

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



February 14, 2013

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TO: COMMISSIONERS AND INTERESTED PARTIES

FROM: CHARLES LESTER, EXECUTIVE DIRECTOR

SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION that the action by the City of Carlsbad, certifying the City's Local Coastal Program Amendment No. CAR-MAJ-2-11A (Reasonable Accommodation), is adequate to effectively certify its local coastal program (for Commission review at its meeting of March 2013)

BACKGROUND

At its October, 2012 meeting, the Coastal Commission certified, with suggested modifications, the City of Carlsbad Local Coastal Program Amendment #CAR-MAJ-2-11A (Reasonable Accommodation), providing citywide changes for reasonable accommodation in the City's inclusionary housing ordinance. By its action adopting Resolution No. CS-196 on December 6, 2012, the City Council has acknowledged and accepted all of the Commission's suggested modifications. The modifications revised the City's definition of "reasonable accommodation" to specify that the request flexibility or waiver will not fundamentally alter the nature of the LCP, clarified that both individuals or any developer of housing is obligated to comply with other applicable regulations not at issue in the requested accommodation, and clarified that any request for reasonable accommodation shall also include the zoning, land use, or building code provision, regulation, policy or practice from which modification or exception is being requested as well as an explanation of how application of the existing zoning, land use or building code provision, regulation, policy, or practice that would preclude the provision of reasonable accommodation. The City already has coastal development permit authority over this geographic area and will continue issuing permits consistent with the local coastal program as amended.

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 Carlsbad 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).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



March 11, 2013

Mayor Hall
City of Carlsbad
1200 Carlsbad Village Drive
Carlsbad, CA 92008

RE: Certification of the City of Carlsbad Local Coastal Program Amendment
No. CAR-MAJ-2-11A (Reasonable Accommodations)

Dear Mayor Hall,

The California Coastal Commission has reviewed the City's Resolution No. CS-196 together with the Commission's action of October 2012 certifying City of Carlsbad Local Coastal Program Amendment #CAR-MAJ-2-11A providing citywide changes for reasonable accommodations in the City's inclusionary housing ordinance. 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 March 2013 meeting.

By its action on December 6, 2012, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including all suggested modifications. The modifications revised the City's definition of "reasonable accommodation" to specify that the request flexibility or waiver will not fundamentally alter the nature of the LCP, clarified that both individuals or any developer of housing is obligated to comply with other applicable regulations not at issue in the requested accommodation, and clarified that any request for reasonable accommodation shall also include the zoning, land use, or building code provision, regulation, policy or practice from which modification or exception is being requested as well as an explanation of how application of the existing zoning, land use or building code provision, regulation, policy, or practice that would preclude the provision of reasonable accommodation. The City is already issuing coastal development permits in conformance with the certified local coastal program for this area.

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,

Charles Lester
Executive Director