

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

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SAN DIEGO, CA 92108-4402

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RECORD PACKET COPY August 21, 2001

Tue 7c

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **CITY OF DEL MAR DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT NO. 1-2001** (Pacific View Estates). For Commission review at its meeting of September 11 - 15, 2001

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to local coastal programs. Section 30514(d) allows the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

PROPOSED AMENDMENT

The City of Del Mar has submitted an LCP amendment request to change the certified land use plan designation and zone for 25,000 sq.ft. of vacant land in two existing lots from R1-14 (residential modified low density) to R1-40 (residential very low density). The City Council resolution that approves and conveys the proposed de minimis LCP amendment is attached. The LCP amendment was approved by the City Council on July 16, 2001. The amendment was properly noticed through newspaper publication and direct mail and there are no known interested parties except the property owner. The amendment request was received in the Commission office on July 26, 2001 and is complete for processing on the next available Commission agenda.

DISCUSSION

The City of Del Mar LCP consists of a land use plan and an implementation program for the entire City, which is wholly within the coastal zone. Effective certification of the

City's LCP is pending on the September, 2001 Commission agenda. The 22nd District Agricultural Association Fairgrounds property as the only area of deferred certification. This is the City's first LCP amendment request.

The revisions to the certified LCP addressed in this action are de minimis in nature. They include a minor change to the land use and zoning maps to redesignate and rezone 25,000 sq.ft. (portions of two existing legal parcels). The land use will remain residential, but this area will be changed from R1-14 (residential modified low density) to R1-40 (residential very low density). This is proposed because a pending lot reconfiguration and consolidation is being processed concurrently with the LCP changes by the City. The City's action resulted in one new/reconfigured lot being split between two zone designations. The proposed rezoning will avoid a situation wherein a single parcel has two zoning designations. The LCP changes must be approved first in order for the Commission to make the required findings on the proposed lot reconfiguration and accompanying residential development as a separate coastal development permit decision.

The proposed de minimis LCP modifications do not raise any Coastal Act issues and will not result in any individual or cumulative adverse impacts to coastal resources. Although there is no change at all to the existing land use classification (low density residential), the proposed redesignation/rezone will decrease the allowed floor area ratio on the site, while increasing the required minimum lot size. However, both existing and proposed zone designations only allow one single-family home per legal lot. The effect of this change on this particular property will be that future subdivision of this property would not occur, as it would be inconsistent with the new zone. In addition, the new zone designation is compatible with the properties immediately south, which are already zoned R1-40, and will further the stated Land Use Plan goal of maintaining low-scale, low intensity development in the area. These changes are fully consistent with Chapter 3 of the Coastal Act, and in no way prejudice the Commissions' future actions on the permit applications for lot consolidation and future development.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the CEQA responsibilities are assigned to the Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an ECP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In the case of the subject LCP amendment request, the Commission finds that approval of the de minimis LCP amendment, as submitted, would not result in

any significant adverse environmental impacts under the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the City of Del Mar LCP amendment is de minimis. Based on the information submitted by the City, the proposed LCP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The City has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30514(d).

MOTION:

I move that the Commission concur with the Executive Director's determination that the LCP amendment, as submitted, is de minimis.

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified LCP ten (10) days after the date of the Commission meeting.

adam

ORDINANCE NO. 732

AN UNCODIFIED ORDINANCE OF THE CITY OF DEL MAR, CALIFORNIA, AMENDING THE DEL MAR ZONING MAP TO APPLY THE DESIGNATION OF R1-40 (RESIDENTIAL VERY LOW DENSITY) TO [THE ENTIRETY OF] A SPECIFIC PROPERTY, AND A PORTION OF ANOTHER ADJACENT PROPERTY, WITH SUCH PROPERTIES IDENTIFIED AS APNS 298-241-23 AND 24.

WHEREAS, the property owner, Pacific View Estates, has requested a Rezone (R-01-01) to amend the Del Mar Zoning Map to apply the zoning designation of residential Very Low Density (R1-40) to one [entire] property and a portion of an adjacent property, with such properties identified as Assessors' Parcel Numbers (APN): 298-241-23 and 24 and as identified in Attachment "A"; and

WHEREAS, the City Council finds that the proposed rezone will not adversely affect the established character of the surrounding neighborhoods and further finds as follows:

1. Conditions surrounding this property have not changed appreciably since the existing R1-14 Zoning designation was adopted with the 1981 "pre-zoning of the property at the time of its annexation into the City boundaries. However, the proposed modification is warranted to accommodate a proposed merger of the property with another adjacent property that is currently zoned R1-40. The proposed rezoning will avoid a situation wherein a single parcel has two zoning designations and will, as part of the associated Boundary Adjustment, address an existing difficulty in accessing the property;

2. The proposed change in Zoning Map designation will accommodate a merger of the subject property with an adjacent commonly-held property without the creation of a split zoning designation for the property, a situation that would create confusion and difficulty in applying zoning and other land use regulations; and

3. The subject property is designated on the existing Zoning Map and in the Community Development Element of the Del Mar Community Plan as being limited for use as: low density single-family residential development. The proposed rezoning from R1-14 to R1-40 would not modify that low density single family residential limitation and would, with the lower allowable Floor Area Ratio limitation that would result from the Rezone, ensure that future residential development of the property would be of low-scale intensity consistent with the existing residential properties located to the south of the site that are already zoned as R1-40.

NOW THEREFORE, the City Council of the City of Del Mar, California, does ordain as follows:

SECTION ONE:

That the City Zoning Map shall be amended to depict the property identified above and in Attachment "A" as R1-40 (Residential Very Low Density).

SECTION TWO:

This ordinance was introduced on July 16, 2001.

SECTION THREE:


This Local Coastal Program Amendment shall not become effective unless and until the associated application for a Boundary Adjustment for the subject property is approved by the City of Del Mar and Implemented through receipt of a Certificate of Compliance and recordation of revised deeds for the affected properties.

SECTION FOUR:

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

PASSED AND ADOPTED this 6th day of August 2001, by the following vote, to wit.


AYES:	Councilmembers Druker, Earnest, Whitehead; Mayor Crawford
NOES:	None
ABSENT:	Councilmember Abarbanel
ABSTAIN:	None



Crystal Crawford, Mayor of the
City of Del Mar, California

ATTEST AND CERTIFICATION

I hereby certify that this is a true and correct copy of Ordinance No. 732, which has been published pursuant to law.



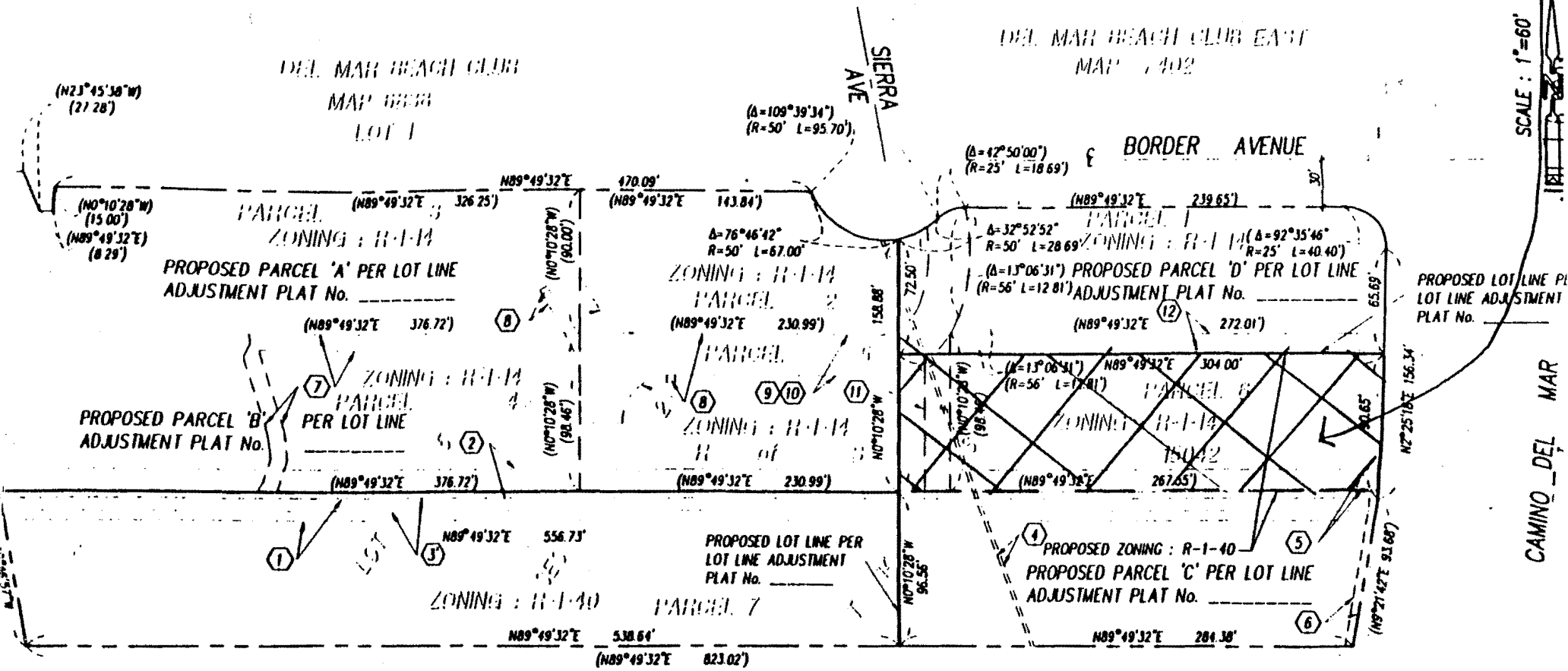
MERCEDES MARTIN, City Clerk
City of Del Mar, California

ATTACHMENT A

For City Council Ordinance No. 732

Cross hatched area to be assigned new zoning map and Plan and Implementing Ordinances) land use designation of: R1-40

CITY OF DEL MAR REZONE PLAT



EXISTING EASEMENTS DATA:

- ① EXIST. SD&AE EASEMENT FOR POLES, WIRES & ANCHORS REC. 7/10/46, BOOK 2170, PAGE 326, DOC No. 72798 OF OFFICIAL RECORDS
- ② EXIST. SD&AE EASEMENT FOR POLES, WIRES & ANCHORS REC. 10/26/48, BOOK 2996, PAGE 19, DOC No. 107065 OF OFFICIAL RECORDS

EASEMENTS NOTES:

INDICATES ITEM NUMBER PER CHICAGO TITLE COMPANY, ORDER No. 208025216 - P11, DATED JANUARY 19, 2000

CHICAGO TITLE COMPANY SCHEDULE 'A' PARCEL	DOCUMENT NO.	RECORDING DATE

POLLION LOT 5

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