

ORDINANCE NO. CS-406

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A LOCAL COASTAL PROGRAM AMENDMENT CONSISTING OF A ZONE CHANGE AND AMENDMENTS TO THE POINSETTIA SHORES MASTER PLAN AND VILLAGE AND BARRIO MASTER PLAN FOR CONSISTENCY WITH THE LOCAL COASTAL PROGRAM LAND USE PLAN UPDATE

CASE NAME: LOCAL COASTAL PROGRAM UPDATE

CASE NO.: LCPA 15-07/ZC 2020-0002/AMEND2020-0016 (DEV15061)/
AMEND 2020-0014 (DEV08014)

WHEREAS, the Carlsbad Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan are part of the Local Coastal Program Implementing Ordinance, and therefore, amendments to the Zoning Map, Poinsettia Shores Master Plan and Village and Barrio Master Plan are amendments to the Local Coastal Program; and

WHEREAS, as provided in Government Code Section 65350 et. seq., Section 21.52.020 and Section 21.90.090 of the Carlsbad Municipal Code, and Public Resources Code Section 30514 and Section 13551 of the California Code of Regulations Title 14, Division 5.5, said verified application constitutes a request for a Local Coastal Program Amendment consisting of a Zone Change and amendments to the Poinsettia Shores Master Plan and Village and Barrio Master Plan (LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014); and

WHEREAS, the proposed Zone Change and amendments to the Poinsettia Shores Master Plan and Village and Barrio Master Plan (LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014) are necessary to ensure consistency with the associated Local Coastal Program Land Use Plan Update (Exhibit 7 of the City Council Staff Report dated Sept. 28, 2021); and

WHEREAS, pursuant to California Coastal Commission Regulations, a six-week public review period for the Local Coastal Program amendment occurred from October 18, 2019 to November 29, 2019; and

WHEREAS, on December 2, 2020, January 6, 2021 and January 13, 2021, the Planning Commission held a duly noticed public hearing as prescribed by law to consider LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 7389

recommending that the City Council approve LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014; and

WHEREAS, the City Council did on the 12th day of October 2021, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors, including written public comments, if any, related to LCPA 15-07/ZC 2020-0002/AMEND 2020-0016/AMEND 2020-0014.

NOW, THEREFORE, the City Council of the City of Carlsbad, California, does ordain that:

1. The above recitations are true and correct.
2. The findings of the Planning Commission in Planning Commission Resolution No. 7389 also constitute the findings of the City Council.
3. Carlsbad Municipal Code Section 21.05.030, the zoning map, is amended as shown on "EXHIBIT A LCPA 15-07/ZC 2020-0002" dated Sept. 28, 2021, attached hereto.
4. Poinsettia Shores Master Plan is amended as shown on "EXHIBIT B LCPA 15-07/AMEND 2020-0016" dated Sept. 28, 2021, attached hereto.
5. Section 1.7.1.C of the Village and Barrio Master Plan is amended to read as follows:

C. City of Carlsbad Local Coastal Program

The Local Coastal Program guides future development in the city's Coastal Zone based on policies and requirements in the state Coastal Act. It seeks to ensure coastal resources, ranging from public views and access, to hillside and sensitive habitats, are enhanced and protected. Approximately one-third of Carlsbad, including portions of the Village and Barrio, is in the Coastal Zone. Section 6.2.1 describes the sections of the Village and Barrio Master Plan and other documents that comprise the Local Coastal Program for the Coastal Zone of the Master Plan area. The Local Coastal Program requires approval from the California Coastal Commission in addition to the City of Carlsbad City Council.

6. Section 6.2.1 of the Village and Barrio Master Plan is amended to read as follows:

6.2.1 Local Coastal Program

The Local Coastal Program for properties within the Coastal Zone of the Village and Barrio Master Plan (shown in Figure 2-1) is comprised of the sections of this Master Plan and other documents described below. In any instance where the Local Coastal Program (described below) conflicts with other provisions of this Master Plan (not described below), the Local Coastal Program provisions shall apply.

Table 6-1: Local Coastal Program for the Coastal Zone of the Village and Barrio Master Plan

Row	Documents and Provisions that Comprise the Local Coastal Program
A	<u>Village and Barrio Master Plan Sections:</u> Goals and policies in Chapter 1 Use and development standards in Chapters 2 and 3 Provisions on managing parking and increasing mobility in Section 4.5.2 Administrative processes of Chapter 6 Definitions in Appendix A
B	<u>City of Carlsbad Local Coastal Program Land Use Plan</u> In instances where the sections of this Master Plan (specified in row A of this table) conflict with the Local Coastal Program Land Use Plan, the Master Plan provisions shall apply. Where the Village and Barrio Master Plan is silent on an issue, the provisions of the Local Coastal Program Land Use Plan shall apply.
C	CMC Chapter 15.12 – Stormwater Management and Discharge Control
D	CMC Chapter 15.16 – Grading and Erosion Control
E	CMC Title 21 - Zoning Ordinance, except the zoning provisions superseded herein

EFFECTIVE DATE: This ordinance shall be effective thirty days after its adoption or upon Coastal Commission approval of LCPA 15-07; whichever occurs later; and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Carlsbad City Council on the 12th day of October 2021, and thereafter

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 19th day of October 2021, by the following vote, to wit:

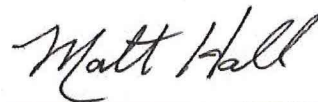
AYES: Hall, Blackburn, Norby.

NAYS: Bhat-Patel, Acosta.

ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:


CELIA A. BREWER, City Attorney



MATT HALL, Mayor



FAVIOLA MEDINA, City Clerk Services Manager

(SEAL)

