

CALIFORNIA COASTAL COMMISSION

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April 20, 2017

Th17c**TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: JOHN AINSWORTH, EXECUTIVE DIRECTOR****SUBJECT: CITY OF CARLSBAD DE MINIMIS LOCAL COASTAL PROGRAM
AMENDMENT NO. LCP-6-CAR-17-0022-2 (Recycling Requirements) FOR
COMMISSION REVIEW AT ITS MEETING OF May 10-12, 2017**

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.

If three or more commissioners object to the de minimis LCP amendment determination, then the amendment shall be set for a future public hearing; if three or more commissioners do not object to the de minimis determination, then the amendment is deemed approved, and it becomes a certified part of the LCP ten days after the date of the Commission meeting (May 11, 2017).

PROPOSED AMENDMENT

On March 16, 2017, the City of Carlsbad’s LCP amendment request was filed in the San Diego Coast District office. The request was submitted as a separate de minimis LCP amendment and involves text amendments to the City’s regulations pertaining to recycling requirements and recycling areas. For purposes of coastal review and the subject LCP amendment, the proposed amendment involves revisions to Chapter 21 of the City’s municipal code which serves, in large part, as the City’s certified implementation plan. The proposed amendment affects only the certified implementation plan and was properly noticed.

DISCUSSION

The proposed amendment would make the City's regulations pertaining to recycling requirements and recycling areas consistent with California Assembly Bill 1826 (Chesbro, 2014), the Mandatory Commercial Recycling Organics Law, which requires businesses and multifamily residential developments to recycle organic waste. This amendment ensures that businesses and multifamily developments provide adequate space for collection and loading of recyclable materials. For purposes of coastal review, the City proposes to update the definition of "recyclable material" to include "cardboard" and "organic waste," remove references to dates from the 1990's that are no longer applicable to development projects, and amend the guidelines for recycling collection and loading areas to clarify that the design of such areas shall comply with storm water pollution prevention regulations.

The proposed revision to the Zoning Ordinance (IP) does not change the allowable use of any coastal zone property, any land uses, or the resource protection regulations of the City. The proposed amendment does not have any potential to impact, either individually or cumulatively, coastal resources. Therefore, the proposed amendment is consistent with Chapter 3 of the Coastal Act.

DETERMINATION

The Executive Director determines that the City of Carlsbad 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).

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 LCP 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.

[Exhibit 1 – Resolution](#)

[Exhibit 2 – Proposed Text Changes](#)

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