

Introduced by Senator Morrow

February 22, 2002

An act to amend Section 30170 of the Public Resources Code, relating to the coastal zone.

LEGISLATIVE COUNSEL'S DIGEST

SB 1797, as introduced, Morrow. Coastal zone boundary: San Diego County.

The California Coastal Act of 1976 generally provides for the planning and regulation of development within prescribed areas of the state's coastline, designated as the coastal zone. Under the act, certain designated areas in the City of Carlsbad in San Diego County are excluded from the coastal zone, as specified.

This bill would exclude additional areas in the City of Carlsbad from the coastal zone.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30170 of the Public Resources Code is
2 amended to read:
3 30170. In San Diego County:
4 (a) In the City of Oceanside, approximately 500 acres are
5 excluded as specifically shown on maps 30A and 31.
6 (b) In the City of Carlsbad, approximately 180 acres in the
7 downtown area, except for the Elm Street corridor, are excluded
8 as specifically shown on map 31.

1 (c) In the City of Carlsbad the area lying north of the Palomar
2 Airport as generally shown on maps 31 and 32 and as specifically
3 described in this subdivision is excluded.

4 Those portions of lots "F" and "G" of Rancho Agua Hedionda,
5 part in the City of Carlsbad and part in the unincorporated area of
6 the County of San Diego, State of California, according to the
7 partition map thereof No. 823, filed in the office of the county
8 recorder of such county, November 16, 1896, described as follows:

9
10 Commencing at point 1 of said lot "F" as shown on said map;
11 thence along the boundary line of said lot "F" south $25^{\circ} 33' 56''$
12 east, 229.00 feet to point 23 of said lot "F" and south $54^{\circ} 40' 19''$
13 east, 1347.00 feet; thence leaving said boundary line south $35^{\circ} 19'$
14 $44''$ west, 41.28 feet to the true point of beginning, which point is
15 the true point of beginning, of the land described in deed to Japatul
16 Corporation recorded December 8, 1975, at recorder's file/page
17 No. 345107 of official records to said county; thence along the
18 boundary line of said land south $35^{\circ} 19' 44''$ west, 2216.46 feet
19 and north $53^{\circ} 02' 49''$ west, 1214.69 feet to the northeast corner
20 of the land described in deed to Japatul Corporation recorded
21 December 8, 1975, at recorder's file/page No. 345103 of said
22 official records; thence along the boundary lines of said land as
23 follows: West, 1550 feet, more or less, to the boundary of said lot
24 "F"; south $00^{\circ} 12' 00''$ west, 550 feet, more or less, to point 5 of
25 said lot "F"; south $10^{\circ} 25' 10''$ east along a straight line between
26 said point 5 and point 14 of said lot "F", to point 14 of said lot "F":
27 thence along the boundary of said lot "F" south $52^{\circ} 15' 45''$ east
28 (record south $51^{\circ} 00' 00''$ east) 1860.74 feet more or less to the
29 most westerly corner of the land conveyed to James L. Hieatt, et
30 ux, by deed recorded June 11, 1913, in Book 617, page 54 of deed,
31 records of said county; thence along the northwesterly and
32 northeasterly boundary of Hieatt's land as follows: North $25^{\circ} 00'$
33 $00''$ east, 594.00 feet and south $52^{\circ} 15' 45''$ east (record south 51°
34 $00' 00''$ east per deed) 1348.61 feet to a point of intersection with
35 the northerly line of Palomar County Airport, said point being on
36 the boundary of the land conveyed to Japatul Corporation by deed
37 recorded December 8, 1975, at recorder's file/page No. 345107 of
38 said official records; thence along said boundary as follows: North
39 $79^{\circ} 10' 00''$ east, 4052.22 feet north $10^{\circ} 50' 00''$ west, 500.00 feet;
40 north $79^{\circ} 10' 00''$ east 262.00 feet, south $10^{\circ} 50' 00''$ east, 500.00



1 feet; north $79^{\circ} 10' 00''$ east, 1005 feet, more or less, to the westerly
2 line of the land conveyed to the County of San Diego by deed
3 recorded May 28, 1970, at recorder's file/page No. 93075 of said
4 official records; thence continuing along the boundary of last said
5 Japatul Corporation's land north $38^{\circ} 42' 44''$ west, 2510.58 feet
6 to the beginning of a tangent 1845.00 foot radius curve concave
7 northeasterly; along the arc of said curve through a central angle
8 of $14^{\circ} 25' 52''$ a distance of 464.70 feet to a point of the southerly
9 boundary of the land allotted to Thalia Kelly Considine, et al, by
10 partial final judgment in partition, recorded January 18, 1963, at
11 recorder's file/page No. 11643 of said official records; thence
12 continuing along last said Japatul Corporation's land south $67^{\circ} 50'$
13 $28''$ west, 1392.80 feet north $33^{\circ} 08' 52''$ west, 915. 12 feet and
14 north $00^{\circ} 30' 53''$ west, 1290.37 feet to the southerly line of said
15 land conveyed to the County of San Diego, being also the northerly
16 line of last said Japatul Corporation's land; thence along said
17 common line north $74^{\circ} 57' 25''$ west, 427.67 feet to the beginning
18 of a tangent 2045.00 foot radius curve concave northerly; and
19 westerly along the arc of said curve through a central angle of 16°
20 $59' 24''$, a distance of 606.41 feet to the true point of beginning.

21 And those properties known as assessors parcel Nos.
22 212-020-08, 212-020-22, and 212-020-23.

23 Excepting therefrom, that portion, if any, conveyed to the
24 County of San Diego, by quitclaim deed recorded January 12,
25 1977, at recorder's file/page No. 012820 of said official records.

26
27 No development may occur in the area described in this
28 subdivision until a plan for drainage of the parcel to be developed
29 has been approved by the local government having jurisdiction
30 over the area after consultation with the commission and the
31 Department of Fish and Game. The plan shall assure that no
32 detrimental increase occurs in runoff of water from the parcel to
33 be developed and shall require that the facilities necessary to
34 implement the plan are installed as part of the development.

35 (d) In the City of Carlsbad and adjacent unincorporated areas,
36 approximately 600 acres consisting of the Palomar Airport and an
37 adjoining industrial park are excluded as specifically shown on
38 maps 31 and 32.

39 (e) An area consisting of approximately 333 acres lying west
40 and south of the Palomar Airport and bounded on the south by



1 Palomar Airport Road is excluded as specifically shown on maps
2 31 and 32.

3 No development may occur in the area described in this
4 subdivision until a plan for drainage of the parcel to be developed
5 has been approved by the local government having jurisdiction
6 over the area after consultation with the commission and the
7 Department of Fish and Game. The plan shall assure that no
8 detrimental increase occurs in runoff of water from the parcel to
9 be developed and shall require that the facilities necessary to
10 implement the plan are installed as part of the development.

11 (f) On or before October 1, 1980, the commission shall, after
12 public hearing and in consultation with the City of Carlsbad,
13 prepare, approve, and adopt a local coastal program for the
14 following parcels in the vicinity of Batiquitos Lagoon within the
15 City of Carlsbad: lands owned by Rancho La Costa, a registered
16 limited partnership, lands (consisting of approximately 80 acres)
17 owned by Standard Pacific of San Diego, Inc., that were conveyed
18 by Rancho La Costa on October 8, 1977, and lands owned by the
19 Occidental Petroleum Company. ~~Such~~ *The* parcels shall be
20 determined by ownership as of September 12, 1979. As used in this
21 subdivision, “parcels” means the parcels identified in this
22 paragraph. The local coastal program required by this subdivision
23 shall include all of the following elements:

24 (1) Protection of agricultural lands and uses to the extent
25 feasible.

26 (2) Minimization of adverse impacts from sedimentation.

27 (3) Protection of feasible public recreational opportunities.

28 (4) Provision for economically feasible development
29 consistent with the three elements specified in this subdivision.

30 The local coastal program required by this subdivision shall,
31 after adoption by the commission, be deemed certified and shall
32 for all purposes of this division constitute certified local coastal
33 program segments for those parcels in the City of Carlsbad. The
34 segments of the city’s local coastal program for those parcels may
35 be amended pursuant to the provisions of this division relating to
36 the amendment of local coastal programs. In addition, until such
37 time as (i) the City of Carlsbad adopts or enacts the implementing
38 actions contained in any such local coastal program, or (ii) other
39 statutory provisions provide alternately for the adoption,
40 certification, and implementation of a local coastal program for



1 those parcels, the local coastal program required by this
2 subdivision may also be amended by the commission at the request
3 of the owner of any of those parcels. For administrative purposes,
4 the commission may group these requests in order to schedule
5 them for consideration at a single commission hearing; provided,
6 however, that the commission shall schedule these requests for
7 consideration at least once during each four-month period,
8 beginning January 1, 1982. After either of these events occur,
9 however, these property owners shall no longer be eligible to
10 request the commission to amend the local coastal program.

11 If the commission fails to adopt ~~such~~ *the* local coastal program
12 within the time limits specified in this subdivision, those parcels
13 shall be excluded from the coastal zone and shall no longer be
14 subject to the provisions of this division. It is the intent of the
15 Legislature in enacting this subdivision that a procedure to
16 expedite the preparation and adoption of a local coastal program
17 for those parcels be established so that the public and affected
18 property owners know as soon as possible what the permissible
19 uses of ~~such~~ *Those* lands are.

20 (g) In the vicinity of the intersection of Del Mar Heights Road
21 and the San Diego Freeway, approximately 250 acres are excluded
22 as specifically shown on map 33.

23 (h) In the vicinity of the intersection of Carmel Valley Road and
24 the San Diego Freeway, approximately 45 acres are added as
25 specifically shown on map 33.

26 In the City of San Diego, the Carmel Valley area consisting of
27 approximately 1,400 acres as shown on map 33 ~~which~~ *that* has
28 been placed on file with the Secretary of State on January 23, 1980,
29 shall be excluded from the coastal zone after the City of San Diego
30 submits, and the commission certifies, a drainage plan and a
31 transportation plan for the area. The city shall implement and
32 enforce the certified drainage and transportation plans. Any
33 amendments or changes to the underlying land use plan for the area
34 that affects drainage, or to either the certified drainage or
35 transportation plan, shall be reviewed and processed in the same
36 manner as an amendment of a certified local coastal program
37 pursuant to Section 30514. Any land use not in conformance with
38 the certified drainage and transportation plans may be appealed to
39 the commission pursuant to the appeals procedure as provided by
40 Chapter 7 (commencing with Section 30600). The drainage plan



1 and any amendments thereto shall be prepared after consultation
2 with the Department of Fish and Game and shall ensure that
3 problems resulting from water runoff, sedimentation, and siltation
4 are adequately identified and resolved.

5 (i) Near the head of the south branch of Los Penasquitos
6 Canyon, the boundary is moved seaward to the five-mile limit as
7 described in Section 30103 and as specifically shown on map 33.

8 (j) In the City of San Diego, approximately 1,855 acres known
9 as the Mount Soledad and La Jolla Mesa areas are added as
10 specifically shown on map 34; provided, however, that on or
11 before February 29, 1980, and pursuant to either subdivision (d)
12 of Section 30610 or Section 30610.5, the commission shall
13 exclude from coastal development permit requirements any
14 single-family residence within the area specified in this
15 subdivision. No coastal development permit ~~shall be~~ is required
16 for any improvement, maintenance activity, relocation, or
17 reasonable expansion of any commercial radio or television
18 transmission facilities within the area specified in this subdivision
19 unless ~~any such~~ the proposed activity could result in a significant
20 change in the density or intensity of use in ~~such~~ the area or could
21 have a significant adverse impact on highly scenic resources of
22 public importance; provided, however, that no prior review by the
23 commission of ~~any such~~ the activity shall be required.

24 (k) In the City of San Diego, approximately 30 acres known as
25 the Famosa Slough is added as specifically shown on maps 34 and
26 35.

27 (l) *In the City of Carlsbad, the area specifically described in*
28 *this subdivision is excluded.*

29 *That portion of lot "F" of the Rancho Agua Hedionda, in the*
30 *City of Carlsbad, County of San Diego, State of California,*
31 *according to the map thereof No. 823, filed in the office of the*
32 *county recorder of San Diego County, November 16, 1896,*
33 *described as follows:*

34 *Commencing at point 15 of said lot "F," being point 8 of lot "G"*
35 *of said Rancho Agua Hedionda, thence along the southerly line of*
36 *said lot "F," south 79° 42' 02" east, 101.09 feet (record south 79°*
37 *42' 54" east 101.12 feet) to the westerly prolongation of the north*
38 *boundary of Palomar Airport, as shown on record of survey No.*
39 *8467, filed in the office of the county recorder of San Diego County,*
40 *thence along said north boundary north 79° 41' 14" east, 673.88*



1 *feet (record north 79° 41' 25" east 674.13 feet) to the*
2 *northeasterly line of the land described in deed to James L. Hiatt,*
3 *et ux, recorded in Book 6268, page 190 of the official records of*
4 *San Diego County; thence along the northeasterly line of said*
5 *Hiatt land, north 49° 57' 37" west (recorded north 51° west per*
6 *said deed) 1338.43 feet to the most northerly corner of said land;*
7 *thence along the northwesterly line of said land, south 25° 31' 21"*
8 *west, 594.10 feet (recorded south 25° west 594 feet) to the*
9 *southwesterly line of said lot "F"; thence along said southwesterly*
10 *line south 50° 28' 50" east, 671.78 feet (recorded south 51° east*
11 *671.88 feet) to the point of beginning.*

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