

## LOCAL COASTAL PROGRAM AMENDMENT WEST BATIQUITOS LAGOON SEGMENT

This is an amendment to the West Batiquitos Lagoon Local Coastal Program within the City of Carlsbad's Coastal Zone.

The amendment is required due to the change in land use as proposed by the Poinsettia Shores Master Plan which is located within the West Batiquitos Lagoon LCP area. The proposed Poinsettia Shores Master Plan was previously known as the Batiquitos Lagoon Educational Park (BLEP) Master Plan. The BLEP Master Plan was originally approved by the City Council in October of 1985. The BLEP Master Plan was prepared to facilitate the development of a private university with associated research and development facilities. The Master Plan also included a variety of housing types as well as recreational commercial, neighborhood commercial, travel service commercial, time-share units and a hotel with conference facilities.

~~Since the approval of the BLEP Master Plan, the only development that has occurred is in Planning Area J. There are currently 70 single family homes built within Planning Area J and an additional 5 custom home sites remaining vacant, also in Planning Area J. The remainder of the Master Plan area is currently undeveloped. Poinsettia Shores Master Plan, land east of the North County Transit District (NCTD) railroad right-of-way has been developed per the standards set forth in the Master Plan. Areas intended for open space remain untouched, while developable land west of the railroad right-of-way also remains undeveloped.~~

~~The Poinsettia Shores Master Plan proposes to eliminate the university and research and development uses on the east side of the AT & SF railroad right of way and develop this area with a variety of residential products in a gated community. Land uses west of the railroad right-of-way will remain substantially as previously approved.~~

### A. LAND USES

The following are the proposed land use "Planning Areas", each providing a brief description. The "Planning Areas" correspond directly with the planning areas approved with the Poinsettia Shores Master Plan. All development in these planning areas are subject to the provisions of the Poinsettia Shores Master Plan as adopted by the Carlsbad City Council. No development inconsistent with the Master Plan shall be permitted. The Planning Areas identified below will replace the former planning areas established by the BLEP Master Plan. See the attached map for the location of the Planning Areas described below.

#### 1. PLANNING AREA A-1

Planning Area A-1 is located north of Avenida Encinas near the intersection of Avenida Encinas and Windrose Circle. It has a gross area of 9.8 acres and a net developable area of 8.4 acres. Planning Area A-1 has a land use designation of

RM and allows for the development of 41 single family detached residences (plus any density bonus as provided in the Poinsettia Shores Master Plan).

2. PLANNING AREA A-2

Planning Area A-2 is located south of Avenida Encinas within the interior of the Circle formed by Windrose Circle. It has a gross area of 13.5 acres and a net developable area of 11.0 acres. Planning Area A-2 has a land use designation of RM and allows for the development of 50 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

3. PLANNING AREA A-3

Planning Area A-3 is located west of Planning Area A-2, east of the railroad right-of-way and adjacent to Avenida Encinas. It has a gross planning area of 10.2 acres and a net developable area of 8.6 acres. Planning Area A-3 has a land use designation of RM and allows for the development of 51 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

4. PLANNING AREA A-4

Planning Area A-4 is located south of Planning Area A-3, east of the railroad right-of-way and adjacent to Batiquitos Lagoon. It has a gross planning area of 14.7 acres and a net developable area of 14.7 acres. Planning Area A-4 has a land use designation of RM and allows for the development of 62 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan). Planning Area A-4 is a lagoon bluff-top area which is subject to special development standards to address visual impacts to the lagoon.

5. PLANNING AREA B-1

Planning Area B-1 is located north of Avenida Encinas and south of Lakeshore Gardens Mobile Home Park. It has a gross planning area of 20.9 acres and a net developable area of 20.2 acres. Planning Area B-1 has a land use designation of RM and allows for the development of 161 clustered single-family detached residences (plus any density bonus as provided in the Poinsettia Shores Master Plan).

The cluster single-family units are organized in groups of four air space ownership units located on common property owned by the homeowners association. These units will share in common a courtyard and private driveway leading to the individual unit garage, front yard area and the area fronting the adjacent street(s). Outdoor private use areas will also be provided for each home, within the common property.

This product type provides many of the amenities found in standard single-family residential design including: no common walls between units, private rear yards, garages, and increased privacy. The shared common property and shared driveway allow for clustered placement of the units around a central driveway/courtyard. This effectively reduces the number of units requiring direct street frontage and provides additional spacing between units across the drive. This results in a street scene which exhibits only two units in a row spaced ten feet apart in contrast to standard design practice under the Planned Development Ordinance which allows an unlimited number of units spaced ten feet apart with certain design criteria for single story elements.

6. PLANNING AREA B-2

Planning Area B-2 is located south of and adjacent to Windrose Circle in the interior of Navigator Circle. Planning Area B-2 has a gross area of 2.9 acres with a net developable area of 2.6 acres. This Planning Area has a land use designation of RM and allows for the development of 16 clustered single-family detached homes on common lots (plus any density bonus as provided in the Poinsettia Shores Master plan). The cluster single-family product is discussed above under Planning Area B-1.

7. PLANNING AREA C

Planning Area C is located immediately east of Navigator Circle, to the northeast of the previously developed single-family homes of Planning Area J and immediately west of Interstate 5. Planning Area C has a gross area of 11.2 acres and a net developable area of 9.6 acres. Planning Area C has a land use designation of RM and allows for the development of 70 multi-family dwelling units (plus any density bonus units as provided in the Poinsettia Shores Master Plan). These may include carriage-type units with garage space below portions of the living area in each unit, located on property owned in common.

8. PLANNING AREA D

Planning Area D is located immediately east of the ~~AT&SF~~ENCTD Railway right-of-way to the south of Lakeshore Gardens Mobile Home Park. Planning Area D is designated as the Master Plan's affordable housing site, unless an offsite location is designated through an Affordable Housing Agreement between the property owner and the City per the provisions of Chapter VII of this Master Plan.

The Poinsettia Shores Master Plan requires that 90 affordable housing units be provided either on-site within Village D or offsite as indicated in Chapter VII of the Master Plan.

9. PLANNING AREA E

Planning Area E is located east of and adjacent to the AT&SFNCTD Railway right-of-way and north of and adjacent to Avenida Encinas. Planning Area E has a gross area of 0.9 acres and a net developable area of 0.5 acres. This Planning Area is intended to provide recreational vehicle storage for the Poinsettia Shores Master Plan residents.

Per the requirements of the Planned Development Ordinance, 20 square feet per unit of recreational vehicle storage space shall be provided for all units. The Poinsettia Shores Master Plan allows for 451 market rate dwelling units, plus an additional 23 market rate units with the proposed density bonus for a total of 474 market rate units. The 90 affordable units would be less likely to own luxury recreational vehicles. Therefore, the total requirement for the Master Plan is 9,840 square feet of recreational vehicle parking (20 X 474 = 9,480). The proposed RV site is .5 net developable acres or 21,780 square feet in size. This will more than satisfy the required minimum.

This RV storage area shall be operated and maintained by the Poinsettia Shores Master Homeowners' Association. Recreational Vehicle storage shall be available by use of a paved access road prior to issuance of the first Certificate of Occupancy for any residential unit in the Master Plan. If there is space available within the RV storage area, nonresidents of the Master Plan may be allowed to store their recreational vehicles in this area. The fees charged to these nonresidents shall be used to pay for the maintenance of the RV storage area. As the Poinsettia Shores Master Plan is developed, residents of the Master Plan area shall have priority over nonresidents for storage space within the Recreational Vehicle Storage Area.

10. PLANNING AREA F

Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SFNCTD Railway right-of-way. This Planning Area has a gross area of 11.3 acres and a net developable area of 10.7 acres-, and is split into two sites; west and east of Ponto Drive.

Planning Area F carries a ~~Non-Residential Reserve (NRR)~~ General Plan designation of Residential-R-23 Residential east of Ponto Drive, and GC (General Commercial) west of Ponto Drive. The Residential-R-23 Residential land use designation allows for a density of 15-23 dwelling units per acre, while the General Commercial (GC) land use designation allows for general serving commercial uses, or mixed use, with an allowable residential density of 15-30 dwelling units per acre allowed over 25% of the developable acreage. PerIn accordance with the provisions of Chapter 21.85 of the Carlsbad Municipal Code and Planning Commission Resolution No. 7114, 20% of the total number of residential units approved shall be constructed and restricted to lower-income

~~households. Planning Area F is an “unplanned” area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right of way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and may include a LCP Amendment with associated environmental review.~~

~~The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City’s current general plan does not contain an “unplanned” designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an “unplanned” General Plan designation, then this site would likely be redesignated as “unplanned”. Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.~~

~~As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.~~

## 11. PLANNING AREA G

Planning Area G is located west of the AT&SFNCTD Railway right-of-way, east of Carlsbad Boulevard, north of Planning Area H and south of the Avenida Encinas extension. Planning Area G has a gross area of 8.4 acres and net developable area of 7.8 acres.

All development in Planning Area G shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Hotel units will be managed and maintained by a hotel management group. This area also allows for hotel units which are also permitted to be designed as vacation time share units provided that a subdivision map is recorded and the time share is processed under Section 21.42.010 of the Carlsbad Municipal Code. Up to 220 hotel or vacation time share units shall be allowable within this Planning Area. Each unit shall have the option to be designed with full kitchen facilities. These units may be sold or leased on a daily or weekly basis. In this event the facilities shall be maintained and managed by an independent management entity which may or may not be affiliated with the hotel management group.

This Planning Area provides tourist-commercial services and, in particular, the hotel and conference center. Uses within this area shall be primarily directed toward the needs of tourists visiting the hotel, conference center and local scenic and recreation areas.

In addition to the hotel/time share units described above, this Planning Area permits, but is not limited to the following uses: restaurants, bakeries,

convenience retail, barber and beauty shops, book and stationary stores, dry cleaning, laundry service for hotel, florist shops, small specialty grocery stores, novelty and/or souvenir stores, travel agencies, confectionery stores and jewelry stores. Other similar uses are also allowed upon approval of the Director of Planning.

A maximum of 220 hotel and/or time share units, private recreational facilities in conjunction with the hotel and/or time share related uses as well as 58,600 square feet of commercial area.

A maximum of 58,600 square feet of tourist commercial floor area is permitted.

## 12. PLANNING AREA H

Planning Area H is located immediately east of Carlsbad Boulevard between the Hotel to the north and an open space area to the south. This Planning Area has a gross area of 3.7 acres and a net developable area of 3.7 acres. Planning Area H is a lagoon bluff-top area with a land use designation of TS/C. This Planning Area is subject to special development standards which address visual impacts to the lagoon.

Planning Area H will include a hotel and conference center with recreational facilities, administrative offices, banquet facilities and accessory retail uses as approved by the Planning Director.

All development in Planning Area H shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Permitted uses within Planning Area H are those commonly found with full service hotel facilities, to include, but not limited to, a conference center, swimming pool, tennis courts, health club, dining facilities, and accessory retail uses provided for the convenience of hotel guests when located within the hotel structure(s).

A maximum of a 150 executive suite hotel, a maximum of five tennis courts, and a maximum of 120,000 square feet of commercial area which includes a 25,000 conference center is allowed within this planning area.

## 13. PLANNING AREA I

Open Space Area I is located north of Batiquitos Lagoon, west of the [AT&SFNCTD](#) Railway right-of-way and east of Carlsbad Boulevard at the southwest corner of the Master Plan area. Planning Area I has a gross area of 11.9 acres. Planning Area I has a land use designation of OS.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed. A desilting basin may be constructed in the northwest portion of Open Space Area I. The proposed desiltation basin site is outside the Batiquitos Lagoon Enhancement Plan's implementation area. The City has reviewed a feasible design for the basin and storm drain in the review of the former Batiquitos Lagoon Educational Park (BLEP) project. In addition, the specific implementation design of the Enhancement Plan has accounted for the location of this desiltation basin.

#### 14. PLANNING AREA J

Planning Area J is located north of Batiquitos Lagoon in the eastern portion of the Poinsettia Shores Master Plan area. ~~Planning Area J is the only portion of the Master Plan area that has been developed.~~ There are currently 70 homes built with five lots remaining to be developed. Planning Area J has a gross area of 13.8 acres. This planning area has a land use designation of RM and allows for the development of 75 single-family detached units of which 70 units have already been built.

#### 15. PLANNING AREA K

Planning Area K is located north of Batiquitos Lagoon, east of the AT&SFNCTD Railway right-of-way and west of Interstate 5. Planning Area K has a gross area of 18.3 acres. This planning area has a land use designation of OS.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. This area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.

#### 16. PLANNING AREA L

Planning Area L is located north of Batiquitos Lagoon and Planning Area K and separating Planning Areas A-4 from Planning Area J. Planning Area L has a gross area of 4.6 acres. This planning area has a land use designation of OS.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. This area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.

## 17. PLANNING AREA M

This area shall be developed as a private Community Recreation Center and will be adjacent to Avenida Encinas between Planning Areas A-1 and B-1.

This facility will be available to all home owners within the Poinsettia Shores Master Plan area, except as outlined in the Poinsettia Shores Master Plan within the development standards of Planning Area M.

THE ABOVE LAND USE CATEGORIES REFLECT THE PLANNING AREAS WITHIN THE POINSETTIA SHORES MASTER PLAN – THIS LCP AMENDMENT INCLUDES ADDITIONAL AREA TO THAT OF THE POINSETTIA SHORES MASTER PLAN. THE FOLLOWING LAND USE CATEGORIES COVER THOSE AREAS OUTSIDE THE POINSETTIA SHORES MASTER PLAN, BUT WITHIN THIS AMENDMENT.

## 18. WEST BATIQUITOS LAGOON

Public Resources Code Section 30233© identifies Batiquitos Lagoon as one of 19 priority woodlands and limits the types of uses and activity that may occur there. This area is Open Space (O-S) in order to preserve the function of the lagoon and the immediately adjacent uplands as a viable wetland ecosystem and habitat for resident and migratory wildlife. Uses shall be limited to activities related to habitat enhancement, educational and scientific nature study, passive recreation which will have no significant adverse impacts on habitat values, and aquaculture having no significant adverse effect on natural processes or scenic quality.

### B. AGRICULTURAL LANDS (approximately 100 acres originally identified as non-prime, of which 60 remain.)

Non-prime agricultural lands identified during the review of the Batiquitos Lagoon Educational Park Plan are shown on Map C. Of the original 100 acres, 60 acres remain undeveloped. 40 acres have been converted to urban uses in accordance with the provisions of the West Batiquitos Lagoon/Sammis Properties Local Coastal Program and the Batiquitos Lagoon Educational Park Master Plan. An agricultural conversion mitigation fee of \$5,000/acre was set by the California Coastal Commission with approval of the project. At the same time, the State Coastal Commission agreed to accept a bond and recorded deed restriction securing the balance of payment due for conversion of the remaining 60 acres of agricultural land. In September of 1986, \$200,000 was paid by the property owner to the State Coastal Conservancy for conversion of 40 acres to urban uses in accordance with the project conditions.

The remaining 60 acres of land may be converted to urban uses as specified in this plan and the Poinsettia Shores Master Plan, upon the payment of an agricultural conversion mitigation fee. This fee implements Public Resources Code Sec. 30171.5. Unconverted agricultural land may be used for purposes specified in the Carlsbad E-A zone, CMC



21.07, or the Coastal Agricultural zone if adopted pursuant to the “Mello II” segment of the Carlsbad LCP as amended.

Agricultural Conversion Mitigation Fee:

Conversion of non-prime agricultural lands shall be permitted upon payment of an agricultural conversion fee which shall mitigate the loss of agricultural resources by preserving or enhancing other important coastal resources. The amount of the fee shall be determined by the City Council at the time it considers the proposal for development and shall reflect the per acre cost of preserving prime agricultural land pursuant to Option 1 of the “Mello II” portion of the Carlsbad LCP, as amended, but shall not be less than \$5,000 nor more than \$10,000 per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund and shall be expended by the State Coastal Conservancy in the following order of priority:

- 1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon;
- 2) Development of an interpretive center at Buena Vista Lagoon;
- 3) Restoration of beaches managed for public use in the coastal zone in the City of Carlsbad;
- 4) Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council;
- 5) Agricultural improvements which will aid in continuation of agricultural production within the Carlsbad Coastal Zone, as determined by the Carlsbad City Council.

Note: The fee for the remaining 60 acres of non-prime agricultural land within the Poinsettia Shores Master Plan was set with the approval of the Batiquitos Lagoon Educational Park Master Plan at \$5,000 per acre.

C. GRADING AND EROSION CONTROL

Because the area is located close to environmentally sensitive habitats, development shall conform to the following grading and erosion standards:

1. Drainage and runoff shall be controlled as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or off site to prevent siltation of lagoons and other environmentally sensitive areas.
2. Grading activity shall be prohibited during the rainy season from October 1<sup>st</sup> to April 1<sup>st</sup> of any year. Grading during this period may occur with the approval of both the City Engineer and the California Coastal Commission.

3. All graded areas shall be hydroseeded prior to October 1<sup>st</sup> with either temporary or permanent materials. Landscaping shall be maintained and replanted if not established by December 1<sup>st</sup>.
4. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earth-moving equipment, stockpiling or earthwork material, or other disturbances within the open space areas.
5. Any necessary temporary or permanent erosion control devices required for the development of a specific planning area, such as desilting basins, shall be developed and installed prior to any on, or off, site grading activities within the specific planning area requiring the mitigation, or, concurrent with the grading, provided all devices required for that planning area are installed and operating prior to October 1<sup>st</sup>, and installation is assured through bonding or other acceptable means.
6. The developer must provide for the long-term maintenance of drainage improvements and erosion control devices.

Note: The Poinsettia Shores Master Plan provides additional specific standards which relate to grading – see standards for individual planning areas and the Master Plan Grading and Earthwork Chapter.

#### D. LANDSCAPING

In order to guard against introduction of any species which are inherently noxious to, or incompatible with, the adjacent lagoon habitat, drought tolerant plants and native vegetation shall be used to the maximum extent feasible.

Landscaping adjacent to structures should provide an effective screen of urban development.

Note: The Poinsettia Shores Master Plan provides additional specific standards which relate to landscaping – see standards for individual planning areas and the Master Plan Theme Elements Chapter.

#### E. ENVIRONMENTALLY SENSITIVE HABITATS

The environmentally sensitive habitats located on the affected area (i.e. woodlands and bluff slopes) shall be preserved as open space.

These sensitive areas are protected from any significant disruption through fee dedication of wetland areas and recordation of open space easements. The dedication of the designated wetland areas has been completed and accepted by the California Coastal

Conservancy. Recordation of several open space easements has occurred with the existing development along the bluff top in the area identified as Planning Area J. Recordation of additional open space easements along the bluff shall occur upon recordation of the final maps for Planning Areas A-3 and A-4. Furthermore, development on the bluff tops shall maintain setbacks as identified in the Poinsettia Shores Master Plan from the bluff edges to prevent possible impacts on adjacent environmentally sensitive habitats.

Any future restoration, enhancement and preservation of Batiquitos Lagoon shall be consistent with a Batiquitos Lagoon Enhancement Plan. The Batiquitos Lagoon Enhancement Plan has been adopted by the City of Carlsbad and certified by the California Coastal Commission. This plan is currently included as an attachment to the Carlsbad Local Coastal Program. Any other lagoon enhancement plans must also be approved by the City of Carlsbad and certified by the California Coastal Commission in conformance with the California Coastal Act.

F. PUBLIC ACCESS

A pedestrian walkway shall be provided along the western portion of areas G and H from approximately Avenida Encinas on the north to the San Marcos Creek Bridge on the south. The walkway shall be permanently open to use by the public.

Lagoon accessways, bluff top accessways or equivalent overlook areas, and a bike path/pedestrian walkway, shall be provided if agricultural land on the north shore of Batiquitos Lagoon is developed. Each planning area containing a segment of the trail shall be conditioned to require construction and maintenance of that portion of the trail within the planning area, unless otherwise specified in the Batiquitos Lagoon Enhancement Plan. Such accessways shall be preserved for public use by requiring irrevocable offers of dedication of those areas as a condition of development. The accessways shall not adversely impact environmentally sensitive habitats.

The public facilities and improvements specified by the Poinsettia Shores Master Plan shall be provided by the developer – see the Public Facilities and Open Space Chapters of the Master Plan.

G. ARCHAEOLOGY

A program of preservation and/or impact mitigation regarding archaeological sites located on the affected area shall be completed prior to any development.

H. STATE LANDS COMMISSION REVIEW

Prior to issuance of a coastal development permit, the permittee shall obtain a written determination from the State Lands Commission that:

1. No State Lands area involved in the development, or

2. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or
3. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

I. MASTER PLAN APPROVAL

The Poinsettia Shores Master Plan as adopted by the Carlsbad City Council Ordinance No. ---- is approved as the Implementing Ordinance for this Local Coastal Land Use Plan. Upon certification by the Executive Director, this portion of the Carlsbad Local Coastal Program shall be deemed certified.