

DOCKETED

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TN #:	203544
Document Title:	Table of City of Carlsbad Land Use Actions Related to the Amended Carlsbad Energy Center Project
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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECP

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECP		ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
General Plan		Action Taken	Details/comments
<ul style="list-style-type: none"> GPA 11-06 Text only changes CC Reso. 2011-230 PC Reso. 6807 Passed 9/27/11 AB 20,690 	<ul style="list-style-type: none"> GPA 11-06 revised <u>only</u> the definition of Public Utilities land use designation. Clarified a primary function of the U designation includes power generation only if outside the CZ, among other things. Clarified power generation must be by gov't entity or a company authorized by CPUC. 	<p>Amended General Plan text GPA 14-01</p> <p>Approved by Planning Commission on 4/16/2014 (Reso. 7039) and City Council on 5/20/14 (Reso. 2014-096)</p> <p>No Coastal Commission action required</p>	<p>Keep General Plan text per GPA 11-06 generally, but revise to specifically support proposal only and to cite 1/14/14 agreement.</p> <ul style="list-style-type: none"> Revise text so CECP amended is the <u>only primary fossil fuel power generation</u> permitted in Carlsbad in the U GP Land Use designation, whether in or out of the CZ. Incorporate final draft language as appropriate from draft GP. General Plan amendment not intended to address or preclude secondary/accessory power generation. This action does not require Cal Coastal approval, as GP is not a part of our LCP. Staff provided letter to NRG in April 2014 for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. <p style="text-align: center;">STATUS: Completed</p>

***Required review** is based on the proposed action.*

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECP

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECP		ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
Encina Specific Plan		Action Taken	Details/comments
<ul style="list-style-type: none"> • SP 144(N) • Text only changes • Ord. CS-160 • PC Reso. 6807 • Passed 9/27/11 • AB 20,690 	<ul style="list-style-type: none"> • SP 144(N) revised text extensively to note existing power plant is not consistent with GP and ZO. • Mirrored amended GP and ZO text restricting power generation. • Deleted standard that “future power generating buildings shall be of heights...similar to existing.” 	<p>Repealed specific plan SP 144(O)</p> <p>Approved by Planning Commission on 4/16/2014 (Reso. 7042) and City Council on 6/3/2014 (Ord. CS-255)</p> <p>No Coastal Commission action required</p>	<p>Repeal, but first verify there are no outstanding conditions or other items that would warrant keeping the plan.</p> <ul style="list-style-type: none"> • This action does not require Cal Coastal approval, as SP 144 is not a part of our LCP. • Staff provided letter to NRG in April 2014 for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECF

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECF		ACTIONS TAKEN TO SUPPORT THE CECF AMENDMENT	
Zoning Ordinance		Action Taken	Details/comments
<ul style="list-style-type: none"> • ZCA 11-05 • Text only changes (Chapter 21.36) • Ord. CS-158 • PC Reso. 6804 • Passed 9/27/11 • AB 20,690 • Filed with and declared incomplete by Coastal on 1/26/12 (LCPA 4-11) 	<ul style="list-style-type: none"> • ZCA 11-05 revised P-U Zone permitted use table. • Permitted <u>primary</u> power generation outside CZ only. • Allowed <u>accessory</u> power generation (< 50 mw) in or out of CZ. • Revised wording regarding transmission of electrical energy so permitted only if by gov't entity or CPUC-authorized company. 	<p>Repealed Ord. CS-158; ZCA 11-05 ZCA 14-01</p> <p>Approved by Planning Commission on 4/16/2014 (Reso. 7040) and City Council on 6/3/2014 (Ord. CS-253)</p>	<p>Repeal changes made by ZCA 11-05.</p> <ul style="list-style-type: none"> • ZCA 11-05 is not in effect, as it has not been approved by Coastal (see statement in Ord. CS-158). • By undoing changes and reverting to pre-ZCA 11-05 standards, no Cal Coastal review required. • Power generation and transmission will continue to be allowed anywhere in the P-U Zone, subject to a PDP. • EWA or any other entity may generate power without limitation. • Properties zoned P-U are few outside the power plant. • Staff provided letter to NRG in April 2014 for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECF

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECF		ACTIONS TAKEN TO SUPPORT THE CECF AMENDMENT	
Urgency Ordinance CS-170		Action Taken	Details/comments
<ul style="list-style-type: none"> Passed due to dissolution of RDA and resulting questionable status of the SCCRP. Amended P-U Zone to require a CUP and extraordinary public purpose finding of <u>both</u> generation and transmission of energy. Ineffective once CS-158 is approved by Coastal. Passed 1/10/12 AB 20,787 	N/A	<p>Repealed ordinance</p> <p>Approved by City Council on 5/6/2014 (Ord. CS-250)</p> <p>No Coastal Commission action required</p>	<p>Repeal (particularly if CS-158, ZCA 11-05 is repealed).</p> <ul style="list-style-type: none"> Staff provided letter to NRG in April 2014 for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECP

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECP		ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
Precise Development Plan		Action Taken	Details/comments
<ul style="list-style-type: none"> • PDP 00-02(E) • P-U Zone requirement • Ord. CS-159 • PC Reso. 6806 • Passed 9/27/11 • AB 20,690 	<ul style="list-style-type: none"> • PDP 00-02(E) revised revised text extensively to note existing power plant is not consistent with GP and ZO. • Mirrored amended GP and ZO text restricting power generation. 	<p>Amended PDP PDP 00-02(F)</p> <p>Approved by Planning Commission on 4/16/2014 (Reso. 7041) and City Council on 6/3/2014 (Ord. CS-254)</p> <p>No Coastal Commission action required</p>	<p>Revise document (text and graphics) to focus on:</p> <ul style="list-style-type: none"> • Desalination plant • CECP-amended as per agreement <ul style="list-style-type: none"> • Discuss existing and contemplated GP and zoning (per Envision Carlsbad GP/Zoning Update) and the contemplated shrinking of PDP boundaries. • Note: PDP only applies to NRG properties (95 acres), not any SDG&E properties nearby. • Staff provided letter in April 2014 to NRG for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CEC

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CEC		ACTIONS TAKEN TO SUPPORT THE CEC AMENDMENT	
Agua Hedionda Land Use Plan (AHLUP)		Action Taken	Details/comments
<ul style="list-style-type: none"> • LCPA 11-06 • CC Reso. 2011-230 • PC Reso. 6805 • Passed 9/27/11 • AB 20,690 • Filed with and declared incomplete by Coastal on 12/27/11 (LCPA 4-11) 	<ul style="list-style-type: none"> • Deleted SDG&E report requirement to show preservation of “strawberry fields” unnecessary for power plant expansion. • Maintained 35’ height limit. 	<p>Take no further action</p> <p>City withdrew application to Coastal on 10/27/14</p>	<ul style="list-style-type: none"> • CEC already overrode height limitation. • LCPA 11-06 not in effect until approved by Coastal (see statement in Reso 2011-230). • Address AHLUP revisions as part of future LCP overhaul. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECP

PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECP	ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
Ordinance amending Fire Prevention Code	Action Taken	Details/comments
<ul style="list-style-type: none"> • Ord CS-184 • Passed 5/22/12 • AB 20,911 <p>CS-184 revised CMC Chapter 17.04.340 – “Section 505.5 Response map updates – Amended,” to read:</p> <p>“For any new power plant to be developed in the City of Carlsbad located west of Interstate 5, north of Cannon Road, south of Agua Hedionda Lagoon and east of the NCTD right of way, that does not conform to the requirements of the Carlsbad Fire Chief pursuant to Title 24 California Code of Regulations, § 503.2.2, response to any emergency shall be provided primarily by the California Energy Commission or the power plant applicant or landowner, as appropriate, and the Carlsbad Fire Department shall be in a secondary response position and shall provide emergency responses as appropriate on an incident-by-incident basis.</p> <p>The response maps for any emergency response to this location shall be modified to indicate that the California Energy Commission or the power plant applicant or landowner, as appropriate, shall provide primary response in the event of an emergency.”</p>	<p>Sent letter of support and stated willingness to serve</p>	<p>Work with NRG. If project conforms with requirements, issue letter of support and willingness to serve.</p> <ul style="list-style-type: none"> • NRG and Carlsbad Fire Department (CFD) worked together to address and resolved Fire Safety concerns raised in the CECP AFC. • Emergency response access to the project meets CFD approval. Based on the NRG and CFD discussions and the design of Amended CECP, CFD shall be in a primary emergency response position to Amended CECP. <p style="text-align: center;">STATUS: Completed</p>

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PAST AMENDMENTS/ACTIONS TO OPPOSE THE CECP	ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
Urgency Ordinance CS-067 (and others)	Action Taken	Details/comments
<ul style="list-style-type: none"> • Urgency ordinances establishing and extending moratorium on new power generation in the CZ. • CS-067, CS-070, CS-110, adopted 2009-10. • CS-067 declared the CECP a threat to public hs&w and including any new thermal generation in the City's CZ. • Urgency ordinance expired 10/20/11. • AB 20,690 	None	<p>No need to repeal since ordinances have expired and objectives were fulfilled – no longer applicable.</p> <ul style="list-style-type: none"> • Objective of ordinances accomplished through GPA 11-05, ZCA 11-05, LCPA 11-06, PDP 00-02(E), SP 144(N) passed 9/27/11. <p style="text-align: center;">STATUS: Completed</p>
Resolution 2009-263 (and others)	Action Taken	Details/comments
<ul style="list-style-type: none"> • Resolutions declaring Council's intent to consider land use changes related to power generation and the Encina Power Station site. • Reso 2009-263, 2009-299, 2010-238 – adopted 2009-10 • AB 20,690 	None	<p>No need to repeal since objectives were fulfilled – no longer applicable.</p> <ul style="list-style-type: none"> • Objective of resolutions accomplished through GPA 11-05, ZCA 11-05, LCPA 11-06, PDP 00-02(E), SP 144(N) passed 9/27/11. <p style="text-align: center;">STATUS: Completed</p>

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CITY OF CARLSBAD – LAND USE PROVISIONS RELATED TO THE AMENDED CECP

DOCUMENTS NOT AMENDED TO OPPOSE CECP BUT WHICH NOW NEED CONSIDERATION	ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
South Carlsbad Coastal Redevelopment Plan	Action Taken	Details/comments
<ul style="list-style-type: none"> • Encompasses coastal strip from power plant to Encinitas. • Adopted 2000 • Expires 2031 • Requires PDP, redevelopment permit, and extraordinary public purpose finding for desal, power generation and other utility uses. • Has on-point goals relevant to EPS redevelopment and new power plant. • AB 426 	<p>Adopted CC Reso finding extraordinary public purpose</p> <p>Approved by City Council on 4/22/2014 (Reso. 2014-075)</p> <p>No Coastal Commission action required</p>	<p>Propose a resolution for City Council adoption making the required extraordinary public purpose findings required by the SCCRA Plan.</p> <ul style="list-style-type: none"> • Staff provided letter in April 2014 to NRG for incorporation in amendment filing on this and other proposed City actions with description of process and anticipated schedule. • In 2015, HNS Dept. to amend the SCCRA plan to revise the effectiveness date to expire the plan earlier than current date of 2031. Public hearings and noticing are required, as well as an Oversight Board and City Council action to expire the plan early. <p>STATUS: Completed; proposal to expire plan early is pending</p>
1998 Council Policy	Action Taken	Details/comments
<ul style="list-style-type: none"> • Resolution 98-145 • Establishes policy requiring any project within SP 144 to overhaul SP 144. • Cited in opposition to CECP. • Passed 5/12/98 • AB 14,676 	<p>Repealed policy</p> <p>Approved by City Council on 4/22/2014 (Reso. 2014-074)</p> <p>No Coastal Commission action required</p>	<p>Repeal resolution requirement. Make finding it is no longer in effect, particularly since SP 144 to be repealed.</p> <ul style="list-style-type: none"> • Purpose of resolution has been accomplished mainly through agreement to demolish/redevelop power plant. Therefore, 1998 Council Policy is no longer needed and Resolution 98-145 can be repealed. <p>STATUS: Completed</p>

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DOCUMENTS NOT AMENDED TO OPPOSE CECP BUT WHICH NOW NEED CONSIDERATION	ACTIONS TAKEN TO SUPPORT THE CECP AMENDMENT	
Coastal Comm. filing (LCPA 4-11)	Action Taken	Details/comments
<ul style="list-style-type: none"> • ZCA 11-05 and LCPA 11-06 filed with Coastal Commission 12/22/11. • Coastal determined application incomplete on 1/26/12. 	<p>City withdrew application to Coastal on 10/27/14</p>	<p>Do not continue processing this change with Coastal Commission.</p> <ul style="list-style-type: none"> • Allow application to remain incomplete. • Withdraw after passage of Zoning Ordinance changes (repeal of Ord. 158/ZCA 11-05) <p style="text-align: right;">STATUS: Completed</p>

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