and the expansion of alternate transit opportunities; however, such efforts should not come at the expense of maintaining critical public parking reservoirs for beachgoers or result in unanticipated deterrents to coastal mobility from such road projects. Therefore, quantitative analysis that addresses key coastal access parameters, such as travel time and summer traffic demands, must be included and these coastal access concerns are addressed in the proposed suggested modifications.

In addition, another focus area for work between the City and Commission was the identification and protection of priority uses within the Village/Barrio area as it undergoes redevelopment. Under the Coastal Act, visitor-serving uses have a clear priority and mandate for this nearshore segment. For the most part, the permitted uses proposed by the City were acceptable and some minor concerns have been mutually resolved. However, just as important as the delineation of permitted uses in the plan, the design parameters for development are also critical. Given the desire to create meaningful space for leaseholds along the street, activate the streetscape and support visitor uses in the downtown area, Commission staff felt the inclusion of a minimum depth for the leaseholds, along with street frontage requirements was important. Absent such provisions, non-priority uses, including even parking, could diminish the establishment of a pedestrian-friendly and active street-front.

Finally, the City has put a lot of effort into managing the public parking supply in the downtown core and advancing alternate transit options for residents and visitors alike. The Commission supports all these efforts but again must ensure that coastal access needs are balanced. In this regard, policies have been developed in cooperation with the City to utilize its annual parking analyses to consider site specific parking determinations or the appropriateness of installing curb cafes as an activating element.

The appropriate resolutions and motions begin on Page 4. The suggested modifications begin on Page 8. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 12. The findings for approval of the plan, if modified, begin on Page 199. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 23. The findings for approval of the plan, if modified, begin on Page 2525.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP Amendment No. LCP-6-CVR-18-0070-1 may be obtained from Cort Hitchens, Coastal Planner, at (619) 767-2370.

EXHIBITS

[Exhibit 1 – Village and Barrio Master Plan as adopted by Ordinance CS-335](#)

[Exhibit 2 – PC Reso No. 7293](#)

[Exhibit 3 – PC Reso No. 7294](#)

[Exhibit 4 – Proposed LCP Text and Graphic Changes from PC Reso No. 7294](#)

[Exhibit 5 – CC Reso No. 2018-129](#)

[Exhibit 6 – Proposed Zoning Map Changes](#)

[Exhibit 7 – Proposed Text Changes to Zoning Ordinance](#)

APPENDICES

Appendix A – Substantive File Documents

Appendix B – City-requested Technical Errata

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 and 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 City has been issuing coastal development permits there since that time. The Housing and Redevelopment Commission and the City Council originally approved the policies, regulations, guidelines, and procedures set forth within the Village Master Plan and Design Manual on December 5, 1995. The California Coastal Commission approved and certified the document as of September 12, 1996. As a result of the Coastal Commission's approval and certification of the Village Master Plan and Design Manual, the policies, regulations, guidelines, and procedures set forth within the document became fully effective in all areas of the Village segment, including those areas located within the Coastal Zone, as of September 12, 1996. 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. The proposed amendment would affect both the land use plan and implementation plan components of the Village and Mello II LCP segments.

The Housing and Redevelopment Commission and the City Council approved amendments to the policies, regulations, guidelines and procedures set forth within the Village Master Plan and Design Manual on November 20, 2007. The California Coastal Commission approved and certified the amended document as of November 5, 2009. Pages were renumbered as appropriate to accommodate the amendments. On July 21, 2010, the effectiveness date for the Carlsbad Village Redevelopment Plan expired. Although various redevelopment activities continue according to existing contracts, agreements, covenants and restrictions, the Plan itself expired and revisions were required to the Village Master Plan and Design Manual and related policies as a consequence of expiration of the Redevelopment Plan. These revisions were approved by the Housing and Redevelopment Commission and City Council on June 23, 2009. The minor amendments were certified by the California Coastal Commission on November 5, 2009.

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). 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.

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:** *I move that the Commission certify Land Use Plan Amendment No. LCP-6-CVR-18-0070-1 for the City of Carlsbad as submitted.*

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO DENY CERTIFICATION OF LAND USE PLAN
AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Carlsbad as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- II. MOTION II:** *I move that the Commission certify Land Use Plan Amendment No. LCP-6-CVR-18-0070-1 for the City of Carlsbad as submitted if modified in accordance with the suggested changes set forth in the staff report.*

**STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS
SUGGESTED:**

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY SUBMITTED LAND USE PLAN AMENDMENT IF
MODIFIED AS SUGGESTED:**

Subject to the following modifications, the Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad as submitted and finds for the reasons discussed herein that, if modified as suggested below, the submitted Land Use Plan Amendment will meet the requirements of and conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan if modified as suggested below 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 or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

- III. MOTION III:** *I move that the Commission reject Implementation Program Amendment No. LCP-6-CVR-18-0070-1 for the City of Carlsbad as submitted.*

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment 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 DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of 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 as submitted does not conform with, and is not adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted

IV. MOTION IV: *I move that the Commission certify Implementation Program Amendment No. LCP-6-CVR-18-0070-1 for the City of Carlsbad if it is modified as suggested in this staff report.*

STAFF RECOMMENDATION:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications 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 THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested 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 Implementation Program Amendment 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.

PART III. SUGGESTED MODIFICATIONS

Staff recommends the following suggested revisions to the proposed LCP be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

Chapter 1/Introduction:

1. Modify Section 1.5.2 Mobility and Parking to add a policy related to road modifications as follows:

In the Master Plan area, Carlsbad Boulevard and Carlsbad Village Drive are the major coastal access streets – the main routes to and along the coast for pedestrians, cyclists, buses and vehicles. To foster access to shoreline recreation areas, improvements to these streets shall target equity and adequate circulation among all modes of travel, including walking, biking, public transportation and private vehicle.

Street improvements that significantly impact coastal access shall be avoided. Modifications to Carlsbad Boulevard or Carlsbad Village Drive, that would reduce vehicle capacity resulting in or worsening an existing or future vehicular level of service (LOS) E or below at one or more intersections or segments (with or without proposed development), requires a quantitative analysis and City Council approval. The quantitative analysis will project the change in travel time resulting from the project along the roadway to determine if coastal access is impacted. Available relevant circulation information from Caltrans, SANDAG and other cities along the affected roadway shall be included in the analysis. The quantitative analysis shall be derived from an adequate number of travel time surveys and shall address the prime beach use and peak travel volume periods on at least two weekends between Memorial Day and Labor Day.

Modification to the identified roadways shall include public access benefit enhancements promoting multi-modal access and safety for all users. Public access benefit enhancements may include, but are not limited to, improved pedestrian and cyclist access, increased access to public transportation services and increased public parking.

2. Modify Policy 1.5.2.A.2 as follows:

Implement parking management recommendations as identified in these policies and in the standards contained in Section 2.6.6 Parking that reduce demand for parking and encourage alternatives to private automobile use, including single occupant driving.

3. Modify Policy 1.5.2.B.9 as follows:

Annually monitor the entire parking system for changes in supply, demand, utilization rates, enforcement, and maintenance needs, and adjust parking programs and services as

needed. Data collection shall occur at least between Memorial Day and Labor Day and include weekends.

4. Modify Policy 1.5.3.A.7 as follows:

Coordinate with the City of Oceanside and Caltrans in evaluating potential connectivity impacts on the Village and Barrio of future improvements to Interstate 5 freeway, the I-5/SR 78 interchange and/or Coast Highway 101, including those projects identified in the North Coast Corridor Public Works Plan/Transportation and Resource Enhancement Program. Work cooperatively on solutions to avoid or lessen the potential for significant impacts to occur.

5. Add a new policy to Section 1.5.4.A Placemaking as follows:

9. Plant street trees that are non-invasive and drought-tolerant.

6. Eliminate Policy 1.5.4.A.3 as follows and renumber the remaining policies in Section 1.5.4.A:

~~Support efforts to study reconfiguration of Ocean Street, a small portion of which is in the Master Plan, to designate space for walking, biking, and parking as well as space for vehicular traffic.~~

Chapter 2/Land Use:

7. Modify Table 2-1, Permitted Uses to add footnote 2 clarifying that a Professional Care Facility may not locate along the ground floor street frontage.
8. Modify Table 2-1, Permitted Uses to add footnote 2 clarifying that Child Day Care Centers are not permitted on the ground floor street frontage in the VC or HOSP districts as identified in Figure 2-2.
9. Modify Table 2-1, Permitted Uses to add footnote 2 indicating Athletic and Health Club, Gymnasium, and Physical Conditioning Business are allowed in the VC district; redact footnote 2 indicating that Athletic and Health Club, Gymnasium, and Physical Conditioning Business are not allowed in the HOSP district.
10. Add a new section to Section 2.6.1 as follows, and re-letter the remaining standards in Section 2.6.1:

B. Parking

1. Surface parking shall be located behind buildings and away from the street frontages unless determined infeasible by the decision-maker.

11. Modify Section 2.6.5.A.2 as follows:

Curb cafes are temporary structures on public streets. The city engineer may require their temporary or permanent removal to accommodate street or other infrastructure improvements or maintenance or to ensure adequate public parking is maintained. In the Coastal Zone, if city-authorized parking studies indicate public parking occupancy within a quarter-mile radius of the curb café is 85 percent or more for five consecutive years, the curb café shall be removed unless the applicant can secure replacement public parking within the quarter-mile radius equal to the number of on-street parking spaces impacted by the curb café.

12. Modify Table 2-4, Parking Options – Mobility Alternatives as follows:

Based on the city-authorized annual parking studies required by Policy 1.5.2.B.9 or an applicant-prepared parking study that employs the same methodology used in preparation of the city's annual parking studies or other information and that provides, as necessary, project specific analysis to support the effect of specific project measures or project-generated parking demand, reductions to parking requirements may be implemented. This may include reductions for the implementation of Transportation Demand Management (TDM) measures, shuttles, ride share programs, or other programs or measures that will reduce parking demand and incentivize alternatives to driving. Parking reductions may not exceed 10 percent of a project's parking requirement if city-authorized parking studies for the three prior reporting years reveal an average parking occupancy of 85 percent or more for all public parking within a quarter mile radius of the project. Otherwise, parking reductions shall be evidence-based and determined by the decision-maker.

13. Modify Table 2-4, Parking Options – New on-street public parking as follows:

The creation of two on-street public parking spaces along the frontage of the subject property by closing existing curb cuts or providing additional right-of-way may result in the reduction of one on-site parking space, subject to the city engineer's approval and the following stipulations:

1. The on-street spaces must be located within the boundaries of the Village and Barrio Master Plan, and may not be located within the BP or BC districts.
2. The on-street spaces must not be located where they would interfere with planned or needed improvements.
3. The on-street spaces shall be public and shall not be reserved or designated for any particular use.
4. The creation of on-street public spaces shall be the net result of any existing spaces that might be reconfigured or removed to accommodate the created spaces.

14. Modify Section 2.6.7.B Purpose as follows; renumber subsections accordingly and add a finding to Section 2.6.7.C to clarify that a standards modification made to enable a public benefit can only be permissible if it is consistent with the LCP and if applicable, Chapter 3 of the Coastal Act as follows:

[...]

3. To enable a significant public benefit as determined by the decision-making authority. A significant public benefit may include, but is not limited to, one or more of the following:
 - a. Exceeding minimum Climate Action Plan (CAP) consistency requirements;
 - b. Exceeding local energy efficiency requirements and/or renewable energy requirements;
 - c. Exceeding local electric vehicle ~~supply-equipped~~ parking requirements;
 - d. Reducing vehicle miles traveled (VMT);
 - e. Implementing programs that encourage employees to carpool or ride transit;
 - f. Implementing an important public amenity or infrastructure component of the Master Plan; and
 - g. Advancing other benefits as determined by the decision-making authority;or
- ~~4. To enable superior building design; or~~

2.6.7.C Standards Modification

[...]

4. In the Coastal Zone, a standards modification is permitted only when the decision-making authority determines that the modification is consistent with the certified Local Coastal Program, and if applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act.

15. Modify Sections 2.7.1.I and 2.7.3.I as follows:

1. New ground floor street frontage uses permitted within the boundaries of the use restriction area identified on Figure 2-2 shall occupy more than one-half of the habitable space developed on the ground floor and shall span at least 80 percent of the building frontage. In the Coastal Zone along Carlsbad Boulevard and Carlsbad Village Drive, new ground floor street frontage uses shall have a minimum building depth of 25 feet.

16. Modify Section 2.7.1.J.2/Army and Navy Academy as follows:

2. Figure 2-5 also shows the two parcels in the Village Center District bordering Buena Vista Lagoon, a state ecological reserve. Development of these parcels shall comply with the Carlsbad Habitat Management Plan and other applicable requirements, such as slope protection and coastal access-, as follows:
 - a. A 25-foot wide lateral access easement shall be required as a condition of approval for any development. The access easement shall be located upland from any wetland vegetation on the site or, where there is no wetland vegetation on the site, upland of the property line adjacent to the lagoon.

b. Development shall be set back from the bluff or slope edge consistent with that stringline requirements in the City's LCP.

c. Native, drought tolerant and fire resistive vegetation shall be used in areas designated for, or located adjacent to, natural open space or native vegetation. Invasive or noxious plants shall not be employed or allowed to naturalize or persist on the site. Use of non-invasive turf and ornamental vegetation may be permitted within the development footprint.

d. Landscape treatments for the purpose of fire protection shall be performed in a manner which avoids disruption and encroachments to environmentally sensitive areas while still achieving conformance with the fire protection standards.

17. Modify Section 2.7.3.J as follows:

4. Amendments to the Master Site Plan, Village and Barrio Master Plan, and Local Coastal Program shall be required if any of the following is proposed or occurs:

a. An expansion of the campus beyond the Master Site Plan boundaries and within the Village and Barrio Master Plan.

b. A land use that is inconsistent with the goals of the Master Site Plan.

c. The Army and Navy Academy ceases operation.

d. A land use that reduces required parking.

Chapter 3/Signs:

18. Modify Section 3.1.5 Sign Provisions by adding freestanding pole signs, roof signs, and billboards to the list of prohibited signs as follows:

A. The following signs shall be prohibited within the Village-Barrio area.

1. Interior illuminated boxed display signs (which are designated to be mounted on the exterior of a building).

2. Changeable letter signs, except for A-frame signs (public and private), marquee signs and service station signs.

3. Signs facing an alley or a parking lot unless identifying a public entrance facing an alley or lot.

4. Individual letters painted directly onto the building face if facing a public street.

5. Roof signs.

6. Billboard signs.

7. Pole signs exceeding five feet in height.

Chapter 6/Administration:

19. Modify relevant section that describes LCP contents to include Section 4.5.2 Managing Parking and Increasing Mobility as part of the City's certified LCP.

20. Modify Section 6.2.1 Local Coastal Program to include the following:

If conflicts arise between the Local Coastal Program and other policies, standards, or guidelines of the Master Plan, the Local Coastal Program provisions shall be controlling.

21. Add a new Section 6.2.5 as follows, and renumber existing Section “6.2.5” to “6.2.6”:

6.2.5 Village Master Plan and Design Manual

References to the “Village Master Plan and Design Manual” in existing plans, permits and approval documents, etc., shall be construed to mean the Village and Barrio Master Plan to the extent such references remain applicable.

~~6.2.5~~ 6.2.6 Severability

In the event that any regulation, condition, program, or portion of this Village and Barrio Master Plan is held invalid or unconstitutional by a California Court or Federal Court of competent jurisdiction, such provisions and the invalidity of such provisions shall not affect the validity of the remaining provisions.

22. Modify Section 6.3.1.4 as follows:

4. Approving or denying certain minor permits and minor variances as specified in Section ~~6~~3.3.

Miscellaneous:

23. Modify the Village and Barrio Master Plan in accordance with the thirty-one (31) City-requested technical errata modifications found in Appendix B.

PART IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The City proposes to expand the boundaries of the existing Village LCP segment to incorporate the Barrio area and several other parcels from the Mello II LCP segment and rename the Village LCP segment to the Village-Barrio LCP segment; repeal the existing Village Master Plan and Design Manual (the LUP/IP for the Village LCP segment) and replace it with the Village-Barrio Master Plan; revise text and graphics in the City’s certified LUP to reflect the new name and expanded boundaries of the Village-Barrio LCP segment; and eliminate the existing Village Review (V-R) land use designation and redesignate all parcels located within the Village-Barrio LCP segment with a new Village-Barrio (V-B) land use designation.

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not 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 or 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 does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regards to maximizing public recreational activities in the coastal zone and assuring priority for coastal-dependent and coastal related development over other development on the coast.

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

The standard of review for LCP land use plan submittals or amendments is their consistency with and ability to carry out the provisions of Chapter 3 of the Coastal Act. All parcels within the VBMP are proposed to remain with their current land use designations, but will have new titles to reflect the adoption of the new Village and Barrio Master Plan. In addition to retitling land use designations, the City proposes to modify several permitted uses within the Village and Barrio segment. As proposed, there are several sections within the VBMP that the Commission finds to be inconsistent with policies contained in Chapter 3 of the Coastal Act.

Section 30210 states:

In carrying out the requirements 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.

Section 30222 states:

The use of private lands suitable for visitor-serving commercial recreation facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30240 states:

- (a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

Section 30252 states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit in high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Public Access

Public access to and along the coast can be impacted in a number of ways. For example, Section 1.5.2 Mobility and Parking does not address road modification projects that may impact coastal access and raises questions regarding consistency with Sections 30210 and 30252 of the Coastal Act. The VBMP discusses the evaluation of project consistency with applicable land use documents and briefly mentions improvements to ride share and

bike share, but does not explicitly discuss how roadway project impacts are to be evaluated, or that public access benefits should be considered alongside roadway modification project proposals. As proposed, Section 1.5.2 could allow for roadway modification projects that would increase travel time, potentially resulting in reduced coastal accessibility. Also as proposed, roadway modification projects are not required to incorporate public access benefit enhancements that promote multi-modal access and are not required to provide quantitative travel-time data or to include peak, summer-month traffic data.

Carlsbad Boulevard and Carlsbad Village Drive are the main routes to and along the coast for pedestrians, cyclists, buses, and vehicles. Roadway modifications to these two streets or any other streets that intersect with these streets can potentially cause further congestion and traffic jams, especially during peak travel times and during the summer months. In a recent Commission action (CDP #A-6-ENC-18-0019 City of Encinitas North Coast Highway 101 Streetscape Project), the City of Encinitas provided a quantitative traffic impact analysis of expected circulation effects for the proposed project to the Commission, and it was found that an increase of roughly two minutes through the approximately 2.4 mile project corridor was not significant and the project was ultimately approved. However, in the case of the Encinitas Streetscape, the traffic impact analysis took into account data for one summer weekday and for one summer weekend day. Without requiring estimated travel time data or peak summer traffic data to be included in roadway modification proposals, Section 1.5.2 would lack the provision of critical information necessary to fully understand project impacts. The Commission strives to foster access to shoreline recreation areas while maintaining adequate circulation on major coastal access roadways, and to target equity among all modes of travel, and finds this section inconsistent with the goals of the Legislature and applicable Chapter 3 policies.

Land Resources

Figure 2-5 of the submitted VBMP shows the two parcels in the VC district bordering Buena Vista Lagoon, a state ecological reserve. As proposed, development of these parcels shall comply with the Carlsbad Habitat Management Plan and other applicable requirements, such as slope protection and coastal access. However, this requirement is insufficient because it does not capture all substantial and additional requirements without the need to reference other LCP certified documents. The policy fails to include the requirement for a lateral access easement as a condition of approval for any development on these parcels, and also fails to address setbacks, vegetation, and fire protection standards associated with parcels located near environmentally sensitive habitat areas (ESHA). Therefore, as proposed, Figure 2-5 cannot be found consistent with the Chapter 3 policies pertaining to protection of land resources and sensitive habitat.

New Development/Parking/Coastal Access

New development within the Village and Barrio shall ensure that adequate parking and public access are provided, and where feasible, maximized. As drafted, Section 2.6.5.A

prohibits curb cafes on any street block with an on-street public parking occupancy of 85 percent or more based on the most recent City-authorized parking study or other information the city engineer accepts. However, as proposed, existing curb cafes may continue to be located on street blocks that are at or above 85 percent public parking occupancy, which may result in adverse impacts to coastal access. Without a policy or threshold in place, there is little policy direction to remove existing curb cafes even if parking is above 85 percent capacity.

Similarly, the City's provision allowing the implementation of reductions to a project's parking requirements based on applicant-prepared parking studies also raises coastal access concerns. The City has proposed to allow for reductions in a project's parking requirements based on capacity levels determined through city-authorized parking studies, or applicant-prepared parking studies that utilize the same methodology as the city's parking studies would use. However, the City did not propose a cap on the maximum amount of parking that would be allowed to be reduced for a given project. Without setting a limit on the amount of parking reductions allowed, public access to the shoreline as well as recreational opportunities could be impacted if parking shortages became prevalent. Further, the City did not provide a capacity threshold to be determined through a parking study, for when a project may not be allowed to have reduced parking requirements. While parking requirements may be lowered for a given project, public parking spaces may be used by visitors looking to park in one place and walk or travel elsewhere. As proposed, there is not a defined area that the parking studies must look at when determining parking capacities for projects.

New Development/Priority Uses

Within the VBMP planning area, the Hospitality (HOSP) district is located nearest to the coast, in some portions within one block of the beach. This HOSP district is meant to provide a transition from the beach to the heart of the Village area, and to provide opportunities for visitor-serving and hospitality uses serving visitors, with ground floor commercial uses primarily catering to visitors. The City's provisions to allow Professional Care Facilities on the ground floor street frontage in the HOSP district raises concerns about promoting priority uses within the Village and Barrio area. Professional Care Facilities, such as the existing Carlsbad-by-the-Sea, are proposed to be allowed as conditional uses within the HOSP district, portions of which are within one block from the beach. Permitted uses are allowed because they are consistent with the vision and intent of the district(s) in which they are located. Conditional uses, however, are subject to discretionary approval and are not typically priority uses within a district. While Professional Care Facilities may provide services to the public, they are not high-priority, visitor-serving uses that should be located on the ground floor street frontage within the HOSP district. Additionally, without a ground floor use restriction in place, Carlsbad-by-the-Sea or any other professional care facility would be able to locate or expand within the HOSP district and occupy ground floor space as non-visitor serving uses. Professional Care Facilities should not be exempt from the ground floor restricted uses requirement.

Similarly, the city proposes to allow Child Day Care Centers on the ground floor street frontage within the entire VBMP planning area. The HOSP and Village Center (VC) districts are meant to serve as visitor-serving and commercial areas. Child Day Care Centers are not high-priority, visitor-serving uses and therefore they should not be permitted as ground floor street frontage uses within the HOSP or VC districts.

Also, the City proposes to allow Athletic and Health Club, Gymnasium, and Physical Conditioning Businesses to be located on the ground floor street frontage in the HOSP district. Athletic clubs, yoga studios, or similar facilities should not be located on the ground floor within HOSP districts, especially in the case of the Village and Barrio segment in which the HOSP district is located within approximately one block of the coast. Gyms and other commercial-athletic uses may serve nonresidents as well as residents, but they should not be uses located on the ground floor street frontage in near-shore commercial areas as they are not clearly priority uses.

Proposed Sections 2.7.1.I and 2.7.3.I require ground floor street frontage uses must occupy more than one-half of the habitable space developed on the ground floor and 80 percent of the building frontage, but do not specify minimum depth requirements. The Commission believes that visitor-serving commercial uses should be the priority use on the ground floor in mixed-use developments in the coastal zone. Without a required ground floor street frontage width or depth, residential or other non-priority uses would be able to occupy a large majority of ground floor street frontage, and non-visitor serving uses could occupy much of the VB area in the coastal zone. The City does not agree that a depth requirement should be imposed; instead, City staff have asked for a minimum ceiling height requirement for ground-floor parcels. However, the Commission finds that a minimum depth is more critical than height and believes a minimum depth requirement, along with the City's proposed frontage provision, be adopted.

The Army and Navy Academy has been a part of Carlsbad for decades, and is located almost entirely within the Village and Barrio segment. While the Academy has a Master Site Plan for its own development, the plan was not reviewed by the Coastal Commission prior to its adoption and is not presently part of the city's certified LCP. The Commission would like to pursue incorporating the Master Site Plan into the city's LCP, but its incorporation is not proposed at this time. There are many planning and land use aspects not addressed in the Master Site Plan including sea level rise, geologic hazards, and improving access and public views near the western edge of the facility. However, it should be noted that the parcels in the Master Site Plan that would require updated policies for sea level rise, geologic hazards, and access and views are not located within the Village and Barrio segment, but are contained in the Mello II segment of Carlsbad's LCP. Existing plans and documents contained in the Master Site Plan will also need to be updated accordingly to reference the Village and Barrio Master Plan. Since the Master Site Plan is not proposed or certified as part of the city's LCP, future developments in and around the Academy must be addressed in the VBMP, until an updated version of the Master Site Plan is certified into the LCP. Without addressing future development of the Academy in the VBMP, expansions and land use changes could occur that could be problematic, especially with regard to coastal access. Therefore, as proposed, the

Commission cannot find the LUP amendment consistent with the Chapter 3 policies of the Coastal Act.

PART V. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LAND USE PLAN, IF MODIFIED

In addition to Sections 30210 (maximum access), 30213 (encourage lower cost visitor/recreational facilities), 30222 (visitor use priority), 30240 (development near environmentally sensitive habitat area), and 30252 (maintenance/enhancement of public access) cited above, the following Coastal Act sections are relevant:

Section 30211 states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30251 states:

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. [...]

A. SPECIFIC FINDINGS FOR APPROVAL

As proposed, the Master Plan fails to include a policy related to roadway modification projects. As modified, a policy would be incorporated in the interest of improving coastal access and equity among all travel modes. Without a policy in place to require the analysis of current versus changes in travel time resulting from a roadway project, coastal accessibility cannot be truly evaluated for impacts. City and Commission staffs have discussed this section and policy, and were not able to come to an agreement regarding the use of Level of Service (LOS) versus a quantitative change in travel time. An LOS calculation may not adequately capture potential increases in travel time caused by projects other than roadway modifications that narrow or reduce lanes, such as the addition of bike lanes and the subsequent addition of more cyclists on the road. Further, while City staff suggest that using peak travel volumes is not common road engineering practice and represents a worst-case planning scenario, the Commission believes that this data is necessary to make fully informed decisions. City staff would not like to require summer traffic data analysis, and have also suggested that such seasonal analysis can result in unnecessary project delay and higher costs in planning and designing roadway improvements. An adequate number of travel time surveys including on weekends during the summer months and data from agencies and cities along the affected roadway need to

be included in the analysis. If it is determined that a roadway modification project would significantly impact coastal access, then that project shall be avoided. **Suggested Modification 1** adds that prior to modifying major coastal access roadways (including Carlsbad Boulevard and Carlsbad Village Drive) with current or projected LOS of E or worse, a quantitative analysis of increase in change of travel time resulting from the project along the roadway shall be conducted to determine if coastal access is impacted; that travel time surveys shall address prime beach use and travel volume periods; projects that significantly impact coastal access shall be avoided; and modification to major coastal access roadways shall be accompanied by public access benefit enhancements including multi-modal accessibility projects.

There are two parcels in the VC district that border Buena Vista Lagoon. As proposed, development requirements of these parcels fail to include the 25 foot wide lateral access easement condition of approval for those areas suitable for such a pathway to be developed along the Lagoon. The proposal also fails to address setbacks, vegetation, and fire protection standards associated with parcels located near environmentally sensitive habitat areas (ESHA). Any development of these two parcels shall be set back from the bluff or slope edge consistent with the stringline requirements in the City's LCP. **Suggested Modification 16** clarifies that these two parcels shall comply with the Carlsbad Habitat Management Plan and other applicable requirements, such as slope protection and coastal access, provide a 25-foot wide lateral access easement required as a condition of approval for any development; set back from the bluff or slope edge consistent with that stringline requirements in the City's LCP; use native, drought tolerant and fire resistive vegetation; and landscape treatments for fire protection shall avoid disruption and encroachment into environmentally sensitive areas and conform with the City's fire protection standards.

Section 2.6.5.A.4 discusses that curb cafes shall not be permitted on any street block with an on-street public parking occupancy of 85 percent or more based on a most recent parking study acceptable to the city engineer. The Commission concurs that curb cafes should not be permitted on a street with parking occupancy greater than 85 percent; however, the policy does not include a basis to allow for the removal of existing curb cafes if parking shortages are also noted. Thus, **Suggested Modification 11** adds that in the Coastal Zone, if city-authorized parking studies indicate public parking occupancy within a quarter-mile radius of the curb café is 85 percent or more for five consecutive years, the curb café shall be removed unless the applicant can secure replacement public parking within the quarter-mile radius equal to the number of on-street parking spaces impacted by the curb café.

Similarly, the City has proposed to allow for reductions in a project's parking requirements based on capacity levels determined through parking study data. However, the VBMP does not propose a cap on the maximum amount of parking allowed to be reduced within the Village and Barrio area. Without setting a limit on the amount of parking reductions allowed, or a capacity threshold for when a project may not be allowed to have reduced parking requirements, public access could be impacted if parking shortages become prevalent and public parking reservoirs are usurped.

Suggested Modification 12 clarifies that parking reductions may not exceed 10 percent of a project's parking requirement if city-authorized parking studies for the three prior reporting years reveal an average parking occupancy of 85 percent or more for all public parking within a quarter mile radius of the project. Otherwise, parking reductions shall be evidence-based and determined by the decision-maker.

Within the Village and Barrio, the City also proposes an in-lieu fee program that can be paid into by project applicants for projects located east of the railroad tracks that are not able to provide adequate, required parking on-site. Commission staff have discussed with the city the need to add a policy to clarify that any expansion of the in-lieu parking fee area west of the railroad tracks will require an LCP amendment to be reviewed and approved by the Commission. However, there is an existing graphic (Figure 2-3), and Table 2-4 successfully describes that the in-lieu fee is only applicable to projects located east of the railroad tracks. Therefore, an amendment to the LCP would be required for the expansion of the in-lieu fee west of the railroad tracks.

Section 2.7.3 does not identify the Carlsbad-by-the-Sea retirement home as an exception within the HOSP district, and Table 2-1 Permitted Uses allows Professional Care Facilities within the HOSP District as a conditional use, not subject to any ground floor restriction. Therefore, a conditional use permit would allow Carlsbad-by-the-Sea to expand its operations within the HOSP district, or any other professional care facility to locate within the HOSP District and use ground floor space for non-visitor serving uses. Professional Care Facilities are not priority uses, and new professional care facilities should not be exempt from the ground floor restricted uses requirement. **Suggested Modification 7** clarifies that Professional Care Facilities are not priority or visitor-serving uses and thus should not be located on the ground floor street frontage within the VB area. Professional Care Facilities will be relocated from the "Residential" to the "Other" category, and will not be allowed to be located along the ground floor street frontage.

Additionally, the City's proposed allowance for ground floor occupancy by Child Day Care Centers in Table 2-1, Permitted Uses is not consistent with visitor-serving policies typically permitted within the VC and HOSP districts in the coastal zone, nor with the certified Master Plan and Design Manual. The primary permitted land uses shall be those which assure priority for coastal-dependent and coastal-related development or visitor-serving and commercial uses. Visitor-serving commercial uses include but are not limited to: hotels, motels, restaurants, recreational or tourist information facilities, and souvenir, gift, and novelty shops. All other land uses shall be provisional or accessory uses within the VC and HOSP districts. **Suggested Modification 8** adds a footnote to clarify that that Child Day Care Centers shall not be permitted on the ground floor street frontage in VC and HOSP districts.

The category for Athletic and Health Club, Gymnasium, and Physical Conditioning Business within the VC and HOSP districts proposes to allow their development with ground floor street frontage within the HOSP district, and not to allow them on ground floors within the VC district. It should be noted that while VC typically is an abbreviation

for “visitor-commercial,” within the VBMP, “VC” stands for “Village Center.” The City has submitted information indicating that there are increasing numbers of visitors in search of health clubs while traveling and staff finds health clubs may be considered “visitor-serving.” In this case, the HOSP district, which is entirely in the coastal zone and meant to provide a transition between the beach and the heart of the village, is located westward of the VC district. The VC district is the core area of the Village and includes a mix of commercial, attached residential, and mixed-use building types; therefore, athletic gyms may be permitted within the VC district. As such, **Suggested Modification 9** adds footnote “2” to prohibit ground floor street frontage uses for Athletic and Health Club, Gymnasium, and Physical Conditioning Business within the HOSP district, and redacts footnote “2” to allow ground floor street frontage locations for Athletic and Health Club, Gymnasium, and Physical Conditioning Business within the VC district.

As submitted, Sections 2.7.1.I and 2.7.3.I discuss minimum retail space building frontages and the percentage of occupancy required for habitable space on the ground floor in the VC and HOSP districts. Specifically, the City proposes to require new ground floor street frontage uses permitted within the boundaries of the restriction area identified on Figure 2-2 shall occupy more than one-half of ground floor habitable space developed on the ground floor and shall span at least 80 percent of the building’s street frontage. These districts need to be activated with meaningful, visitor-serving and commercial uses. The Commission remains concerned that more specification is needed. City and Commission staffs have discussed this issue in detail, and the city has had input from a consultant that stated that taller ceiling heights are more important than building depths for commercial spaces located on the ground floor. However, Commission staff does not want the visitor-serving and priority commercial uses to become secondary to residential or other uses in this area if parking lots or other uses are allowed on the ground floor frontage. Thus, **Suggested Modification 15** clarifies that in the Coastal Zone along Carlsbad Boulevard and Carlsbad Village Drive, new ground floor street frontage uses shall have a minimum building depth of 25 feet.

Another city provision in Section 2.7.3.J Hospitality calls out the Army and Navy Academy as an exception to the HOSP district’s restrictions on ground floor educational uses. It should be noted that the Army and Navy Academy’s Master Site Plan is not a part of the City’s certified LCP. Table 2-1 Permitted Uses does not allow new educational uses within the HOSP district; however, as proposed, it is unclear whether Army and Navy Academy could expand outside of its existing site. Educational uses are not typical within visitor-serving and commercial , and the expansion of existing or addition of new educational uses within the HOSP district should not occur. **Suggested Modification 17** clarifies that amendments to the Army and Navy Master Site Plan, Village and Barrio Master Plan, and the Carlsbad LCP shall be required if any of the following are proposed or occur: expansion of the campus beyond the Master Site Plan and within the VBMP; a proposed land use is inconsistent with the goals of the Master Site Plan; cessation of the Army and Navy Academy or re-use of the site is proposed, or a land use is proposed that reduces required parking. **Suggested Modification 20**, discussed further below, adds that references to the “Village Master Plan and Design Manual” in existing plans, permits, approval documents, etc., shall be construed to mean the VBMP to the extent that such

references remain applicable. As modified, the Commission finds the LUP amendment consistent with the Chapter 3 policies of the Coastal Act.

**PART VI. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The IP amendment would expand the boundaries of the existing Village LCP segment to incorporate the Barrio area and several other parcels from the Mello II LCP segment and rename the Village LCP segment to the Village-Barrio LCP segment; repeal the existing Village Master Plan and Design Manual (the LUP/IP for the Village LCP segment) and replace it with the Village-Barrio Master Plan; revise text in the Zoning Ordinance (part of the City's certified IP); eliminate the existing Village Review (V-R) zone and rezone all parcels located within the Village-Barrio LCP segment with a new Village-Barrio (V-B) zone. In addition, text changes will occur throughout the Zoning Ordinance to replace references to the Village LCP segment with the Village-Barrio LCP segment.

B. SUMMARY FINDINGS FOR REJECTION

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 primary changes to the City's Zoning Ordinance are proposed in Chapter 21.35 V-R Village Review Zone. Chapter 21.35 details the land use classifications and development standards and procedures for that unique area of the city described in the Carlsbad Village Master Plan and Design Manual. The proposed revisions to this section replace references to the V-R with the new V-B (Village-Barrio) classification, and omit and consolidate existing sections and subsections. Additional changes to the City's Zoning Ordinance are proposed in Chapters 21.05, 21.41, 21.44, 21.45, 21.53, 21.83, 21.84, and 21.201 to replace references to the Carlsbad Village Master Plan and Design Manual with references to the Village and Barrio Master Plan.

C. SPECIFIC FINDINGS FOR REJECTION

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 of the proposed Zoning Ordinance amendments is to eliminate the existing Village Review (V-R) zone and rezone all parcels located within the Village-Barrio LCP segment with a new Village-Barrio (V-B) zone.

b) Major Provisions of the Ordinance.

The primary changes to the City's Zoning Code are proposed in Chapter 21.35 regarding V-B Village-Barrio Review Zone. The proposed revisions to this section incorporate the repeal of the existing Village Master Plan and Design Manual, and the adoption of the Village-Barrio Master Plan. References to the Village Master Plan and Design Manual are replaced with references to the Village-Barrio Master Plan, and minor textual modifications are made to pre-certified sections.

Section 21.35.040 is modified from and added to Chapter 21.35 to ensure that projects developed pursuant to Chapter 21.35 shall be subject to the provisions of the Village and Barrio Master Plan, and all applicable provisions of the Carlsbad Municipal Code.

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

The Commission can only reject LCP implementation plan amendments where it can be shown that the amendment would be inconsistent with the certified land use plan (LUP) or render the IP inadequate to carry out the LUP. In this case, the Village and Barrio Master Plan cannot be found consistent with the certified LUP or is inadequate to carry it out, and therefore must be rejected as submitted. The City of Carlsbad's certified LCP includes the following relevant LUP policies:

Village and Barrio Master Plan

Section 1.5.1.A states in relevant part:

[...]

Encourage mixed use development projects in the Village Center, with an emphasis on pedestrian-oriented retail uses on the ground floor, and office, other non-residential, and residential uses on upper floors.

[...]

Prioritize visitor-serving commercial and hospitality uses within the Coastal Zone portion of the Village.

[...]

Mello II Segment

Policy 1-1 Allowable Land Uses (Mello II) states:

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

Policy 6-10 Lower Cost Visitor-Serving Recreational Uses states:

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

Policy 7-10 Parking states:

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

The Village and Barrio Master Plan serves as the LUP and the IP for the Village and Barrio areas. The VBMP identifies allowable land uses in each district of the Village and Barrio areas. The City's Zoning Ordinance is identified as a "permissive" code, which contrary to plain language, means that all uses not expressly allowed in the Zoning Ordinance are prohibited. Other portions of the Municipal Code also regulate or prohibit certain activities.

The City proposes to replace all references in the Municipal Code from "Village-Review" to "Village-Barrio," and clarify the types of development that are allowable within the newly created Village-Barrio segment, including parcels transferred from the Mello II segment into the Village-Barrio segment. The proposed IP amendment creates the potential to adversely impact coastal resources and could be found inconsistent with the certified LUP due to its allowance of non-priority ground floor uses in the Coastal Zone, a lack of enforceable parking reduction metrics, and the possibility for roadway projects to impact coastal access.

PART VII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED

The City's proposed Section 6.2.1 discusses the components of the VBMP to be included in the City's certified LCP; however, there is not a policy, standard, or guideline that determines which document shall be referenced in the case of a conflict among LCP documents and other city policies, guidelines, and standards. If conflicts arise, there must be a single document to be controlling. Otherwise, the IP would not be able to fully function as an enforceable document and would not be able to carry out the provisions of the LUP. Therefore, **Suggested Modification 20** clarifies that if conflicts arise between the Local Coastal Program and other policies, standards, or guidelines of the Master Plan, the Local Coastal Program provisions shall be controlling. Also, **Suggested Modification 19** includes Section 4.5.2 Managing Parking and Increasing Mobility as part of the City's certified LCP to provide further policy direction within the LCP for parking management and requirements. With the suggested modifications described above, the proposed amendment is consistent with and adequate to carry out the certified LUP.

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

The City of Carlsbad prepared and certified a Mitigated Negative Declaration (MND) on May 16, 2018 for the Village and Barrio Master Plan. The MND concluded that, with

mitigation, all environmental impacts associated with the proposed Master Plan and LCP amendment would be reduced to less than significant levels.

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. In this particular case, the LCP amendment, with incorporation of the suggested modifications, will not have any significant adverse effects on the environment and no significant coastal resource impacts are anticipated. The suggested modifications will ensure that the Village and Barrio segment can be further developed without risk to the environment, or to the public's ability to access and enjoy the coast. Therefore, the Commission finds that the subject LUP and IP, as amended, conform with the CEQA provisions.

Appendix B – City-requested Technical Errata

Chapter 1:

1. Modify Section 1.5.1.D.2 as follows:

Encourage property owners to rehabilitate substandard and deteriorating structures, subject to the nonconforming lots, structures and uses requirements of the standards (Carlsbad Municipal Code Chapter 21.48).

Chapter 2:

2. Modify Section 2.2.2.C as follows:

The Hospitality District provides a transition between the beach and the heart of the Village. The area contains mixed-use and commercial buildings, ~~dense scattered residential buildings~~, and a number of large and expansive uses, including a private school, church, lodging, and a retirement community. The area is contained entirely within the Coastal Zone and provides an opportunity for visitor-serving and hospitality uses serving visitors and residents alike, with ground floor commercial uses primarily catering to visitors. While buildings are intended to be mostly attached and built on or near the front property line to create a continuous street frontage and a seamless walkable environment; along part of Carlsbad Boulevard, much of the district has a greater building setback requirement to help maintain a more open feel as well as access and views toward the coastline. In addition, portions of the district, such as the Army and Navy Academy, may retain a more campus-like setting for quite some time.

3. Modify Table 2-1 to add new footnote 5 to “live/work unit,” “managed living units,” “bed and breakfast inn,” “brewery,” “distillery,” and “winery.”
4. Modify Table 2-1 to delete “restaurant with entertainment” from the “Retail” land use category.
5. Modify Table 2-1 footnote “2” as follows:

²Not permitted on the ground floor street frontage as identified in Figure 2-2. See exception for educational institutions or schools, public or private, in HOSP District, Section 2.7.3.J.

6. Modify Table 2-1 to add a new footnote “5” as follows:

⁵For these uses, refer to Section 2.6.8, conditional use permit and minor conditional use permit special regulations.

7. Modify Figure 2-2 as follows:

1. Relocate the “Jefferson St.” label to north of Home Avenue; remove cross-hatching on Jefferson Street north of Grand Avenue between the north property boundary of 786 Grand Avenue (APN: 203-302-04) and Home Avenue.
2. Relocate the “Roosevelt St.” label to north of Beech Avenue; show cross-hatching along the Roosevelt Street frontage of property at 2727 Roosevelt Street (APN: 203-101-34).
3. Add footnote to clarify cross-hatching does not apply to properties in the VG district.

8. Modify Section 2.5.1 to remove hyphen in “P-T.”

9. Modify Section 2.6.1.A.2 as follows:

Where alleys ~~serve as the primary~~ provide vehicle access, driveways or parking areas shall be deep enough to allow cars to pull completely out of the alley and onto the property.

10. Modify Section 2.6.1.A.3.c as follows, and provide a supporting graphic:

c. ~~The A driveway apron curb cut~~ shall not exceed 20 feet in width.

11. Modify Section 2.6.1.A as follows:

Under “Interpretation,” revise graphics to emphasize alley access and surface parking behind buildings.

12. Modify Section 2.6.1.A.4 as follows, and revise the clear zone graphic under interpretation to better match the proposed revisions to the clear zone standard by showing, among other things, the clear zone measured from the intersection of property lines and not the intersection of curbs:

4. A clear zone shall be provided at the intersection of an alley driveway and a street or driveway alley to maintain a free line of sight.

a. The clear zone shall consist of an isosceles right triangle measured with 7.5 feet in both directions from the intersection of the two property lines ~~on the driveway and street/alley sides.~~

b. The clear zone shall not be occupied by a ground floor building footprint, site features taller than 36 inches, or landscaping that is taller than 30 inches ~~3.5 feet~~.

13. Modify Section 2.6.1.C.4 as follows:

Razor wire, barbed wire, cyclone and chain link fencing (except as noted below), or other similar fences are prohibited. Cyclone or chain link fencing existing as of the Master Plan’s adoption date is permitted to remain ~~retain~~.

14. Modify the Appendix reference for Section 2.6.5.A.4 as follows:

No more than four curbside cafes may be permitted per street block (see definition in appendix ~~A B~~); however, this maximum may be reduced for the following reasons:

15. Modify Section 2.6.6.A.3 as follows:

Parking requirement calculations resulting in a fraction shall be rounded up to the next whole number if the fraction is 0.5 or higher ~~than 0.5~~ or rounded down if the fraction is below 0.5 ~~or below~~.

16. Modify Table 2-3 to relocate “Professional Care Facility” from the “Residential” to the “Other” land use category.

17. Modify the Table 2-3 listing for “restaurant (with or without entertainment)” as follows:

~~Restaurant (with or without entertainment).~~

18. Modify Table 2-3 as follows:

Outdoor Dining on Private Property (accessory to a permitted or conditionally permitted food and/or beverage serving restaurant use)

19. Modify Table 2-4 to include the following: The Parking In-Lieu Fee Program enables project applicants, upon city approval, to pay a fee in lieu of providing on-site parking. Fee payment is an option only in certain districts east of the railroad tracks. Fees collected by the city help develop and maintain shared public parking, resulting in better utilization and relatively lower costs in comparison to the cost of exclusive on-site private parking.

20. Modify Table 2-4 findings as follows:

2. Findings. No permit will be issued with approval in the In-Lieu Fee Program unless the decision-making authority finds that:

- a.~~f~~. The use complies with the program’s participation requirements;
- b.~~g~~. Adequate off-street public parking is available to accommodate the project’s parking demand, based on the most recent city-authorized ~~authorized~~ parking study or other information; and
- c.~~h~~. The In-Lieu Fee Program has not been suspended or terminated by City Council.

21. Modify Section 2.6.8.B to add footnote “1” as follows:

¹For these uses, refer to Appendix A, Definitions.

22. Modify Section 2.7.1.G.3.b as follows:

The total square footage of enclosed fourth floor space shall not exceed 80 percent of the largest enclosed floor space below (floors one, two, or three). However, in no case shall the fourth floor enclosed space exceed the amount of third floor enclosed space ~~third floor footprint~~.

23. Modify Section 2.7.3 as follows:

The Hospitality District, consisting of larger lots with coastal adjacency, supports a broad mix of uses serving residents and visitors. The area contains a private school, church, lodging, retail, and a retirement community. The allowance of residential uses only above or behind the ground floor street frontage and minimal setbacks along part of Carlsbad Boulevard fosters an active public realm. An exception is made for the Army and Navy Academy, which has an adopted Master Site Plan to conceptually guide development on the large campus. Maintaining access and viewsheds toward the coastline are important planning considerations in this district.

24. Modify Section 2.7.3.G.3.c as follows:

The total square footage of enclosed fourth floor space shall not exceed 80 percent of the largest enclosed floor space below (floors one, two, or three). However, in no case shall the fourth floor enclosed space exceed the amount of third floor enclosed space ~~third floor footprint~~.

25. Modify Section 2.7.4.G.2.b as follows:

The total square footage of enclosed fourth floor space shall not exceed 80 percent of the largest enclosed floor space below (floors one, two, or three). However, in no case shall the fourth floor enclosed space exceed the amount of third floor enclosed space ~~third floor footprint~~.

26. Modify Section 2.7.5.E.3 by adding a new subsection “a” as follows, and renumber subsections accordingly:

- a. Residential common open space shall be provided for projects with more than 10 units.

27. Modify Section 2.7.6.E.3 by adding a new subsection “a” as follows, and renumber subsections accordingly:

- a. Residential common open space shall be provided for projects with more than 10 units.

28. Modify Section 2.7.7.E.3.c by adding a new subsection “a” as follows, and renumber subsections accordingly:

- a. Residential common open space shall be provided for projects with more than 10 units.

Chapter 3:

29. Modify Sections 3.1 to 3.2.17 as follows:

Revise section numbering so that Sections 3.1.1 to 3.1.6 are independent and are not subsets of Section 3.1 (e.g. revise Section 3.1.1 to Section 3.2). Adjust current Section 3.2 numbering accordingly.

Chapter 6:

30. Modify Section 6.3.2.A as follows, and renumber subsection accordingly.

1. One new single-family detached dwelling (however, compliance with Section 2.8.3.F, Residential Design Guidelines, shall be required; additionally, a minor coastal development permit shall be required if located in the Coastal Zone);
2. One accessory dwelling unit (ADU) (a minor coastal development permit may be required if located in the Coastal Zone per Section 6.3.3.D.);
3. Additions to an existing single-family detached dwelling or ADU (a minor coastal development may be required if located in the Coastal Zone per Section 6.3.3.D.);
24. Interior or exterior improvements to existing structures which do not change the intensity of use of a structure;
35. Additions to existing structures, other than single-family detached dwellings and ADUs, which result in a cumulative increase of less than 10 percent of the internal floor area up to a maximum of 2,500 square feet.

31. Modify Section 6.3.3.A.1 as follows:

A. Minor Site Development Plan

1. The following improvements require approval ~~by the City Planner~~ of a minor site development plan:
 - a. New construction of non-residential building(s) up to 5,000 square feet ~~in size (excluding garages cumulative gross floor area)~~;
 - b. New construction of buildings with two to four attached or detached dwelling units up to 5,000 square feet (excluding garages);
 - c. Mixed use projects with no more than four dwelling units and up to 5,000 square feet ~~in building size (excluding garages cumulative gross floor area)~~, inclusive of the dwelling units;
 - d. Additions to existing structures, other than single-family detached dwellings and accessory dwelling units, which result in a cumulative increase of the internal floor area of up to 50 percent (if not exempt pursuant to Section 6.3.2.A); or up to a maximum 5,000 square feet, whichever is less;
 - e. Interior or exterior improvements to existing structures which result in an increased intensity of use;
 - f. Changes in permitted land uses which result in site changes, increased traffic, or increased parking requirements;
 - g. Improvements and activities described in Section 6.3.2.C;

h. Parking options described in Section 2.6.6 (Table 2-4), unless processed as part of a site development plan, minor conditional use permit, or conditional use permit.

32. Modify Section 6.3.3.B.1 as follows:

The following improvements require approval ~~by the Planning Commission~~ of a site development plan:

33. Modify Section 6.3.3.D.2 by adding subsection “c” as follows:

2. In addition to the decision-making authority provisions of CMC Section 21.201.080(C)(1), the following improvements and activities shall be subject to a minor coastal development permit issued by the City Planner:

- a. One single-family detached dwelling;
- b. Demolition of a structure;
- c. Detached accessory dwelling unit.

34. Modify Section 6.3.4.C.1 as follows:

The City Council shall:

1. Have authority to approve, approve with conditions, or deny projects in the VC, VG, HOSP, FC, and PT districts, except for projects determined exempt as provided in Section 6.3.2 or projects subject to city planner authority as provided in Section 6.3.4.A.

Appendix:

35. Revise the definition as follows:

Brewery: A business which brews beer on-site for distribution and/or consumption and which possesses the appropriate state license. Tasting rooms for the consumption of on-site produced beer are permitted on the premises. A brewery may include retail sales and food sales on the premises. “On-site” means at least fermentation occurs on the premises.

36. Revise the definition as follows:

Distillery: A business with a Craft Distiller’s License (Type-74) that manufactures alcoholic spirits, which may include retail sales and food sales on the premises and the consumption of on-site produced spirits.

37. Modify the definition and graphic of “plate” to aid in the understanding of “ground floor plate height” as referenced in the standards for VC (page 2-39) and other districts.

38. Delete the definition of “restaurant, with entertainment” as follows:

~~Restaurant, with Entertainment: The same as the definition for restaurant, with the exception that these establishments may offer live music, recorded music for dancing, comedy, or other entertainment for their dining guests in addition to food and beverage service.~~

39. Delete the criterion 3 definition of “restaurant, fast food” definition as follows:

~~3. Food is served primarily in disposable wrappers or containers.~~