

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
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SAN DIEGO, CA 92108-1725
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TH 136



TO: Commissioners and Interested Persons
Date: May 23, 1996

FROM: Chuck Damm, District Director
Deborah Lee, Assistant District Director
Lee McEachern, Coastal Planner

SUBJECT: PROPOSED MINOR AMENDMENT (#3-96) TO THE CITY OF CARLSBAD LOCAL COASTAL PROGRAM

The City of Carlsbad is requesting that its certified Local Coastal Program Implementing Ordinances be amended. This amendment was filed on April 9, 1996 pursuant to Section 30514(c) of the Coastal Act and Section 13553 of the Commission's Code of Regulations. Due to the timing of the LCPA submittal and other constraints, on May 7, 1996, the Commission voted to extend the 60-day time limit to act on the LCP amendment for a period not to exceed one year.

Amendment Description

The subject request is to amend the City's Zoning Ordinance, which comprises the implementing ordinances for the City of Carlsbad's six LCP segments. The amendment request has two main components. The first component involves revisions pertaining to local appellate procedures (locally titled as LCPA 95-06) that will allow individual members of the City Council to appeal decisions of the Planning Commission, Design Review Board and Planning Director to the full City Council. In addition, this request will also modify appeal procedures to require that all appeals include a specific stated reason for the appeal so as to provide a focus for the decision makers and a requirement that the burden of proof as to why the lower decision was in error be assigned to the appellant. Currently, the City's Implementing Ordinances do not clearly indicate that individual City Council members have appellate rights of "lower" discretionary decisions. The proposed revision would enable individual City Council members to have specific appeal rights which would be subject to the same appeal procedures required of other appellants. The proposed amendment will serve to clarify local appeal procedures only and will have no effect on coastal development permit appeal procedures.

The second component of this amendment request (locally titled as LCPA 95-12) involves a revision which will limit accessory structures within residential zones to one-story and a maximum height of 14 feet (if a minimum roof pitch of 3:12 is provided) or a maximum of 10 feet (if less than a 3:12 roof pitch is provided). Also included is a

revision to the definition of "accessory" and the addition of a definition for "common wall". The proposed height limit restriction will apply to all residential accessory structures regardless of whether it is habitable or non-habitable or whether it is located in a lot's buildable area or setback area. As proposed, the revision pertaining to residential accessory structures addresses local privacy issues and should reduce the potential for any public view impacts or impacts on any other coastal resources. As such, it can be found consistent with and adequate to carry out the certified land use plans of the City's various LCP segments.

Procedure

Section 13554 (a) defines a minor amendment as changes in wording which make the use as designated in the zoning ordinances, maps or other implementing actions more specific and which do not change the kind, location, intensity or density of use and are consistent with the certified land use plan. Pursuant to Section 30514 (c) of the Coastal Act and Section 13554 (a) of the Commission's Code of Regulations, the Executive Director has determined that the proposed amendment is "minor" in nature because it only involves clarification of local procedures relative to appeals and limits accessory building heights to address local privacy issues and does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property.

Pursuant to Section 13555, the Executive Director will report this determination to the Coastal Commission at the following date and location:

DATE and TIME: June 13, 1996
9:00 a.m.

LOCATION: Marin County
Board of Supervisors Chambers
Administration Bldg., Room 322
Marin County Civic Center
San Rafael, CA

At that time, any objections to this determination, received within ten days of the transmittal of this notice, will also be reported to the Commission. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed in accordance with Section 13555 (b) of the Code of Regulations as a major amendment. The minor amendment would then become effective ten days from the date the Commission concurs with the Executive Director's designation.

If you have any questions or need additional information regarding this proposed amendment, please contact Lee McEachern at the above office. Any objections to the "minor" amendment determination must be received within ten working days of the date of this notice or no later than 5:00 p.m. on Monday June 10, 1996.