

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



November 20, 2009

**W23a****TO: COMMISSIONERS AND INTERESTED PARTIES****FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR**

**SUBJECT: EXECUTIVE DIRECTOR'S DETERMINATION** that the action by the City of Carlsbad, certifying the City's Local Coastal Program Amendment No. 2-07B (Kelly JRM Office Building), is adequate to effectively certify its local coastal program (for Commission review at its meeting of December 9, 2009)

**BACKGROUND**

At its March 11, 2009 meeting, the Coastal Commission certified, with a suggested modification, the City of Carlsbad Local Coastal Program Amendment #2-07B, involving 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.

The Commission received a letter on October 9, 2009, indicating that the Planning Director has acknowledged and accepted all of the Commission's suggested revisions. In this case, the only suggested modification (see Attachment No. 1) involved a procedural change and didn't require any modifications to the City's certified Land Use or Implementation Plan language, or figures. The letter acknowledged and accepted the City's responsibility to provide the Coastal Commission annual mapping updates to their Land Use, Zoning, and Habitat Management Plans for review and approval by the Executive Director, consistent with the Commission's action on March 11, 2009.

As provided for in Section 13544 of the Commission's Code of Regulations, the Executive Director must determine if the action of the City of Carlsbad is legally sufficient to finalize Commission review of the LCP amendment. The City's actions have been reviewed and determined to be adequate by the Executive Director. Section 13554 of the Commission's Code of Regulations then requires this determination be reported to the Commission for its concurrence.

**RECOMMENDATION**

Staff recommends that the Commission **CONCUR** with the Executive Director's determination as set forth in the attached letter (to be sent after Commission endorsement).

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
(619) 767-2370



December 10, 2009

Mayor Claude A. Lewis  
City of Carlsbad  
Office of the Mayor  
1635 Faraday Avenue  
Carlsbad, CA 92008-7314

RE: Certification of the City of Carlsbad Local Coastal Program Amendment  
No. 2-07B (Kelly JRM Office Building)

Dear Mayor Lewis:

The California Coastal Commission has reviewed the letter submitted by the City, dated October 6, 2009, together with the Commission's action of March 11, 2009 certifying City of Carlsbad Local Coastal Program Amendment # 2-07B pertaining to 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. In accordance with Section 13544 of the Commission's Code of Regulations, I have made the determination that the City's actions are legally adequate, and the Commission has concurred at its meeting of December 10, 2009.

By its letter dated October 6, 2009, the City has formally acknowledged and accepted the Commission's certification of the Local Coastal Program Amendment including the suggested modification. The modification addressed the inclusion of a procedural requirement that the City provide annual updates to their certified Land Use, Zoning, and Habitat Management Plans for review and approval by the Executive Director. In this case, the modification required by the Coastal Commission was procedural and did not require any modification to the City's LCP, and, thus did not require formal review and approval by the Planning Commission or City Council.

In conclusion, I would like to congratulate you and all other elected or appointed officials, staff and concerned citizens for continuing to work towards full implementation of the Coastal Act. We remain available to assist you and your staff in any way possible as you continue to develop and implement the City's local coastal program.

Sincerely,

Peter Douglas  
Executive Director

Attachment 1  
Carlsbad LCPA 2-07B (Kelyl JRMCM)  
Executive Director Check-off  
Suggested Modification

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 JRMCM), 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.



# City of Carlsbad

## Planning Department

October 6, 2009

**RECEIVED**

OCT 09 2009

Toni Ross  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

**SUBJECT: LCP 2-07(B) - KELLY/JRM OFFICE BUILDING (LCPA 06-05)**

Dear Ms. Lee:

On March 11, 2009, the California Coastal Commission approved the City of Carlsbad LCP Amendment 2-07B for the Kelly/JRM Office Building. The Commission approved the LCPA amendment with suggested modifications as follows:

The City shall annually update the certified Land Use and Zoning maps, as well as the Habitat Management Plan map to reflect the mapping modification made associated with the 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.


By this letter, the City of Carlsbad acknowledges receipt of the Coastal Commission's resolution of certification and understands and accepts the suggested modification noted above, the City's responsibility to update our Land Use, Zoning and HMP maps annually, and to provide these maps to the Coastal Commission for approval by the Executive Director at the end of the calendar year and every year thereafter.

Sincerely,

*Signature on file*

**DON NEU**  
Planning Director

DN:VL:lt  
C: Kevin Pointer  
File (GPA 04-20)

EXHIBIT #1
Letter Acknowledging Suggested Modification
LCPA #2-07B Kelly JRM Office Building
 California Coastal Commission

