

CALIFORNIA COASTAL COMMISSION

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Date: July 22, 2021

To: **COMMISSIONERS AND INTERESTED PERSONS**

From: **JOHN AINSWORTH, EXECUTIVE DIRECTOR**

Subject: **CITY OF CARLSBAD DE MINIMIS LOCAL COASTAL PROGRAM AMENDMENT NO. LCP-6-CVR-21-0041-1 (Village and Barrio Master Plan Decision Making) FOR COMMISSION REVIEW AT ITS MEETING OF August 11-13, 2021**

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 (August 13, 2021).

PROPOSED AMENDMENT

The City of Carlsbad’s amendment request was filed on June 18, 2021. The request includes text amendments to the City’s Village and Barrio Master Plan, a combination Land Use Plan and Implementation Plan document for the Village-Barrio LCP segment. The proposed amendment would change the decision-making authority from the Planning Commission to the City Council for discretionary permits within the Barrio districts. The proposed amendment only affects the certified Implementation Plan and was properly noticed.

If you have any questions or need additional information regarding this proposed amendment, please contact Carrie Boyle at Carrie.Boyle@coastal.ca.gov.

DISCUSSION

The proposed amendment would make the City Council the decision-making authority for discretionary permits, including site development plans, conditional use permits, coastal development permits, and variance processes, in all districts within the Village-Barrio LCP segment. The City Council is already the decision-making authority in the Village districts; the proposed amendment would change the authority in the Barrio districts from the Planning Commission to the City Council to make decision-making authority consistent throughout the Master Plan area. As proposed, the Planning Commission will continue to review discretionary permits in all Village and Barrio districts and will have the authority to recommend projects to the City Council for action.

The proposed revision to the Village and Barrio Master Plan (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) of the Coastal Act.

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.

City of Carlsbad LCPA No. LCP-6-CVR-21-0041-1/De minimis

[Exhibit 1 – Ordinance](#)

[Exhibit 2 – Proposed Text Changes](#)