

State of California

California Coastal Commission
San Diego District

M E M O R A N D U M

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TO: Commissioners and
Interested Persons

DATE: March 21, 1996

FROM: Staff

SUBJECT: Request to Waive Time Limits for portions of the City of
Carlsbad Local Coastal Program Amendment (LCPA) 1-96, Commission
meeting of April 9-12, 1996

On January 24, 1996, the City of Carlsbad's LCP amendment request, LCPA 1-96, was received in the San Diego Area office. The submittal was deemed complete and filed as of that date. The LCPA submittal consists of a number of unrelated components proposing revisions to both the City's LCP Land Use Plans (six separate segments) and Implementing Ordinances.

Pursuant to Section 30514 of the Coastal Act, amendments to certified LCPs are required to be processed within the same time limits as the original land use plan or implementation plan. Therefore, LCP amendments involving land use plan revisions must be acted upon by the Commission within 90 days; LCP amendments involving implementing plan changes must be acted upon by the Commission in 60 days; and combined land use plan and implementation plan amendments must be acted on by the Commission within 90 days of their filing. Based on the above-cited time limits, the proposed LCP amendment package, which involves changes to both the land use plan and implementing ordinances, must be scheduled for review by the Commission at the April 9-12, 1996 meeting. However, Section 30517 of the Coastal Act and Section 13535(c) of the California Code of Regulations state that the Commission may extend for good cause the applicable time limits for a period not to exceed one year.

Because of the large number of components involved in the subject LCP amendment request, Commission staff was unable to fully analyze and prepare recommendations for the entire submittal for the April agenda. Therefore, staff requested the City's assistance in prioritizing the amendment submittal, and the City responded that the following components be given first priority and remain scheduled for Commission action at the April 9-12 meeting: Carlsbad Ranch/Legoland, Aviara Planning Area #5, Aviara Planning Area #12, the Village Master Plan/Design Manual, Carlsbad-by-the-Sea/Lutheran Homes, and Laurel Tree Apartments. The City further responded that the following components of City of Carlsbad LCPA 1-96 are less urgent, and agreed that they be granted a time extension: Green Valley Master Plan, Biological Habitat Preserves, Senior Citizen Housing, Second Dwelling Units, Density Increases and Affordable Housing Policies.

Staff Recommendation: Staff recommends that the Commission extend the 90-day time limit for a period not to exceed one year on the identified items. However, in fact, the remaining portions of the amendment request are scheduled for the May 7-10, 1996 hearing in Long Beach.

MOTION:

I move that the Commission extend the 90-day time limit to act on the City of Carlsbad Local Coastal Program Amendment 1-96 for a period not to exceed one year.

STAFF RECOMMENDATION:

Staff recommends a YES vote. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

(0925A)

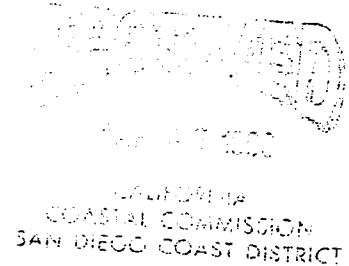


City of Carlsbad

Planning Department

March 6, 1996

Deborah N. Lee, Assistant District Director
California Coastal Commission
3111 Camino Del Rio North, Suite 200
San Diego, CA 92108-1725



RE: PRIORITIZATION OF ITEMS COMPRISING LCPA #1-96

Dear Ms. Lee:

The City understands the Commission's workload and staffing constraints and would like to facilitate their review of Carlsbad's LCPA #1-96. With that in mind, the purpose of this letter is to respond to your February 29, 1996 letter to me by memorializing the City's priority regarding items contained in LCPA #1-96. The following recommendation represents the City's prioritization of LCPA #1-96:

APRIL 1996 - COMMISSION HEARING

Carlsbad Ranch/Legoland/LCPA 90-08(B);
Village Area Master Plan and Design Manual/LCPC 95-10;
Lutheran Homes/LCPA 95-07;
Laurel Tree Apartments/LCPA 95-02;
Aviara Planning Area 5/Western Pacific/LCPA 95-11;
Aviara Planning Area 12/D'Brezza/LCPA 95-13;

MAY 1996 - COMMISSION HEARING

Green Valley Master Plan/LCPA 93-06;
Senior Citizen Housing/LCPA 94-02;
Second Dwelling Units/LCPA 94-02;
Density Increase/LCPA 93-02;
Affordable Housing Policies/LCPA 95-01; and
Biological Habitat Preserves/LCPA 95-08.

Please note that the above hearing distribution is based on two assumptions: first, that even though there are two hearing dates, that the total package will be considered a single batch for purposes of adhering to the maximum of three LCP amendments per year; second, that the coastal permit can be considered at the same hearing date as the LCPA. This is especially critical for Carlsbad Ranch/Lego and for Green Valley.

If it would further facilitate your process, the City could include the Laurel Tree Amendment with the items for the May hearing - especially if the coastal permit could be

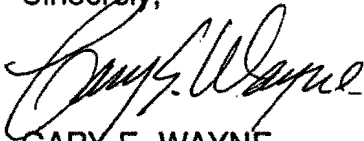


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considered in May. As you may know, the City concurrently processes legislative (e.g. LCPA) and quasi-judicial (e.g. coastal permits) items. This is a practice that is in place throughout the state and the only legal requirement is that the decision-making body act in proper sequence, i.e. consider CEQA first, then adopt enabling legislation so that the body can finally act on the quasi-judicial matter consistent with the legislation. Therefore, we would request that the Commission consider both legislative and related quasi-judicial matters at the same hearing date for all actions affecting Carlsbad.

Thank you for your consideration in this matter. Please let me know what you decide on scheduling and on concurrent LCPA/permit hearing as soon as you have finalized the decision. Also let me know if you have questions or want more information. Finally, let me know if I can help in any other way.

Sincerely,



GARY E. WAYNE
Assistant Planning Director

c: Michael J. Holzmilller, Planning Director
Don Neu
Debbie Fountain
Anne Hysong
Chris DeCerbo
Eric Munoz
Mike Grim
Christer Westman
Terri Woods