

Th13a

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**ORDINANCE NO. CS-212**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA APPROVING A ZONE CODE AMENDMENT AND LOCAL COASTAL PLAN AMENDMENT TO MODIFY THE STANDARDS IN MUNICIPAL CODE CHAPTER 21.48 (NONCONFORMING BUILDINGS AND USES), AND THEREBY ACCEPTING AND ADMINISTERING THE CALIFORNIA COASTAL COMMISSION'S SUGGESTED MODIFICATIONS TO LCPA 09-01.

CASE NAME: NONCONFORMING BUILDINGS AND USES  
ORDINANCE SUGGESTED MODIFICATIONS

CASE NO.: ZCA 09-01(A)/LCPA 09-01(A)

WHEREAS, the Planning Commission did on June 17, 2009 and July 1, 2009, hold duly noticed public hearings as prescribed by law to consider Zone Code Amendment (ZCA 09-01) and Local Coastal Program Amendment (LCPA 09-01) to repeal and reenact the Nonconforming Buildings and Uses Chapter 21.48 of the Zoning Ordinance; and

WHEREAS, the Planning Commission adopted resolutions No. 6574 and 6575, recommending to the City Council approval of ZCA 09-01 and LCPA 09-01; and

WHEREAS, the City Council, on August 11, 2009, held a duly noticed public hearing as prescribed by law to consider ZCA 09-01 and LCPA 09-01, and introduced Ordinance No. CS-050 to approve ZCA 09-01, and adopted Resolution No. 2009-211, to approve LCPA 09-01; and

WHEREAS, the City Council, on August 18, 2009, passed, approved and adopted Ordinance No. CS-050; and

WHEREAS, the approval of both Ordinance No. CS-050 and Resolution No. 2009-211 is subject to Coastal Commission approval (certification) of LCPA 09-01; and

WHEREAS, on March 7, 2013, the California Coastal Commission approved LCPA 09-01 conditioned upon the city making certain changes, or "suggested modifications," and

WHEREAS, accepting and administering the California Coastal Commission's suggested modifications, as set forth in this ordinance, is necessary to comply with the California Coastal Act and California Administrative Code; and

CAR-MAJ-1-12  
Adopted City Ordinance  
(1 of 3) Exhibit 1

1           WHEREAS, the California Coastal Commission suggested modifications are  
2 minor revisions to the public noticing requirements for nonconforming construction permits  
3 rather than substantial modifications as described in Zoning Ordinance Section 21.52.050 B.2.  
4 and therefore do not require further review by the City's Planning Commission.

5           NOW, THEREFORE, the City Council of the City of Carlsbad does ordain as  
6 follows:

7           SECTION 1: That Section 21.48.080 G.1. of the Carlsbad Municipal Code, as  
8 previously approved pursuant to Ordinance No. CS-050, is modified to read as follows:

9           G.    Mailing of Notice of Decision.

10           1.    Not later than seven days following the announcement of a  
11 decision ordering that a nonconforming construction permit be granted or denied, a copy of the  
12 letter shall be mailed to the applicant at the address shown on the application filed with the  
13 planning director and to any person who requested or spoke at an informal hearing for a  
14 nonconforming construction permit, and any person who has filed a written request for a notice  
15 of decision.  
16

17           EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption;  
18 and the city clerk shall certify the adoption of this ordinance and cause the full text of the ordinance  
19 or a summary of the ordinance prepared by the City Attorney to be published at least once in a  
20 newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.  
21 *(Notwithstanding the preceding, this ordinance shall not be effective until approved by the*  
22 *California Coastal Commission.)*

23           INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City  
24 Council on the 2nd day of April, 2013, and thereafter.

25           ///

26           ///

27           ///

28           (2 of 3) 2

1 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
2 Carlsbad on the 30th day of April, 2013, by the following vote, to wit:

3 AYES: Council Members Hall, Packard, Wood, Blackburn and Douglas.

4 NOES: None.

5 ABSENT: None.


6 ABSTAIN: None.

7  
8 APPROVED AS TO FORM AND LEGALITY

9  
10   
CELIA A. BREWER, City Attorney

11  
12   
13 MATT HALL, Mayor

14 ATTEST:

15  
16   
17 BARBARA ENGLESON, City Clerk



3

(3 of 3)

**CALIFORNIA COASTAL COMMISSION**

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



June 20, 2013

**Th13a**

**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-1-12 (Nonconforming Buildings and Uses), is adequate to effectively certify its local coastal program (for Commission review at its meeting of July 2013)

**BACKGROUND**

At its March 7, 2013 meeting, the Coastal Commission certified, with one suggested modification, the City of Carlsbad Local Coastal Program Amendment #CAR-MAJ-1-12 (Nonconforming Buildings and Uses), providing citywide changes addressing regulation of nonconforming buildings and uses. By its action adopting Resolution No. CS-212 on April 30, 2013, the City Council has acknowledged and accepted the Commission's suggested modification. The modification addressed a technical correction clarifying the noticing requirements associated with approving a non-conforming construction permit. 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



July 15, 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-1-12 (Nonconforming Buildings and Uses)

Dear Mayor Hall,

The California Coastal Commission has reviewed the City's Resolution No. CS-212, together with the Commission's action of March 7, 2013 certifying City of Carlsbad Local Coastal Program Amendment #CAR-MAJ-1-12 providing citywide changes for nonconforming buildings and uses. 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 July 2013 meeting.

By its action on April 30, 2013, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including the suggested modification. The modification addressed a technical correction clarifying the noticing requirements associated with approving a non-conforming construction permit. 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