

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
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W4a



DATE: June 24, 2009

TO: Commissioners and Interested Parties

FROM: Peter Douglas, Executive Director
John Ainsworth, District Director

SUBJECT: City of Carpinteria LCP Amendment MAJ-2-07 (Green Heron Spring/Ellinwood Parcel): Executive Director's determination that the City's acknowledgement of receipt, acceptance, and agreement with the Commission's certification with suggested modifications is legally adequate. This determination will be reported to the Commission at the July 8-10, 2009 meeting in San Luis Obispo.

On February 5, 2009, the Commission approved City of Carpinteria Local Coastal Program Amendment No. MAJ-2-07 with suggested modifications. This amendment modifies the Coastal Zoning Ordinance/Implementation Plan (CZO/IP) portion of the certified Local Coastal Program (LCP) to add Chapter 14.43 to the Carpinteria Municipal Code for the "Ellinwood Parcel (APN 004-013-026) Overlay District." This amendment also modifies Coastal Land Use Plan (LUP) Implementation Policy 12 (Policy 9-4 of 1980 LUP), regarding wetland setbacks, in the Open Space, Recreation & Conservation Element of the City's LCP.

On May 26, 2009 the Carpinteria City Council adopted Resolution No. 5200 (attached) acknowledging receipt of the Commission's certification of LCP Amendment No. MAJ-2-07 and accepting and agreeing to all modifications suggested by the Commission. On May 26, 2009, the Carpinteria City Council also approved Ordinance 636, thereby accepting the Commission's suggested modifications to amend the LCP, creating Chapter 14.43 of the City's Municipal Code. Through Ordinance 636, the City Council also approved an additional provision to Chapter 14.43, which was not part of the suggested modifications approved by the Commission as part of LCP Amendment MAJ-2-07. The additional provision in Chapter 14.43, Section 7, provides limitations and standards for development on the Ellinwood Parcel that will serve to minimize conflicts with adjacent agricultural operations, such as minimum buffers, sound walls, and buyer notifications. While this provision was not specifically required by the Commission as a suggested modification, it adds more detail to the overlay district and is consistent with the intent of the LCPA, as approved.

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Carpinteria acknowledging receipt and acceptance of, and agreement with the Commission's certification of the above referenced LCP amendment with suggested modifications is legally adequate and report that determination to the Commission. The certification shall become effective unless a majority of the Commissioners present object to the Executive Director's determination.

I have reviewed the City's acknowledgement and acceptance of, and agreement with the terms and suggested modifications of LCP Amendment MAJ-2-07, as certified by the Commission on February 5, 2009, as contained in the adopted Resolution of May 26, 2009 and find that the City's action and notification procedures for appealable development are legally adequate to satisfy the terms and requirements of the Commission's certification. I therefore recommend that the Commission concur in this determination.