

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

521-8036



October 24, 1996

TO: COMMISSIONERS AND INTERESTED PARTIES

Tu 13a

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the City of Carlsbad's action, certifying the City's Local Coastal Program Amendment 1-96H (Biological Habitat Preserve), is legally adequate (for Commission review at its meeting of November 12-15, 1996)

BACKGROUND

At its May 7, 1996 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad's Local Coastal Program Amendment 1-96H, for changes to the zoning code to define "biological habitat preserves" and require the processing of a conditional use permit for biological habitat preserves to ensure that designated preserves are consistent with the City's General Plan, Growth Management Plan, Local Coastal Program and Habitat Management Planning efforts. By their action adopting Ordinance No. NS-378 on September 24, 1996, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications clarified that biological habitat preserves shall not impact those facilities and improvements which have been approved in the certified LCP, that biological habitat preserves may not allow environmental impacts not permitted elsewhere in the certified LCP, and included coastal development permits as a discretionary review under which a project would not require a biological habitat preserve CUP. The City began issuing permits for the majority of its segments on October 21, 1996, consistent with the local coastal program as amended on May 7.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of San Diego is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

RECOMMENDATION

Staff recommends that the Commission CONCUR with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

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SAN DIEGO, CA 92108-1725  
(818) 521-8038



November 18, 1996

Honorable Claude A. Lewis, Mayor  
City of Carlsbad  
2075 Las Palmas Drive  
Carlsbad, CA 92009-1576

RE: Certification of the City of Carlsbad Local Coastal Program Amendment 1-96H  
(Biological Habitat Preserve)

Dear Mayor Lewis:

The California Coastal Commission has reviewed the City's adoption of Ordinance No. NS-378, together with the Commission's action of May 7, 1996, certifying City of Carlsbad Local Coastal Program Amendment #1-96H pertaining to changes to the zoning code regarding biological habitat preserves. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of November 12-15, 1996.

By its action on September 24, 1996, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The City began issuing coastal development permits for the majority of its segments on October 21, 1996, in conformance with the certified local coastal program.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas  
Executive Director

ORDINANCE NO. NS-378

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 21, CHAPTER 21.42 BY THE AMENDMENT OF SECTION 21.42.010(15) TO ACCEPT THE SUGGESTED MODIFICATIONS APPROVED BY THE CALIFORNIA COASTAL COMMISSION RELATING TO BIOLOGICAL HABITAT PRESERVES

CASE NAME: COASTAL COMMISSION MODIFICATIONS TO THE BIOLOGICAL HABITAT PRESERVE SECTION OF THE ZONING CODE

CASE NO: ZCA 96-05

The City Council of the City of Carlsbad, California, does ordain as follows:

SECTION I: That Title 21, Chapter 21.42 of the Carlsbad Municipal Code is amended by the amendment of Section 21.42.010(15)(i) to read as follows:

"21.42.010(15)(A)(i)

(i) The biological habitat preserve shall not adversely impact the City's ability to provide public facilities and improvements such as, but not limited to, Circulation Element roadways, sewer or water infrastructure improvements and drainage improvements, as provided for in the Citywide Facilities and Improvements Plan, and the Certified Local Coastal Program."

SECTION II: That Title 21, Chapter 21.42 of the Carlsbad Municipal Code is amended by the amendment of Section 21.42.010(15)(B) to read as follows:

"21.42.010(15)(B)

(B) A conditional use permit shall not be required when a Biological Habitat Preserve is associated with a development proposal otherwise requiring environmental review and discretionary approval by the City of Carlsbad, or a coastal development permit."

SECTION III: That Title 21, Chapter 21.42 of the Carlsbad Municipal Code is amended by the addition of Section 21.42.010(15)(C) to read as follows:

"21.42.010(15)(C)

(C) Nothing in this section shall be construed as permitting encroachment or impacts to environmentally sensitive habitat areas and wetlands not permitted elsewhere in the Certified Local Coastal Program."

1 EFFECTIVE DATE: This ordinance shall be effective thirty days after its  
2 adoption, and the City Clerk shall certify to the adoption of this ordinance and cause it to be  
3 published at least once in a publication of general circulation in the City of Carlsbad within  
4 fifteen days after its adoption. Notwithstanding the preceding, this ordinance shall not be  
5 effective until approved by the California Coastal Commission.  
6

7 INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City  
8 Council on the 17th day of September, 1996, and thereafter

9 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
10 Carlsbad on the 24th day of September, 1996, by the following vote, to wit:

11 AYES: Council Members Lewis, Nygaard, Kulchin, Hall and Finnilla

12 NOES: None

13 ABSENT: None  
14

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17  
18 Ronald R. Ball  
19 RON BALL, City Attorney 9.24.96.

20  
21 Claude A. Lewis  
22 CLAUDE A. LEWIS, Mayor

23 ATTEST:

24  
25 Aletha L. Rautekranz  
26 ALETHA L. RAUTENKRANZ, City Clerk

27 (SEAL)  
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