

CALIFORNIA COASTAL COMMISSION

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State of California

California Coastal Commission
San Diego District

MEMORANDUM

TO: Commissioners and
Interested Persons

DATE: March 20, 2003

FROM: Staff

SUBJECT: Request to Waive Time Limit for Carlsbad LCP Amendment No. 1-03 A&B
(Smith Land Use Change/Habitat Management Plan) for the Commission
Meeting of April 8-11, 2003

On February 7, 2003, the City of Carlsbad Local Coastal Program Amendment No. 1-03 A and B were filed in the San Diego District office. The LCP amendment includes two separate components. The first component (A) would change the land use and zoning designations on a vacant 5 acre site at the southeast corner of I-5 and Poinsettia Lane from "Neighborhood Commercial" to "Residential Medium Density" and amend the text of the Mello I LUP segment accordingly. The second component (B) would amend the land use plan and implementation plan to incorporate the Habitat Management Plan (HMP), and include additional standards for protection of environmentally sensitive habitat areas in the Mello I, Mello II and Agua Hedionda segments. A federal consistency determination is also associated with the HMP, regarding the Incidental Take Permit for listed species that will be issued to the City by the U.S. Fish and Wildlife Service. The 90-day deadline for the Commission to act upon the federal consistency determination is May 8, 2003, unless the time limit is extended.

Pursuant to Section 30512 of the Coastal Act, a land use plan amendment must be acted on by the Commission within 90 days of complete submittal. To be heard within the allotted time period, which ends on May 8, 2003, the amendment request would have to be agendaized for the May 2003 Commission hearing to be held in Monterey. However, Section 30517 of the Coastal Act and Section 13535 of the Code of Regulations state that the Commission may for good cause extend a time limit for a period not to exceed one year, after consultation with the local government and by a majority vote of the Commissioners present.

Commission staff is requesting the time extension because the LCP amendments are of considerable local and regional interest. There is likelihood that members of the local public and affected parties will wish to be present at the Commission hearing. Therefore, the items should be heard at a Southern California location. Also, it important to have the LCP amendment and associated federal consistency review scheduled for the same Commission meeting, to avoid potential inconsistencies. Therefore, the City is willing to extend the 90-day federal consistency review deadline by one month, to June 13, 2003.

Staff intends to schedule the federal consistency review and the LCP amendments for June Commission meeting, provided the waiver of the applicable time limits is granted.

Summary of Staff Recommendation. Staff recommends the Commission extend the 90-day time limit for a period not to exceed one year. However, it is anticipated that the amendment request will be scheduled for the June 2003 Commission hearing in Long Beach.

MOTION:

I move that the Commission extend the 90-day time limit for Carlsbad LCP Amendment No. 1-03A and B for a period not to exceed one year.

STAFF RECOMMENDATION:

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