

**CALIFORNIA COASTAL COMMISSION**

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February 19, 2009

**W 17a****TO: COMMISSIONERS AND INTERESTED PERSONS****FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT  
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT  
TONI ROSS, COASTAL PROGRAM ANALYST, SAN DIEGO COAST  
DISTRICT****SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR LCP  
AMENDMENT 2-07B (Kelly JRMC) for Commission Meeting of March 11-13  
2009.**

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**SYNOPSIS**

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on December 18, 2007. A one-year time extension was granted on March 6, 2008. As such, the last date for Commission action on this item is March 17, 2009. This report addresses one of two components (B) of the proposed amendment. LCPA 2-07A (Aura Circle) was heard at the February 2009 hearing.

**SUMMARY OF AMENDMENT REQUEST**

The subject LCP amendment proposes changes to the land use designation and zoning on a 5.9 acre site, located on the southeast corner of Palomar Airport Road and Aviara Parkway. The proposed changes to land use and zoning designations would facilitate the construction of an 84,894 square foot office building development. 1.36 acres of the site will be modified from Planned Industrial (LUP) and Unplanned Area (IP) to Open Space for conservation purposes (both LUP and IP). The project site includes a portion of Encinas Creek. The project construction will not result in any impacts to environmentally sensitive habitat.

The project is located within lands included in the Habitat Management Plan (HMP) preserve area and has a hardline boundary established to separate potential development from conservation area on the project site. A hardline area can be described as a site within the City that contained sensitive vegetation at the time of the HMP certification but that was also the subject of proposed development at that time. Because development had already been proposed on these sites, a biological assessment was completed for each property meeting these criteria, and a line was drawn between the portion of the property that could be utilized to accommodate this proposed development, and the remainder of the property that was to be protected as Open Space. This line separating the developable area from preserve lands is the "hardline" boundary, and all properties with proposed

development were mapped and included in the City's HMP. The map depicting the hardline for Kelly JRMC can be found on Figure 8 of the HMP. However, the "hardline" certified for this location is north of Encinas Creek, due to a mapping error. The modified land use designation and zoning would be relocated to follow the actual Encinas Creek alignment, its associated wetlands, and a 70 foot biological buffer. The changes to the land use and zoning designations onsite would memorialize the line of development and provide protection from future development for the preserved lands.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval of the land use re-designation as submitted and denial, then approval of the zoning amendment with one suggested modification. This suggested modification will require the City to submit a map updating the location of preserved lands on this site. When the City's Habitat Management Plan was certified, a hardline separating developable land from preserve area, as defined above, was approved for this location (ref. Exhibit #5). The goal of the certified hardline/preserve area was protection of Encinas Creek and its associated habitat. However, due to a mapping error, the preserve area was located north of the creek and thus does not protect the full width of the creek and also includes some of the non-sensitive portions of the site (ref. Exhibit #4). The City is proposing to relocate the preserve area to better protect the creek and facilitate the development of an 84,894 square foot office building. The proposed LUP amendment does not raise concerns regarding impacts to sensitive habitat, or any other policies found in Chapter 3 of the Coastal Act, therefore it can be found consistent with Coastal Act as submitted.

Staff is recommending that the City be required to submit an updated LCP/HMP map reflecting these changes. The updated map would provide any interested parties with the most accurate and up-to-date information, to be consistent with the certified HMP. Staff has not previously required this, and instead, included findings that such a process be included in the associated HMP Implementation Plan. However, no such HMP Implementation Plan has been certified to date, so in order to be consistent with the City's certified LCP, the City will need to provide the updated map prior to the certification of the HMP Implementation Plan. Thus, any future development inquiries will be made aware of the location and extent of the preserved lands.

The appropriate resolutions and motions begin on page 5. The suggested modification may be found on page 7. The findings for approval of the Land Use Plan, as submitted, begin on page 7. The findings for denial of the Implementation Plan Amendment as submitted begin on page 9. The findings for approval of the plan, if modified, begin on page 14.

### **BACKGROUND**

On June 12, 2003, the California Coastal Commission approved a Local Coastal Program (LCP) amendment request for the adoption of the City's Habitat Management Plan (LCPA 1-03B). In its action, the Commission adopted land use plan revisions to the

Carlsbad LCP and incorporated the City's Habitat Management Plan (HMP) into the certified LCP. The modifications addressed revised development limitations on specific properties and included additional requirements for development of the preserve management plan. The Carlsbad HMP was prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and allow the incidental take of the gnatcatcher and other covered species as specified in the plan.

In its action on City of Carlsbad LCP Amendment No. 1-03B in June 2003, the Commission certified the HMP as part of the LCP and found it to meet the requirements of Sections 30240 and 30250 of the Coastal Act despite some impacts to environmentally sensitive habitat area (ESHA). The Commission found that, pursuant to Sections 30007.5 and 30200(b), certification of the HMP with suggested modifications was, on balance, the alternative that was most protective of significant coastal resources. The findings addressing resolution of the policy conflicts between these Coastal Act sections in the Commission's action on LCP Amendment No. 1-03B are herein incorporated by reference and attached to this report as Appendix A.

Since certification of the HMP/LCP Amendment, the Commission has approved several LCP amendments, similar to that proposed here, which would modify the land use and open space boundaries to accommodate development. These include, but are not necessarily limited to, Carlsbad LCP Amendment Nos. 1-04B (Kirgis); 1-05A (Yamamoto); 1-05C (North Coast Calvary Chapel); 2-01A (Lynn); 2-04B (Black Rail); 2-06B (La Costa Village); 1-07C (La Costa Glen); and 2-07A (Aura Circle). This is the first LCP amendment requiring the City to submit LCP/HMP maps updating the HMP preserve hardline for this location.

### **ADDITIONAL INFORMATION**

Further information on the City of Carlsbad LCP amendment 2-07B (Kelly JRMC) may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370.

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**PART I. OVERVIEW**

**A. LCP HISTORY**

The City of Carlsbad certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties and Village Redevelopment. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The subject amendment request affects the Mello II LCP segment.

**B. STANDARD OF REVIEW**

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of and conforms with Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the land use plan is

conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

**C. PUBLIC PARTICIPATION**

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

**PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS**

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:**     *I move that the Commission certify the Land Use Plan Amendment #2-07B for the City of Carlsbad as submitted.*

**STAFF RECOMMENDATION TO CERTIFY:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

**RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:**

The Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the land use plan will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan.

- II. MOTION:**     *I move that the Commission reject the Implementation Program Amendment #2-07B for City of Carlsbad as submitted.*

**STAFF RECOMMENDATION OF REJECTION:**

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:**

The Commission hereby denies certification of the Implementation Program Amendment submitted for the City of Carlsbad and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program Amendment as submitted.

- III. MOTION:**     *I move that the Commission certify the Implementation Program Amendment 2-07B for the City of Carlsbad if it is modified as suggested in this staff report.*

**STAFF RECOMMENDATION:**

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program Amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:**

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen

any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

### **PART III. SUGGESTED MODIFICATIONS**

Staff recommends the following suggested revisions to the proposed LCP be adopted. The underlined sections represent language that the Commission suggests be added, and the ~~struck-out~~ sections represent language which the Commission suggests be deleted from the language as originally submitted.

1. The City shall annually update the certified Land Use and Zoning maps, as well as the HMP map to reflect the mapping modifications made associated with LCP Amendment #2-07B (Kelly JRMC), and any other LCP amendments certified for the calendar year. Once the City has completed this mapping update, the City shall submit the updated maps to the Coastal Commission for Executive Director approval.

### **PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT, AS SUBMITTED**

#### **A. AMENDMENT DESCRIPTION**

The subject LCP amendment proposes changes to the land use designation and zoning on a 5.9 acre site, located on the southeast corner of Palomar Airport Road and Aviara Parkway. The proposed changes to land use and zoning designations would facilitate the construction of an 84,894 square foot office building development. 1.36 acres of the site will be modified from Planned Industrial (LUP) and Unplanned Area (IP) to Open Space for conservation purposes (both LUP and IP). The project site includes a portion of Encinas Creek. The project construction will not result in any impacts to environmentally sensitive habitat.

The modifications made to the HMP "hardline" result in a more accurate reflection of the developable/non-developable areas on site. The project is located within lands included in the Habitat Management Plan (HMP) preserve area and has a hardline boundary established to separate potential development from conservation area on the project site (ref. Exhibit #5). A hardline area can be described as a site within the City that contained sensitive vegetation at the time of the HMP certification but that was also the subject of proposed development at that time. Because development had already been proposed on these sites, a biological assessment was completed for each property meeting these criteria, and a line was drawn between the portion of the property that could be utilized to accommodate this proposed development and the remainder of the property that was to be protected as Open Space. This line separating the developable area from preserve lands is the "hardline" boundary, and all properties with proposed development were mapped and included in the City's HMP. The map depicting the hardline for Kelly

JRMC can be found on Figure 8 of the HMP. However, the "hardline" certified for this location is north of Encinas Creek, due to a mapping error (ref. Exhibit #4). The modified land use designation and zoning would be relocated to follow the actual Encinas Creek alignment, its associated wetlands, and a 70 foot biological buffer. The changes to the land use and zoning designations onsite would memorialize the line of development and provide protection from future development for the "preserve" lands.

## **B. CONFORMITY OF THE CARLSBAD LCPA 2-07B WITH CHAPTER 3**

**1. Environmentally Sensitive Habitat Areas.** The Coastal Act provides:

### **Section 30240.**

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

## **A. SPECIFIC FINDINGS FOR APPROVAL**

The Commission finds, for the specific reasons detailed below, that the land use plan amendment, as submitted, conforms with all applicable policies of the Coastal Act.

The certified City of Carlsbad LCP land use plan (LUP) has been amended to incorporate the City's Habitat Management Plan (HMP). The HMP was developed to meet the requirements of the Coastal Act, the Endangered Species Act and the Natural Communities Conservation Planning (NCCP) process. The certified LUP includes Coastal Act Sections 30233 and 30240 as applicable standards of review for development within and adjacent to wetlands and other environmentally sensitive habitat areas. As a component of the HMP certification, future modifications to both land use and zoning designations were discussed. Lands that already had development proposed were certified with a "hardline" separating the area suitable for development and the area to be preserved. The proposed project would be constructed on a site where these project boundaries are pre-determined. Sensitive habitat located onsite includes Encinas Creek and its associated wetland/riparian vegetation. As previously discussed, due to a mapping error, some acreage north of Encinas Creek was certified as "preserve" lands. The LCP Amendment purposes a modified hardline/preserve area that is located more appropriately to protect ESHA.



The changes proposed would facilitate development that would not result in any impacts to ESHA and would provide better protection, including a 70' biological buffer for Encinas Creek, and, as such, can be found consistent with all applicable policies of the Coastal Act, as submitted by the City.

**PART VI. FINDINGS FOR REJECTION OF THE CITY OF CARLSBAD  
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

**A. AMENDMENT DESCRIPTION**

The subject LCP amendment proposes changes to the land use designation and zoning on a 5.9 acre site, located on the southeast corner of Palomar Airport Road and Aviara Parkway. 1.36 acres of the site will be modified from Planned Industrial (LUP) and Unplanned Area (IP) to Open Space for conservation purposes (both LUP and IP). The project site includes a portion of Encinas Creek.

The modifications made to the HMP "hardline" result in a more accurate reflection of the developable/non-developable areas on site. The line separating the developable area from preserve lands is the "hardline" boundary, and all properties with proposed development were mapped and included in the City's HMP. The map depicting the hardline for Kelly JRMC can be found on Figure 8 of the HMP (ref. Exhibit #5). However, the "hardline" certified for this location is north of Encinas Creek, due to a mapping error. The modified land use designation and zoning would be relocated to follow the actual Encinas Creek alignment, its associated wetlands, and a 70 foot biological buffer. The changes to the land use and zoning designations onsite would memorialize the line of development and provide protection from future development for the "preserve" lands.

**B. SPECIFIC FINDINGS FOR REJECTION**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

**1. Purpose and Intent of the Ordinance.**

a. Open Space Zone. To provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned property such as parks, open space, recreation areas, civic centers and other public facilities of a similar nature. The zone also designates high priority resource areas at time of development that, when combined, would create a logical open space system for the community.

## **2. Major Provisions of the Ordinance.**

The Open Space zone allows the following uses and structures: beaches and shoreline recreation, bicycle paths, horse trails, open space easements, public parks, City picnic areas and playgrounds, public access easements, scenic and slope easements, transportation rights-of-way, vista points, agricultural uses (field and seed crops, truck crops, horticultural crops, orchards and vineyards, pasture and rangeland, tree farms and fallow lands). Permitted accessory uses and structures include public restrooms, clubhouses, parking areas, barbecue and fire pits, playground equipment, stairways, patios, changing rooms, pool filtering equipment, fencing and other accessory uses required for the conduct of the permitted uses. Uses allowed by conditional use permit include group or organized camps, marinas, playfields and athletic fields, public facilities, recreational campgrounds, public stables and riding academies, golf courses, swimming pools, tennis courts, private playgrounds and picnic areas, other related cultural, entertainment and recreational activities and facilities and stands for the display and sale of aquaculture products grown on the premises. There is no minimum lot area established for the open space zone. No building or structure in the zone may exceed thirty-five feet in height unless a higher elevation is approved as a conditional use permit by the Planning Commission.

## **3. Adequacy of the Ordinance to Implement the Certified LUP Segments.**

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP). In the case of the subject LCP amendment, the City's Zoning Code serves as the Implementation Program for the Mello II segment of the LCP.

When the HMP was first proposed, the City's LCP did not protect any native habitat on slopes less than 25% grade. In 2003 the Commission approved an LCP amendment certifying the City's Habitat Management Plan (HMP) as part of the LCP. It was understood when the HMP was first certified that implementation of the HMP would result in some loss of native habitat and listed species throughout the region, inconsistent with Section 30240 of the Coastal Act.

However, the development of the HMP would result in greater benefit by preserving large contiguous areas of the most environmentally sensitive vegetation and wildlife areas rather than preserving all fragmented pieces of habitat in place. Further, the approved mitigation requirements assured that there would be no net loss of ESHA within the coastal zone. In order to find the Habitat Management Plan consistent with the Coastal Act, the Commission had to find that the approval of the HMP represented the most protective option for coastal resources. A component of this effort is the need to update the land use and zoning on parcels within the HMP preserve to Open Space, to provide for better protection of the existing coastal resources. This represents one of the discussed project sites.

The proposed amendment raises three HMP/LUP consistency concerns: buffer width, Open Space allowable uses, and updating the HMP map. The proposed amendment supports the development of an 84,894 square foot office building on a lot containing a graded disturbed area, Encinas Creek, riparian habitat, wetlands and coastal sage scrub. The development is proposed solely on the graded and disturbed portion of the lot and no impacts to sensitive habitat are expected, consistent with the HMP. However, under Section 7-11 of the HMP, development adjacent to wetlands (specifically in this case fresh water marsh) are required to provide a 100' biological buffer. The project as approved by the City only proposes a 70' biological buffer, inconsistent with the HMP.

However, the site has significant development history and the proposed project includes several elements that must also be considered when reviewing the project for its consistency with the certified HMP. In 1989, the Coastal Commission issued a coastal development permit in association with the widening of Palomar Airport Road. This permit allowed this site to be used as a disposal site for the necessary grading. In association with this permit, the Commission required a 50' conservation easement on the property, most of which is adjacent to Encinas Creek. The conservation easement requires the easement area to remain undeveloped and to serve as a biological buffer from the existing riparian corridor. As such, the Commission's previous action would have allowed the development on the site requiring only a 50' buffer and, could therefore, be found consistent with the Coastal Act.

Furthermore, in 2002, the Commission began review of a project on the site directly east of the subject site that included in its development the bridging of Encinas Creek in order to gain access to both sites from Laurel Tree Lane (24 Hour Fitness/Biltmore). It was during this review that all impacts associated with the bridging of Encinas Creek were reviewed and mitigated for, through both creation and restoration of wetland and coastal sage scrub onsite. The Commission reviewed the project on appeal and did not take issue at that time with the mitigation required. The required buffer for this site was also 50 feet. No LCP amendment was required for the changes to Land Use and Zoning designations. At the time of this permit review (2002), the City's Habitat Management Plan was being developed, and the City requested that the modifications to the land use designation and zoning be addressed during the review of the HMP, along with all other "hardline" boundaries associated with the HMP certification. Again, the Commission did not appeal this permit.

In 2003, the HMP was approved by the Commission, which established the hardline preserve area on both the subject site and the previously discussed site (24 Hour Fitness/Biltmore) (ref. Exhibit #5). In 2005, the subject site came to the City for permit review. Because the HMP had been certified in the interim, a new standard for biological buffers had been established. The City, the applicant, and the resource agencies (Department of Fish and Game, and Fish and Wildlife Services) worked cooperatively to determine the most appropriate buffer width for this site. The previous conservation easement and the neighboring site required a 50' biological buffer; however, the certified HMP requires a 100' buffer.

The final buffer was agreed upon in 2006 and included several considerations. The buffer was increased from 50 to 70 feet, with the buffer to be restored with native vegetation (mix of wetland, riparian and coastal sage scrub). This proposed buffer restoration would include restoration of the buffer on the previously developed property to the east (24 Hour Fitness/Biltmore), increasing the viability of that buffer as well. Further, as previously discussed, this LCP amendment also includes the relocation of the hardline preserve area to better follow Encinas Creek and the associated sensitive resources onsite. The relocated hardline will add 1.25 additional acres into the preserve system. The City and the resource agencies determined that the reduced buffer, incorporating the above stated elements, would be consistent with the HMP through an equivalency finding. The HMP, as certified, does include this process to allow for this type of small-scale modification, after approval from the resource agencies.

The City did not consult with Commission staff when it worked with the resource agencies to determine whether the revised buffer would be suitable for an equivalency determination. However, as currently certified, the City is not required to consult the Commission when making such determinations. However, based on the experience gained by Commission staff during the time from HMP approval to the present, such consultations should take place. Therefore, in association with the review of the HMP Implementation Plan, Commission staff has suggested to the City the inclusion of the Commission in such determinations. However, this issue is not before the Commission today, and given that the project does not include any impacts to ESHA, was accepted by the resource agencies, and the changes to the hardline will add 1.25 acres of land to the preserve, the modified buffer can still be found consistent with the certified HMP, and thus the certified Land Use Plan.

One of the major goals of the HMP Implementation Plan, and thus currently a concern, was the establishment of an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It was anticipated this mechanism would include a conservation oriented open space zone or overlay that would restrict uses within the habitat preserve to resource dependent uses which are more restrictive and protective of coastal resources than the current open space zone certified in the LCP. Currently the Open Space designation allows for numerous uses that could lead to impacts to sensitive resources including orchards, vineyards, bicycle paths, baseball fields, etc.

No such open space zone or overlay currently exists in the IP, however, and the Commission finds that even in the absence of such zone, in this case the habitat preserve will be protected as open space through use of the Open Space land use plan designation, which is controlling, **and** the recordation of a conservation easement, which is a condition of approval imposed by the City. The conservation easement prohibits private encroachment or development in dedicated open space; however, habitat restoration and enhancement is permitted.

The Commission made similar determinations when approving previous Land Use and Zoning modifications associated with development located within the City's Habitat Management Plan Area (HMP); these include, but are not necessarily limited to, Carlsbad

LCP Amendment Nos. 1-04B (Kirgis); 1-05A (Yamamoto); 1-05C (North Coast Calvary Chapel); 2-01A (Lynn); 2-04B (Black Rail); 2-06B (La Costa Village); 1-07C (La Costa Glen); and 2-07A (Aura Circle).

In addition, the City has indicated that as a requirement of the implementation agreement that it entered into with the resource agencies when creating the HMP, they will be required to amend the Open Space Ordinance to include a new open space conservation zone or overlay. Further, the provision of a suitable open space zone or overlay would be reviewed as part of any HMP Implementation Plan certified by the Commission as adequate to carry out the provisions of the certified HMP/LCP. With this understanding, the Commission finds the proposed open space zoning would adequately implement the HMP/LCP in the interim and is consistent with and adequate to carry out the certified LUP.

The third concern raised by the City's proposed IP Amendment is that the City has not included language requiring an update to the HMP map to reflect the changes to the hardline for this site. As previously stated, the current map shows some of the area north of Encinas Creek and not the creek itself as the preserved lands. Furthermore, because this would require an update to the HMP maps, the Commission finds that the project should have also required an HMP amendment, as the HMP document, while included in the LCP, is also its own document. The City's submittal does not propose a requirement that it update the HMP maps; thus, no amendment for such an effort was included in the City's approval. If the maps are not updated, however, any interested party looking at the HMP map would obtain outdated and potentially incorrect information. Because the modification is significant in that, without the update, the creek is not shown as preserved lands and the sensitive habitat would not be fully protected if the designations on this map were followed. Because this could lead to confusion or unforeseen impacts, the amendment cannot be found consistent with the certified LUP.

Without map updates, the general public, resource agencies, etc. may not be aware of approved changes to the land use designation and zoning on this property. The City does have a process to document the changes in the City's Annual Habitat Management Plan Report, however, these changes are not included on the HMP maps available at the City, or on the City's website. As such, future development inquiries, habitat mitigation desires, or Encinas creek restoration efforts might look to previously certified maps that do not show the updated line of development associated with this proposed LCP amendment. To make the information more easily available, interested parties should not have to research all previous annual reports to determine if the hardline for a specific project site has been modified. Furthermore, on occasion, the Commission's action on the LCP amendment further modifies the boundaries for conservation certified by the HMP/LCP maps (as was the case for LCPA 1-06B/HMP GPA) and without updates to the map, interested parties may become misinformed.

Previously, Commission staff indicated that such updates could be addressed when the Commission reviews the LCP Amendment associated with the proposed HMP Implementation Plan. However, the HMP Implementation Plan's development, review,

and ultimate certification is taking more time than predicted. The HMP Implementation Plan was originally planned to be submitted within one year after the approval of the HMP by the Commission in August 2003. No such submittal has been made, however, and outdated maps are inconsistent with the LUP policies related to protection of sensitive habitat. As such, in order for this amendment, which revises land use and zoning designations on the subject site, to be found consistent with the LUP, the City must update the development boundary for this site and submit the updated map to the Commission for Executive Director approval. The updated map will provide all interested parties accurate information and will not be delayed by the development of an Implementation Plan adequate to carryout the intent of the certified HMP.

In conclusion, the above discussed concerns have become standard concerns of the Commission for all LCP amendments pertaining to lands within the HMP. The Commission believes it should be included in discussions related to equivalency determinations, the HMP maps should be updated, adequate open space use and protection zones should be created, and there should be better guidance on what projects require amendments to the HMP itself. All of these concerns should be addressed when the City submits its HMP Implementation Plan to the Coastal Commission. In the interim, the Commission cannot find that the proposed IP Amendment is consistent with the provisions of the certified LUP as submitted by the City.

**PART VII. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, IF MODIFIED**

The amendment, as proposed, will result in additional lands being modified from a developable land use and zoning designation to an open space for conservation designation for a 1.36 acre portion of a 5.9 acre site. The proposal does not include any impacts to sensitive habitat, and the proposed modifications will increase the protection of the existing habitat onsite and will increase the amount of sensitive habitat through new creation and restoration.

The suggested modification to ensure that this amendment is consistent with the certified LUP is a requirement that the City update its HMP map. The City has indicated that this may be an arduous process; however, other cities often update their maps to reflect current conditions. The Commission is open to finding a straightforward and cost effective approach to updating the HMP map. The City is required, through the certification of the HMP, to update this type of information. Policy 12.1 of the Implementing Agreement states:

12.1 Record Keeping. So long as this Agreement and the Take Authorization Permit remain in effect, Carlsbad will continue to account, by project or cumulatively, for the amount and location of habitat acreage (by habitat type) lost and *preserved with the HMP area, including acres conserved and acres committed to land development...*[emphasis added]

The City has further stated that the Annual Reporting for the HMP already addresses reporting modifications to existing hardlines. However, as previously stated, this is not reflected in the City's mapping. It should be the responsibility of the City to update the associated maps. It should not be the responsibility of any interested party to review all annual reports to obtain the most accurate information. Without updating the HMP maps, tracking of the preserve will be tentative and confusing. As such, the resources within these modified areas will not be adequately protected. Establishing a method to update the HMP map on a regular basis to adequately reflect current conditions is vital to the operation of the HMP, and, therefore, only as modified can the amendment be found consistent with the LUP.

**PART VIII. 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. 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. The proposed land use and zoning amendments, as modified, will not result in adverse impacts on coastal resources or public access. The Commission finds that there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the LCP amendment may have on the environment. Therefore, in terms of CEQA review, the Commission finds that approval of the LCP amendment will not result in any significant adverse environmental impacts.

## Appendix A

### **Excerpt from Staff Recommendation on City of Carlsbad Major Amendment No. 1-03B (Habitat Management Plan) dated May 22, 2003 Pages 35-39 – Findings for Approval**

#### **A. Conflict Resolution/ESHA and Concentration of Development**

The Commission can approve an LUP amendment that is inconsistent with Chapter 3 policies only if it finds that the approval of the development raises conflicts between Coastal Act policies and that, on balance, the project as approved is most protective of significant coastal resources. The policy conflicts which arise in this LCP amendment request result from the fact that all areas determined to be ESHA would not be preserved, and concentration of development would not be achieved. In other words, to appropriately concentrate development and create a habitat preserve that addresses the long-term viability and conservation of identified sensitive species, some impacts to ESHA in the coastal zone must be accepted.

Section 30007.5 of the Coastal Act provides the Commission with the ability to resolve conflicts between Coastal Act policies. The Commission finds that Sections 30240 and 30250 of the Coastal Act must be considered when reviewing the proposed habitat impacts, and the development patterns that would result from implementation of the draft HMP.

Section 30240 states:

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas and shall be compatible with the continuance of those habitat and recreation areas.

Section 30250 of the Coastal Act requires that new development be concentrated in areas able to support it without adversely affecting coastal resources and states, in part:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources....



The Commission finds that the draft HMP would allow impacts to individual areas of ESHA for uses that are not dependent on the ESHA, which is inconsistent with Sections 30240 of the Coastal Act. However, the Commission finds that the coastal resources of the LCP area will be, on balance, best protected by concentrating allowable development adjacent to existing urban services and other developed areas. Additionally, greater benefit will be obtained from preserving large contiguous areas of the most environmentally sensitive vegetation and wildlife areas rather than preserving all fragmented pieces of habitat in place.

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that a substantial conflict exists between two statutory directives contained in the Coastal Act. In this case, as described above, the draft HMP is inconsistent with Coastal Act policies that protect environmentally sensitive habitat area. Although the City has proposed changes to the HMP and associated policies of the certified land use plan that would delete potential impacts to wetlands in the coastal zone, impacts to environmentally sensitive habitat would still result. However, to deny the LCP amendment based on this inconsistency with the referenced Coastal Act requirements would reduce the City's ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required by Section 30250. If the LCP amendment is not approved, dispersed patterns of development will occur that are inconsistent with Section 30250. Denial of the LCP amendment would also prevent the resource protection policies of the LCP from being upgraded to clearly protect ESHA that is not located on steep slopes.

The Commission notes that the HMP proposes mitigation for habitat impacts at ratios ranging from 1:1 to 4:1, depending on the habitat type. At minimum, 1:1 mitigation in the form of new creation is required for any impacts; additional mitigation may be in the form of substantial restoration, revegetation and/or acquisition. Since some of the existing habitat that potentially could be impacted is currently of low quality (e.g., fragmented, disturbed and/or invaded by non-native species), it should be noted that the replacement of such habitat in areas that are suitable and will be permanently monitored and managed may provide an environmental benefit that is superior to retaining all existing areas of native habitat in place.

After establishing a conflict among Coastal Act policies, Section 30007.5 requires the Commission to resolve the conflict in a manner that is most protective of coastal resources. In this case, the draft HMP would allow certain impacts to ESHA, including dual-criteria slopes. If modified as suggested, overall impacts to native habitat in the coastal zone would be reduced, because categories of habitat that are not currently protected would be protected, but impacts to ESHA would still occur. However, if mitigated as proposed, the replaced and protected ESHA will be located in areas that provide larger contiguous contributions to the proposed HMP preserve area, and will ensure that the critical wildlife movement corridors and largest populations of gnatcatchers within the coastal zone have sufficient areas of high-quality habitat for species survival.

In resolving the identified Coastal Act conflicts, the Commission finds that the concentration of development adjacent to existing urban development and infrastructure, and away from sensitive natural resources is, on balance, more protective of the land resources than to require that isolated areas of habitat be retained in an area adjacent to residential development. Therefore, the Commission finds that approval of the draft HMP, if modified as suggested, is on balance the most protective option for the relevant coastal resources, for the following reasons.

The HMP proposes to preserve large, contiguous blocks of habitat with the highest natural resource value relative to covered species, and to generally locate development away from these areas. In exchange for the benefits derived from a share of the incidental take authorized under the HCP, which will result in some impacts to gnatcatchers and associated adverse impacts to CSS, landowners must agree to place a majority of sensitive habitats on their properties into open space that will then become part of the permanent MHCP preserve.

Within the City of Carlsbad, approximately 8,800 acres of naturally-vegetated areas remain, or 36% of the City's total area, including approximately 3,315 acres of coastal sage scrub. In Planning Zones 19, 20 and 21, where the majority of undeveloped land in the coastal zone is located, approximately 60 acres of CSS remain. The populations of gnatcatchers within the City are important to the overall viability of the regional gnatcatcher population that will be addressed in the MHCP. As the municipality with the largest amount of gnatcatcher habitat within the MHCP, the populations represent a critical link in the distribution of the species throughout north San Diego County, particularly in the Carlsbad-Oceanside corridor, which connects gnatcatcher populations in Orange and Riverside counties with populations to the north and east of Carlsbad. The HMP would preserve approximately 6,400 acres of native habitat, as existing preserve, proposed hardline preserve areas, and through implementation of "standards areas" in certain areas without existing development proposals.

Within the coastal zone, the second HMP addendum and LCP amendment proposes no net loss of most native vegetation types, with mitigation ratios ranging from 1:1 to 4:1 to ensure that, on balance, there will be no negative impacts to the total quantity and/or quality of ESHA within the coastal zone. Interim preserve management requirements, as included in the HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies.

The Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act. In order to protect corridors of viable, connected habitat area which take into account the mobility and foraging requirements of listed and covered species, the Commission finds that it is appropriate to take a regional approach to the preservation of ESHAs. Instead of preserving all ESHAs in place where they are found, which could result in excessive fragmentation, reduced habitat values and difficulties in monitoring and management, it may be more protective

of ESHA resources to focus on regional conservation approaches that concentrate development away from the habitat of greatest overall value. Such an approach could ensure the health and viability of larger, connected sensitive vegetative communities that support listed and covered species within the City's jurisdiction.

The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other local jurisdiction plans affecting ESHA, where the non-comprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis. The HMP also proposes to provide a higher standard of protection for coastal ESHA than currently provided by the certified LCP, which addresses only native habitat on steep slopes greater than 25% (dual-criteria slopes).

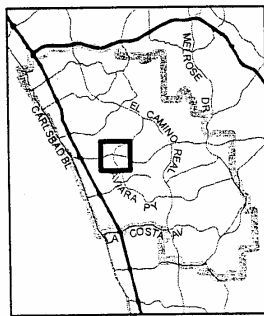
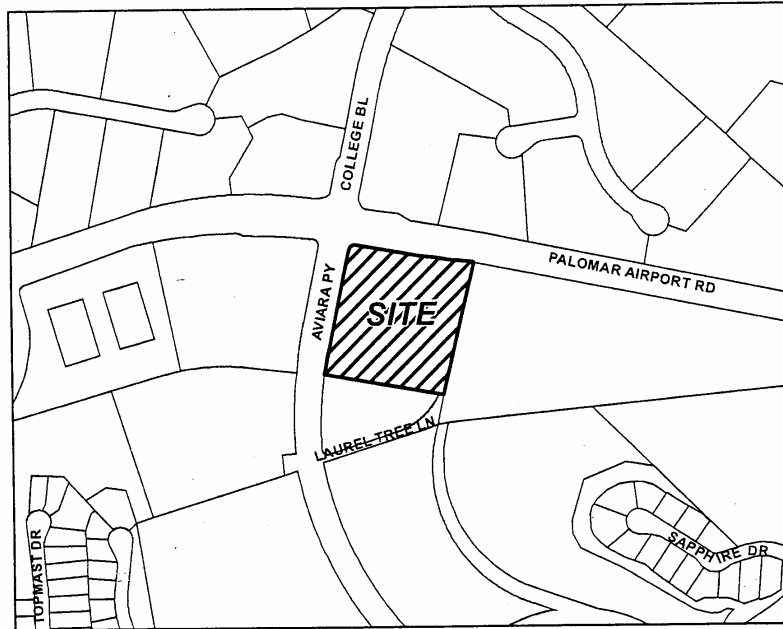
Most of the properties in the standards areas and hardlines are zoned for low-density single-family development. Although it is anticipated that clustering and density transfer within areas outside of the proposed preserve locations could allow for the same number and intensity of residential units to be developed on most properties as currently designated in the General Plan, the ultimate effect would be to locate development on smaller lots and/or a smaller overall development footprint, located further from sensitive resources and proposed wildlife movement corridors. Although current zoning and land use designations limit development in most of the standards areas and hardline properties to low-density single-family development, higher density development than is currently allowed could appropriately occur in most of the areas identified for development in the LCP amendment. Potential impacts to these areas located in the HMP preserve would therefore be reduced, and additional benefits to the City resulting from compact urban growth, prevention of sprawl and efficient use of underlying infrastructure, public services and facilities would likely result. The Commission therefore finds that approval of the HMP and the LCP amendment, if modified as suggested, would result in increased clustering of development and reduction of urban sprawl into sensitive habitat areas.

Although implementation of the HMP and MHCP will result in some loss of native habitat and listed species throughout the region, in association with loss due to incidental take outside the preserve area, the potential losses to the habitat would be considerably higher without the HMP and MHCP, particularly outside the coastal zone where fewer development restrictions on native habitat would apply. Within the coastal zone, the existing LCP does not protect native habitat on slopes less than 25% grade and therefore the proposed LCP revisions represent a significant improvement over current requirements. Through application of proposed mitigation requirements, there will be no net loss of ESHA within the coastal zone and the regional function of the MHCP preserve will continue to be protected.

This finding that approval of the HMP is the most protective option for coastal resources is based on the assumption that the habitat mitigation will be implemented as proposed, and properly maintained in perpetuity. Should the mitigation not be managed and

maintained as designed, or if the required mitigation sites are not provided as proposed, the long-term benefits of the HMP for coastal resources would not be realized. To address these concerns, the City has included revisions to the HMP and associated LUP policies which address establishment of the preserve area, funding, monitoring and management. Interim preserve management requirements, as provided in the draft HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies. The preserve management plan must be approved by the City, the wildlife agencies and the Commission, and shall ensure adequate funding to protect the preserve as open space and maintain the biological values of the mitigation areas in perpetuity. Additionally, the preserve management plan is required to be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.

EXHIBIT 3




SITE MAP



NOT TO SCALE

KELLY/JRM OFFICE BUILDING  
GPA 04-20/ZC 04-15/LC  
CDP 03-03

EXHIBIT #1
Location Map
LCPA #2-07B Kelly JRMC
 California Coastal Commission

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**PLANNING COMMISSION RESOLUTION NO. 6299**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM TO CHANGE THE DESIGNATIONS ON THE LOCAL COASTAL PROGRAM LAND USE PLAN AND ZONING MAP FROM PLANNED INDUSTRIAL (PI) AND UNPLANNED AREA (UA) TO OPEN SPACE (OS) AND OS TO PI, AND PLANNED INDUSTRIAL QUALIFIED DEVELOPMENT OVERLAY ZONE (PM-Q) TO OPEN SPACE (OS) RESPECTIVELY ON PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF PALOMAR AIRPORT ROAD AND AVIARA PARKWAY IN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND IN LOCAL FACILITIES MANAGEMENT ZONE 5.

CASE NAME: KELLY/JRM OFFICE BUILDING  
CASE NO: LCPA 06-05

WHEREAS, California State law requires that the Local Coastal Program, General Plan, and Zoning designations for properties in the Coastal Zone be in conformance; and


WHEREAS, Kelly/JRMC Palomar Airport Road I, LLC, "Developer/Owner" has filed a verified application with the City of Carlsbad regarding property described as

**A portion of Parcel "C" and all of Parcel "D" of Parcel Map No. 2993, in the City of Carlsbad, County of San Diego, State of California, according to map thereof no. PM 2993, filed in the Office of the County Recorder of San Diego, August 23, 1974 as file number 74-230326**

("the Property"); and

WHEREAS, said verified application constitutes a request for a Local Coastal Program Amendment as shown on Exhibit "LCPA 06-05" dated May 16, 2007, attached hereto, as provided in Public Resources Code Section 30574 and Article 15 of Subchapter 8, Chapter 2, Division 5.5 of Title 14 of the California Code of Regulations of the California Coastal Commission Administrative Regulations; and

WHEREAS, the Planning Commission did o  
duly noticed public hearing as prescribed by law to consider

EXHIBIT #2
Resolution of Approval
LCPA #2-07B Kelly JRM
 California Coastal Commission

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WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Local Coastal Program Amendment.; and

WHEREAS, State Coastal Guidelines requires a six-week public review period for any amendment to the Local Coastal Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad, as follows:

- A) That the foregoing recitations are true and correct.
- B) At the end of the State-mandated six-week review period, starting on **March 22, 2007** and ending on **May 3, 2007**, staff shall present to the City Council a summary of the comments received.
- C) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS APPROVAL** of **KELLY/JRM OFFICE BUILDING - LCPA 06-05** based on the following findings:

**Findings:**

- 1. That the proposed Local Coastal Program Amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of the **Mello II** segment of the Carlsbad Local Coastal Program not being amended by this amendment; in that **the project will protect Environmentally Sensitive Habitat Areas and the payment of Agricultural Conversion Mitigation Fees will provide funding of other agricultural programs.**
- 2. That the proposed amendment to the **Mello II** segment of the Carlsbad Local Coastal Program is required to bring it into consistency with **the City's General Plan Land Use Map, Zoning Map (as amended), and Mello II Implementation Plan (the zoning map).**

**Conditions:**

- 1. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer

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or a successor in interest by the City's approval of this **Local Coastal Program Amendment**.

2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Local Coastal Program Amendment** documents, as necessary to make them internally consistent and in conformity with the final action on the project. Development shall occur substantially as shown on the approved Exhibits. Any proposed development, different from this approval, shall require an amendment to this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this **Local Coastal Program Amendment**, (b) City's approval or issuance of any permit or action, whether discretionary or nondiscretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. This approval is granted subject to the approval of the **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, GPA 04-20, ZC 04-15, and CDP 03-03** and is subject to all conditions contained in Planning Commission Resolutions No. **6296, 6297, 6298, and 6300** for those other approvals.



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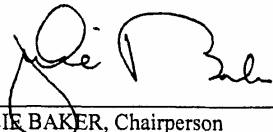
PASSED, APPROVED, AND ADOPTED at a regular meeting to the Planning Commission of the City of Carlsbad, held on the 16th day of May 2007, by the following vote, to wit:

AYES: Chairperson Baker, Commissioners Boddy, Cardosa, Dominguez, Douglas, Montgomery, Whitton

NOES:

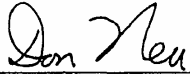
ABSENT:

ABSTAIN:



JULIE BAKER, Chairperson  
CARLSBAD PLANNING COMMISSION

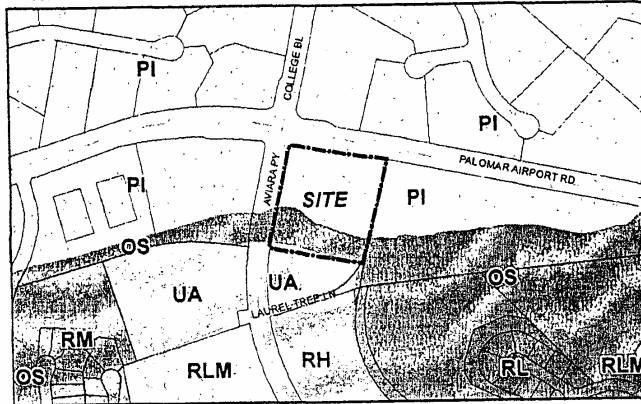
ATTEST:



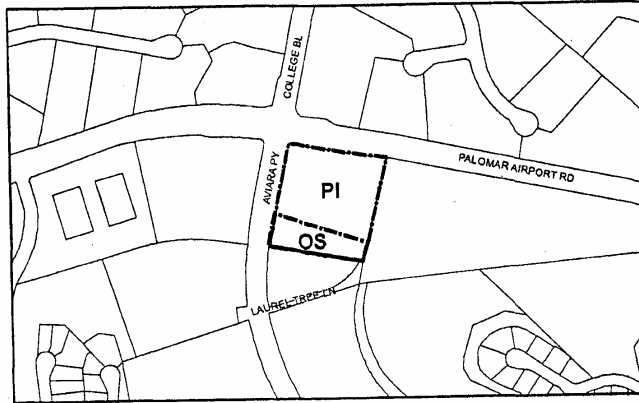
DON NEU  
Planning Director

LCPA 06-05 KELLY/JRM OFFICE BUILDING

5/16/2007



EXISTING




PROPOSED

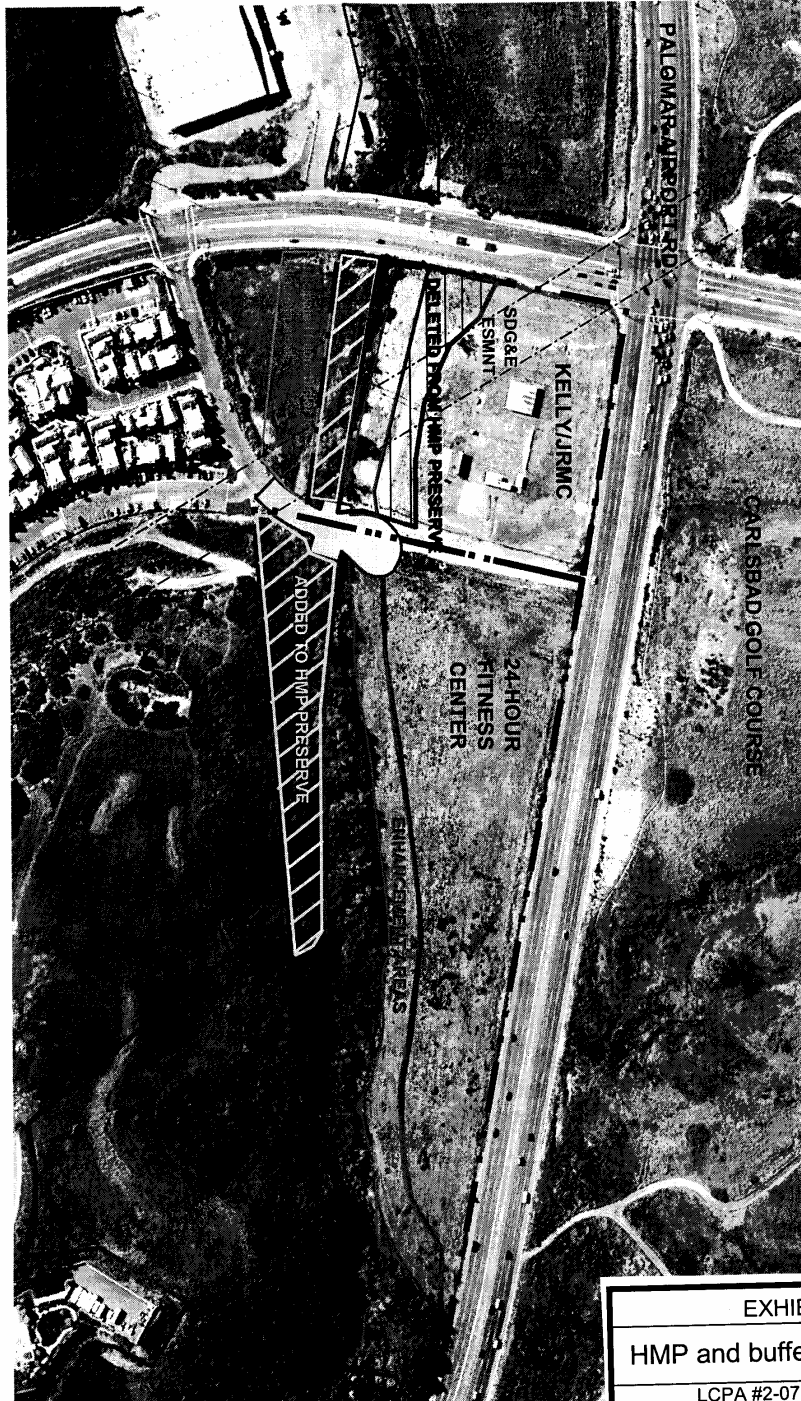
Related Case File No(s): ZC 04-15/GPA 04-20/SDP 03-01  
 /CDP 03-03/PIP 03-01

G. P. Map Designation Change		
Property	From:	To:
A. 212-040-64-00	PI/OS/UA	PI/OS
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C.		
D.		

**EXHIBIT #3**  
**Land Use and Zoning map**  
**changes**  
 LCPA #2-07B Kelly JRMC



California Coastal Commission

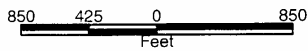


HMP BIOLOGICAL EQUIVALENCY DETERMINATION AND BOUNDARY ADJUSTMEN


EXHIBIT #4  
HMP and buffer map changes  
LCPA #2-07B Kelly JRMCM  
California Coastal Commission



**Figure 8 - Revised  
City Golf Course**



Printed 15 January 2003  
/cargis2/products/planning/361.02/GolfCourse.mxd

EXHIBIT #5
Figure 8 of HMP
LCPA #2-07B Kelly JRM
 California Coastal Commission