

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4402  
(619) 767-2370



# W 25a

## Addendum

March 4, 2010

To: Commissioners and Interested Persons

From: California Coastal Commission  
San Diego Staff

Subject: Addendum to **Item 25a**, City of Carlsbad Major LCP Amendment 2-08A (**Carlsbad Drainage Master Plan**), for the Commission Meeting of March 10-12, 2010

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Staff recommends the following changes be made to the above-referenced staff report:

1. Modify the second paragraph of Page 2 as follows:

Staff is recommending approval as submitted for both the land use and implementation modifications. The changes made by the City will remove outdated references and replace an older version of the City's Drainage Plan (*Master Drainage Plan*), with a new, and newly titled (*City of Carlsbad Drainage Master Plan*) document. The Master Plan is similar to the drainage plan reviewed by the Commission in 2006 (ref. LCPA 3-04B), in that there will be no new opportunities for development, ~~or impacts to ESHA, through the development of floodplains, etc., associated with any of the future/potential projects identified in the Master Plan.~~ Therefore, ~~the updated Master Plan will not result in any impacts to coastal resources and can be found consistent with the Coastal Act.~~ In general, the Master Plan is a technical document that identifies potential future projects and the associated estimated coasts. The Master Plan does not establish any new policy or implementing language. Further, the Master Plan includes, in several instances, language that highlights any upgrades, replacements, or other drainage projects that are subject to coastal development permits and must be found consistent with the City's Local Coastal Program (LCP). Therefore, the updated Master Plan will not result in any impacts to coastal resources and can be found consistent with the Coastal Act. . . .

2) Modify the third paragraph of Page 2 as follows:

The environmental review associated with the Drainage Master Plan update included both a program and project component. The project component includes the dredging of two concrete culverts at Agua Hedionda and Calavera Creeks. However, the Drainage Master Plan approval is not dependent on the approval of the two dredging projects. Furthermore, the coastal development permit associated with the dredging

project was appealed ~~to~~ by the Coastal Commission, and the City and Commission staff are working cooperatively to address any concerns associated with that project (ref. Appeal No. A-6-CII-08-019/ Agua Hedionda and Calavera Creek Dredging)....

3) Modify the first paragraph of Page 3 as follows:

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 97.

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA  
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(619) 767-2370



February 24, 2010

**W25a****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 2-08A (Carlsbad Drainage Master Plan) for Commission Meeting  
of March 10-12, 2010**

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**SYNOPSIS**

The subject Local Coastal Program (LCP) land use plan and implementation plan amendment was submitted and filed as complete on December 19, 2008. A one-year time extension was granted on March 11, 2009. The last date for Commission action on this item is March 18, 2010. The submitted amendment had two components. The second component, LCPA 2-08A (Adams Street Subdivision), is also scheduled for the March, 2010 Commission hearing.

**SUMMARY OF AMENDMENT REQUEST**

The City is proposing to update its City-wide drainage plan (Drainage Master Plan full document available online <http://www.carlsbadca.gov/business/building/codes-standards/Pages/drainage-master-plan.aspx>). In 2006, the Commission certified the inclusion of a Master Drainage Plan as a component of the City of Carlsbad's Local Coastal Program through reference in its Land Use Plan (LUP), and added Chapters 15.12 (Storm Water Management) and 15.16 (Grading and Erosion Control) to its Implementation Plan (IP). The proposed amendment would replace any reference, within both the LUP and IP to the "Master Drainage Plan" with the "City of Carlsbad Drainage Master Plan". The amendment would also include deletion of an outdated reference to the Model Grading Ordinance, referenced in the City's Land Use Plan.

The Carlsbad Drainage Master Plan (Master Plan) is a comprehensive planning document that incorporates drainage modeling and serves to assess existing storm drain infrastructure and drainage areas, identify anticipated improvements, and identify additional infrastructure required to prevent flooding and accommodate storm flows. The Master Plan also provides guidance on developing a fee program to facilitate the construction of specific, and/or identified drainage facilities.

The Master Plan is a planning and infrastructure document, and it does not establish any new LUP or IP policies. Further, any additional discretionary review, including obtaining a coastal development permit, would still be required for any projects identified by the Master Plan.

### **SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending approval as submitted for both the land use and implementation modifications. The changes made by the City will remove outdated references and replace an older version of the City's Drainage Plan (*Master Drainage Plan*), with a new, and newly titled (*City of Carlsbad Drainage Master Plan*) document. The Master Plan is similar to the drainage plan reviewed by the Commission in 2006 (ref. LCPA 3-04B), in that there will be no new opportunities for development, or impacts to ESHA, through the development of floodplains, etc., associated with any of the future/potential projects identified in the Master Plan. Therefore, the updated Master Plan will not result in any impacts to coastal resources and can be found consistent with the Coastal Act. In general, the Master Plan is a technical document that identifies potential future projects and the associated estimated coasts. The Master Plan does not establish any new policy or implementing language. Further, the Master Plan includes, in several instances, language that highlights any upgrades, replacements, or other drainage projects that are subject to coastal development permits and must be found consistent with the City's Local Coastal Program (LCP). During the review of previous LCP amendment number 3-04B in 2006, Commission technical staff reviewed and found the City's Drainage Plan consistent as submitted. The Commission did, however, include policy language from the City's Open Space and Conservation Elements of the General Plan regarding stormwater, grading, erosion, and water quality in general into all segments of the City's LCP. The suggested language added a requirement that the Pacific Ocean be considered an Environmentally Sensitive Area (ESA), in review of development within 200 feet of the ocean and any project that discharges to the ocean. The City is not proposing to modify any of the language included by the Commission in its 2006 review. Therefore, again, in summary, there are no concerns regarding consistency with the Coastal Act.

### **STAFF NOTES**

The environmental review associated with the Drainage Master Plan update included both a program and project component. The project component includes the dredging of two concrete culverts at Agua Hedionda and Calavera Creeks. However, the Drainage Master Plan approval is not dependent on the approval of the two dredging projects. Furthermore, the coastal development permit associated with the dredging project was appealed by the Coastal Commission, and the City and Commission staff are working cooperatively to address any concerns associated with that project (ref. Appeal No. A-6-CII-08-019/ Agua Hedionda and Calavera Creek Dredging). Thus, while the environmental review for the Master Plan and the dredging project were combined, revision of the coastal development permit/dredging project will not be included at this time.

The appropriate resolutions and motions begin on Page 5. The findings for approval of the Land Use Plan Amendment as submitted begin on Page 6. The findings for approval of the Implementation Plan Amendment as submitted begin on Page 7.

## **BACKGROUND**

In 2004, the City submitted an LCP amendment that resulted in the incorporation of Chapters 15.12 (Storm Water Management) and 15.16 (Grading and Erosion Control) into the LCP and included a Master Drainage Plan for all land use segments of the City (ref. LCPA 3-04B/NPDES Stormwater Regulations). The Commission certified the amendment with suggested modifications in February, 2006. The suggested modifications included adding the Master Drainage Plan as a component of the City's certified LCP, as previously the City had not considered it a component of the LCP, but merely a referenced document. The Commission also included language from the City's Open Space and Conservation Elements of the General Plan addressing stormwater, grading, erosion, and water quality in general into all segments of the City's LCP. The suggested language also added a requirement that the Pacific Ocean be considered an Environmentally Sensitive Area (ESA) during review of development within 200 feet of the ocean and of any development that discharged to the ocean.

Therefore, as of 2006, the City of Carlsbad Implementation Plan includes Chapter 15.12 and 15.16, and portions of Chapter 18 of the Municipal Code, Chapter 21 (Zoning) of the Municipal Code in its entirety and any Master Plans/Specific Plan located in the Coastal Zone. In addition, the City has submitted LCP Amendment #3-08 (HMP Implementation Plan); once this submittal is complete and has been reviewed and certified by the Commission, it will be included as a component of the City's Implementation Plan.

## **ADDITIONAL INFORMATION**

Further information on the City of Carlsbad LCP Amendment No. 2-08A 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's 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 requests affect all of the LCP segments except for the Village Redevelopment 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 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.

### **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 for City of Carlsbad LCP Amendment No. 2-08A 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 for the City of Carlsbad LCP Amendment No. 2-08A as submitted.*

**STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:**

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted 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 IMPLEMENTATION PROGRAM AS SUBMITTED:**

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad Implementation Plan as submitted and adopts the findings set forth below on grounds that the Implementation Program conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program will meet the requirements of 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 or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

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

**A. AMENDMENT DESCRIPTION**

The City is proposing to update its City-wide drainage plan. In 2006, the Commission certified the inclusion of a Master Drainage Plan as a component of the City of Carlsbad's Local Coastal Program through reference in its Land Use Plan (LUP), and added Chapters 15.12 (Storm Water Management) and 15.16 (Grading and Erosion Control) to its Implementation Plan (IP). The proposed amendment would replace any reference, within both the LUP and IP from the "Master Drainage Plan" to the "City of Carlsbad Drainage Master Plan". The amendment would also include deletion of an outdated reference to the Model Grading Ordinance, referenced in the City's Land Use Plan.

**B. APPLICABLE POLICIES OF THE COASTAL ACT**

The following Coastal Act policies are relevant to the proposed amendment:

**Section 30230.**

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.



**Section 30231.**

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

**Section 30236**

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.

**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.

**Section 30253.**

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. [...]

### **C. SPECIFIC FINDINGS FOR CONFORMITY WITH CHAPTER 3**

The Drainage Master Plan (Master Plan) is a comprehensive planning document that serves to assess existing storm drain infrastructure and drainage areas, identify anticipated improvements, and identify additional infrastructure required to prevent flooding and accommodate storm flows. The Master Plan also provides guidance in developing a fee program to facilitate the construction of specific, and/or identified drainage facilities.

The 2008 Master Plan is an update to the version submitted in 2004, dated 1994. Both drainage plans are similar in that they contain the results of an assessment of the drainage areas in the City, outline the existing storm drain system, and identify needed improvements required to accommodate storm water flows, as projected by the City's General Plan. The 2008 version also includes cost estimates, and recommendations for developing a mechanism to ensure adequate funding for the future drainage facilities. As such, the 2008 version provides no new or significant concerns regarding resource protection and can be found consistent with the Coastal Act as submitted.

As previously discussed, the Commission reviewed a previous LCP amendment in 2006 that included the Master Drainage Plan as part of the LCP (LCPA 3-04B/NPDES) and approved that amendment with suggested modifications. These modifications, however, were not associated with the proposed Master Drainage Plan, but with the storm water, NPDES/discharge, erosion policies in general. The subject LCP amendment does not propose any revision to the suggested modifications certified by the Commission in 2006. Again, the proposed LCP amendment thus provides no new or significant concerns regarding resource protection and can be found consistent with the Coastal Act as submitted.

The Master Plan is a technical document addressing infrastructure and does not establish any new LUP or IP policies. No development is involved in the proposed amendment. Further, all projects processed pursuant to the Drainage Master Plan update also require a coastal development permit, and, as such, they must comply with all applicable provisions and policies contained in the City's certified LCP. The amendment does not modify any standards that will impact the City's provision of public services.

Finally, although subject to additional review, as the Master Plan projects are implemented, drainage facilities in the City of Carlsbad will be improved. As such implementation of the Master Plan should benefit water quality and marine resources in general.

It is important to note, however, that sea level rise was not addressed with this Drainage Master Plan update. That being said, the intent of the Master Plan was modeling the upland watershed, which eventually leads to the City's lagoons and the ocean. As such, this type of modeling would not be significantly different with the inclusion of the predicted increase to sea level. However, changes in weather associated with climate change (more intense, frequent storms, followed by long drought periods) have the

potential to significantly influence the dynamics of drainage and flows within the City's watershed. However, to date, there have been no estimations on change in rain fall patterns, amounts, etc. Should such information become available, it would be prudent of the City to incorporate such values into future planning efforts.

In conclusion, the proposed LCP amendment will only replace any reference in the City's LUP to the "Master Drainage Plan" with "The City of Carlsbad Drainage Master Plan." The Master Plan does not provide any policy language, nor will it facilitate any development that will result in impacts to sensitive resources, and, as such, it can be found consistent with the Coastal Act as submitted.

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

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

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

The City is proposing to modify Chapter 21.38, 21.203, and 21.205 of their Implementation Plan to remove any outdated references to the "Model Erosion Control Ordinance contained in the Master Plan", "Master Drainage Plan" and "Master Drainage Plan dated 1994" with "City of Carlsbad Drainage Master Plan, dated July 2008," for a total of seven times throughout the three chapters. An additional modification includes a change to Chapter 21.38 which replaces section 21.38.141(c)(6) – "Model Erosion Control Ordinance contained in the master drainage plan" with "City of Carlsbad Engineering Standards and provisions of the Local Coastal Program." The purpose of the amendment is to allow the implementing ordinances to uniformly reference the City's updated Drainage Master Plan.

##### **B. PURPOSE AND INTENT OF THE ORDINANCE**

###### **Chapter 21.38 – Planned Community Zone**

The purpose and intent of the Planned Community Zone is to provide a method for and to encourage the orderly implementation of the general plan and any applicable specific plans by the comprehensive planning and development of large tracts of land under unified ownership or developmental control so that the entire tract will be developed in accord with an adopted master plan to provide an environment of stable and desirable character.

Chapter 21.203 - Coastal Resource Protection Overlay Zone

The purpose and intent of the Coastal Resource Protection Overlay Zone is to provide additional resource protective regulations within designated areas to preserve, protect and enhance the habitat resource values of Buena Vista Lagoon, Agua Hedionda Lagoon, Batiquitos Lagoon, and steep sloping hillsides, including protecting biological resources and deterring soil erosion.

Chapter 21.205 – Coastal Resource Overlay Zone Mello I LCP Segment

The purpose and intent of the Coastal Resource Overlay Zone Mello I LCP Segment is to supplement the underlying zone with additional resource protection policies for the Batiquitos Lagoon watershed and agricultural uses.

**C) ADEQUACY OF THE ORDINANCE TO IMPLEMENT THE CERTIFIED LUP SEGMENTS.**

As discussed in the previous sections, the proposed LCP amendment is comprised of replacing the reference to the City’s “Master Drainage Plan” with “The City of Carlsbad’s Drainage Master Plan”. The new Master Plan is analogous to the previous one, and the intent of the plan is for it to be used for future planning efforts, . The City intends to use the document to identify those areas within its watershed that may need maintenance or improvement. The document further identifies the cost estimates for these improvements and then develops a system by which it can collect funds associated with development projects that would assure that the projects identified as necessary are completed. The document does not contain any policy language, and any project identified by the Master Plan would be subject to the review and approval of a coastal development permit. Thus, the updated Master Plan will not result in any impacts to coastal resources inconsistent with the City’s certified Land Use Plan(s).

The revision to Chapter 21.38 removing the reference to the “Model Erosion Control Ordinance” does not raise any concerns in that this ordinance was proposed in the 1980’s and was never adopted. Currently, provisions for grading and erosion control are now found in the grading ordinance (15.16 - Grading and Erosion Control), and storm water ordinances (15.12 - Storm Water Management and Discharge Control); thus, the removal of that reference does not raise any concerns regarding consistency with the certified LUP, and instead brings the LUP and IP into consistency with one another.

**PART V. 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 project will not result in any impacts to coastal resources or public access, and in fact, the ultimate implementation of the Master Plan will improve the drainage facilities within the City, potentially improving coastal resources. 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.

RESOLUTION NO. 2008-229

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT EIR 04-02, ADOPTING THE CANDIDATE FINDINGS OF FACT, THE MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING A LOCAL COASTAL PROGRAM AMENDMENT TO REVISE AND DELETE REFERENCES TO THE MASTER DRAINAGE AND STORM WATER QUALITY MANAGEMENT PLAN (MDSWQMP), MODEL EROSION CONTROL ORDINANCE, AND GRADING ORDINANCE FOR THE CITY OF CARLSBAD DRAINAGE MASTER PLAN AND CALAVERA, AGUA HEDIONDA CREEKS PROJECT AFFECTING PROPERTIES CITYWIDE AND PORTIONS OF AGUA HEDIONDA AND CALAVERA CREEKS IN AND NEAR THE RANCHO CARLSBAD RESIDENTIAL COMMUNITY AND IN LOCAL FACILITIES MANAGEMENT ZONES 8, 14, 15 AND 24.  
CASE NAME: DRAINAGE MASTER PLAN UPDATE/  
CALAVERA AND AGUA HEDIONDA CREEKS  
CASE NO.: EIR 04-02/MCA 07-01/ZCA 07-04/LCPA 07-06

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, on January 16, 2008, the Carlsbad Planning Commission held a duly noticed public hearing to consider a proposed Environmental Impact Report (EIR 04-02) and adopted Planning Commission Resolution No. 6376, recommending to the City Council certification of EIR 04-02, as modified by Exhibit "EIR-C" attached to Resolution 6376, and adoption of the Candidate Findings of Fact and the Mitigation Monitoring and Reporting Program; and adopted Planning Commission Resolutions No. 6377, 6378 recommending approval of ZCA 07-04 and LCPA 07-06, respectively, subject to the City Council certification of EIR 04-02 and adoption of the Candidate Findings of Fact and the Mitigation Monitoring and Reporting Program; and

WHEREAS, the City Council of the City of Carlsbad, did on August 5, 2008, hold a public hearing to consider the recommendations and heard all persons interested in or opposed to EIR 04-02; and

WHEREAS, a Draft Environmental Impact Report was prepared and submitted to the State Clearinghouse and a Notice of Completion was filed, published, and mailed to responsible agencies and interested parties providing an initial 45-day review period that was extended an additional 15 days; and

Receiver  
MAY 28 2008

California  
San  
Commission

EXHIBIT #1
Resolution Approving LUP Modifications
LCPA #2-08A Carlsbad Drainage Master Plan
California Coastal Commission

1           WHEREAS, all comments received during the review period are contained in the Final  
2 EIR; and

3           WHEREAS, following publication of the Final EIR and distribution of responses to  
4 commenting parties, certain parties continued to submit comments up to, during, and after the  
5 testimony given at the project's public hearing held by the City of Carlsbad Planning Commission  
6 on the project on January 16, 2008; and

7           WHEREAS, in order to address all issues raised by the public on the proposed project  
8 and provide comprehensive disclosure and documentation of environmental issues associated  
9 with the project, the additional comments and responses to comments were prepared as attached  
10 Exhibit 1; revisions to the Final EIR as attached Exhibit 2 and Exhibit 2a; revisions to the  
11 Candidate Findings of Fact as attached Exhibit 3; and revisions to the Mitigation Monitoring and  
12 Reporting Program as attached Exhibit 4 and as hereby incorporated into the Final EIR for  
13 consideration by the Carlsbad City Council; and

14           WHEREAS, the information contained in the additional responses and revisions to the  
15 Final EIR, Candidate Findings of Fact, and the Mitigation Monitoring and Reporting Program do  
16 not constitute "significant information" as defined in California Environmental Quality Act (CEQA)  
17 Guidelines Section 15088.5(a). Instead, the information provided merely clarifies and amplifies  
18 discussion already contained in the Final EIR. As such, recirculation of the Final EIR is not  
19 required because the new information added to the EIR only clarifies, amplifies and makes  
20 insignificant modifications to an adequate EIR (CEQA Guideline, 15088.5(b)).

21           NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad,  
22 California, as follows:

23           1.       That the above recitations are true and correct.

24           2.       The City Council does hereby find that the Final EIR 04-02, as modified by Exhibits  
25 1, 2, and 2a attached hereto, the Candidate Findings of Fact, as modified by Exhibit 3 attached  
26 hereto, and the Mitigation and Monitoring Program, as modified by Exhibit 4 attached hereto,  
27 have been prepared in accordance with requirements of the California Environmental Quality Act,  
28 the State EIR Guidelines, and the Environmental Review Procedures of the City of Carlsbad.

1           3.     The City Council has reviewed, analyzed, and considered Final EIR 04-02, as  
2 modified by Exhibits 1, 2, and 2a attached hereto, the environmental impacts therein identified for  
3 this project, the Candidate Findings of Fact, as modified by Exhibit 3 attached hereto, and the  
Mitigation and Monitoring Program, as modified by Exhibit 4 attached hereto, prior to approving  
the project, and they reflect the independent judgment of the City of Carlsbad City Council.

4           4.     The City Council does accept as its own, incorporate as if set forth in full herein,  
5 and make each and every one of the findings contained in the Candidate Findings of Fact, as  
6 modified by Exhibit 3 attached hereto, including feasibility of mitigation measures pursuant to  
Public Resources Code 21081 and CEQA Guidelines 15091, and infeasibility of project  
alternatives.

7           5.     The City Council hereby finds that the Mitigation and Monitoring Program, as  
8 modified by Exhibit 4 attached hereto, is designed to ensure that during project implementation  
9 and operation the Developer and any other responsible parties implement the project  
10 components and comply with the feasible mitigation measures identified in the Candidate  
Findings of Fact, as modified by Exhibit 3 attached hereto, and the Mitigation and Monitoring  
Program.

11           6.     The Record of Proceedings for this project consists of the Environmental Impact  
12 Report, as modified by Exhibits 1, 2, and 2a attached hereto, Candidate Findings of Fact, as  
13 modified by Exhibit 3 attached hereto, and Mitigation and Monitoring Program, as modified by  
14 Exhibit 4 attached hereto; the "Record" upon which the City Council bases these Candidate  
15 Findings of Fact and its actions and determinations regarding the project includes, but is not  
16 limited to, the Draft EIR, together with all appendices and technical reports referred to therein,  
17 whether separately bound or not; all reports, letters, applications, memoranda, maps, or other  
18 planning and engineering documents prepared by the City, engineering consultant, environmental  
19 consultant, or others presented to or before the decision-makers as determined by the City Clerk;  
20 all letters, reports, or other documents submitted to the City by members of the public or public  
agencies in connection with the City's environmental analysis on the project; all minutes of any  
public workshops, meetings, or hearings, including the scoping sessions, and any recorded or  
verbatim transcripts/videotapes thereof; any letters, reports, or other documents or other  
evidence submitted into the record at any public workshops, meeting, or hearings; matters of  
common general knowledge to the City that the City may consider, including applicable State or  
local laws, ordinances, and policies, the General Plan, Zoning Ordinance, Local Facilities  
Management Plans, and all applicable planning programs and policies of the City; and, all  
findings and resolutions adopted by the City in connection with the project, including all  
documents cited or referred to therein.

21           The custodian of the full administrative record shall be the City Clerk's Office, 1200 Carlsbad  
22 Village Drive, and the Planning Director, 1635 Faraday Avenue, both in Carlsbad, CA 92008.

23           7.     That the Environmental Impact Report (EIR 04-02) on the above referenced  
24 project, as modified by Exhibits 1, 2 and 2a attached hereto, is certified; and that the Candidate  
25 Findings of Fact, as modified by Exhibit 3 attached hereto, and the Mitigation Monitoring and  
26 Reporting Program, as modified by Exhibit 4 attached hereto, are adopted and that the condition  
of the Planning Commission contained in Planning Commission Resolution No. 6376, on file with  
the City Clerk and incorporated herein by reference and as modified by Exhibit 4, is the condition  
of the City Council.





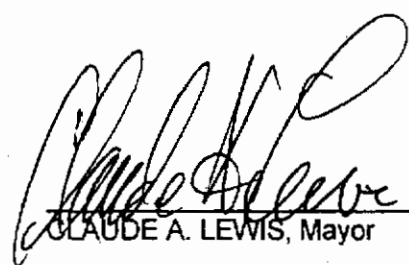
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PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad, California, on the 5<sup>th</sup> day of August, 2008, by the following vote, to wit:

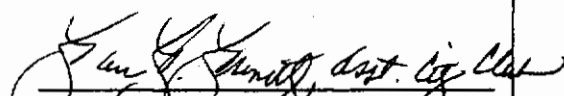
AYES: Council Members Lewis, Kulchin, Hall, Packard, Nygaard

NOES: None

ABSENT: None

  
\_\_\_\_\_  
CLAUDE A. LEWIS, Mayor

ATTEST:

  
\_\_\_\_\_  
LORRAINE M. WOOD, City Clerk  
(SEAL)



ORDINANCE NO. CS-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING TITLE 21, CHAPTERS 21.38, 21.203 AND 21.205 OF THE MUNICIPAL CODE BY DELETING REFERENCES TO THE MASTER DRAINAGE PLAN ADOPTED IN 1994 AND THE MODEL EROSION CONTROL ORDINANCE AND ADDING REFERENCES TO THE PROPOSED CITY OF CARLSBAD DRAINAGE MASTER PLAN AND EXISTING ENGINEERING STANDARDS.

CASE NAME: CARLSBAD DRAINAGE MASTER PLAN

CASE NO: ZCA 07-04

The City Council of the City of Carlsbad, California, does ordain as follows:

SECTION 1: That Section 21.38.141(c) (6) of the Carlsbad Municipal Code is amended to read as follows:


6. A site specific technical report shall be required addressing the cumulative effects of developing each subwatershed and recommending measures to mitigate both increased runoff and sedimentation. It shall be reviewed and prepared according to the City of Carlsbad Engineering Standards and provisions of the Local Coastal Program, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed.

SECTION 2: That Section 21.203.040 (B.) (1.) of the Carlsbad Municipal Code is amended to read as follows:

1. Buena Vista Lagoon. Developments located along the first row of lots bordering Buena Vista Lagoon, including the parcel at the mouth of the lagoon, shall be designated for residential development at a density of up to four dwelling units per acre. Proposed development in this area shall be required to submit topographic and vegetation mapping and analysis, as well as soils reports, as part of the development permit application. Such information shall be provided in addition to any required environmental impact report, and shall be prepared by qualified professionals and in sufficient detail to locate the boundary of wetland and upland areas and areas of slopes in excess of twenty-five percent. Topographic maps shall be submitted at a scale sufficient to determine the appropriate developable areas, generally not less than a scale of one inch equals one hundred feet with a topographic contour interval of five feet, and shall include an overlay delineating the location of the proposed project. The lagoon and wetland area shall be delineated and criteria used to identify any wetlands existing on the site shall be those of Section 30121 of the Coastal Act and based upon the standards of the local coastal program mapping regulations. Mapping of wetlands and siting of development shall be done in consultation and subject to the approval of the Department of Fish and Game. Development shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least one hundred feet from wetlands/lagoon in order to buffer such sensitive habitat area from intrusive open space areas required in permitted development permanently preserved for habitat uses through provision of project approval. In the event that a wetland (in excess of twenty-five percent) which will act as a natural barrier (of less than one hundred feet in width may be per

Receiver  
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California Coastal Commission  
San Diego County

EXHIBIT #2
Ordinance Approving IP Modifications
LCPA #2-08A Carlsbad Drainage Master Plan
 California Coastal Commission

1 development shall be based upon the net developable area of the parcel, excluding any portion  
2 of a parcel which is in wetlands or lagoon. As specified in subsection A of this section, a density  
3 credit may be provided for that portion of the parcel which is in steep slopes. Storm drain  
4 alignments as proposed in the City of Carlsbad Drainage Master Plan which would be carried  
5 through or empty into Buena Vista Lagoon shall not be permitted, unless such improvements  
6 comply with the requirements of Sections 30230, 30231, 30233 and 30235 of the Coastal Act by  
7 maintaining or enhancing the functional capacity of the lagoon in a manner acceptable to the  
8 State Department of Fish and Game. Land divisions shall only be permitted on parcels  
9 bordering the lagoon pursuant to a single planned development permit for the entire original  
10 parcel.

11 SECTION 3: That Section 21.203.040 (B.) (3.) (a.) of the Carlsbad Municipal Code is  
12 amended to read as follows:

13 a. All development must include mitigation measures for the control of urban runoff  
14 flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1)  
15 the requirements of the city's grading ordinance, storm water ordinance, standard urban storm  
16 water mitigation plan (SUSMP) dated April 2003, and as amended, and the City of Carlsbad  
17 Drainage Master Plan, as those documents are certified as part of the city's LCP; (2) the city's  
18 jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology  
19 Manual to the extent that these requirements are not inconsistent with any policies of the LCP;  
20 and (3) the additional requirements contained herein. Such mitigation shall become an element  
21 of the project, and shall be installed prior to the initial grading.

22 SECTION 4: That Section 21.203.040 (B.) (3.) (c.) of the Carlsbad Municipal Code is  
23 amended to read as follows:

24 c. Mitigation shall require construction of all improvements shown in the City of  
25 Carlsbad Drainage Master Plan and any amendments to them for the area between the project  
26 site and the lagoon (including the debris basin), as well as revegetation of graded areas  
27 immediately after grading; and a mechanism for permanent maintenance if the city declines to  
28 accept the responsibility. Construction of drainage improvements may be through formation of  
an assessment district, or through any similar arrangement that allocates costs among the  
various landowners in an equitable manner.

SECTION 5: That Section 21.203.040 (B.) (4.) (a.) of the Carlsbad Municipal Code is  
amended to read as follows:

a. All development must include mitigation measures for the control of urban runoff  
flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1)  
the requirements of the city's grading ordinance, storm water ordinance, standard urban storm  
water mitigation plan (SUSMP) dated April 2003 and as amended, and the City of Carlsbad  
Drainage Master Plan, as those documents are certified as part of the city's LCP; (2) the city's  
jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology  
Manual to the extent that these requirements are not inconsistent with any policies of the LCP;  
and (3) the additional requirements contained herein. Such mitigation shall become an element  
of the project and shall be installed prior to the initial grading.

///

1 SECTION 6: That Section 21.203.040 (B.) (4.) (c.) of the Carlsbad Municipal Code is  
2 amended to read as follows:

3 c. Mitigation shall also require construction of all improvements shown in the City of  
4 Carlsbad Drainage Master Plan and amendments to it. No subsequent amendments are a part  
5 of this zone unless certified by the coastal commission. The general provisions, procedures,  
6 standards, content of plans and implementation contained with them are required conditions of  
7 development in addition to the provisions below. Approved development shall include the  
8 following conditions, in addition to the requirements specified above:

9 SECTION 7: That Section 21.203.040 (B.) (4.) (c.) (i.) of the Carlsbad Municipal Code is  
10 amended to read as follows:

11 i. All off-site, downstream improvements (including debris basin and any other  
12 improvements recommended in the City of Carlsbad Drainage Master Plan) shall be constructed  
13 prior to the issuance of a grading permit on-site. Improvements shall be inspected by city or  
14 county staff and certified as adequate and in compliance with the requirements of the drainage  
15 plan and the additional requirements of this zone. If the city or county declines to accept  
16 maintenance responsibility for the improvements, the developer shall maintain the  
17 improvements during construction of the on-site improvements;

18 SECTION 8: That Section 21.203.040 (B.) (4.) (c.) (vi.) of the Carlsbad Municipal Code  
19 is amended to read as follows:

20 vi. Storm drainage facilities in developed areas shall be improved and enlarged  
21 according to City of Carlsbad Drainage Master Plan, incorporating the changes specified in this  
22 section. Improvement districts shall be formed for presently undeveloped areas which are  
23 expected to urbanize in the future. The improvement districts shall implement City of Carlsbad  
24 Drainage Master Plan. Upstream areas in the coastal zone shall not be permitted to develop  
25 incrementally prior to installation of the storm drain facilities downstream, in order to assure  
26 protection of coastal resources. New drainage facilities, required within the improvement  
27 districts shall be financed either by some form of bond or from fees collected from developers  
28 on a cost-per-acre basis;

SECTION 9: That Section 21.205.060 (a.) of the Carlsbad Municipal Code is amended  
to read as follows:

a. All development must include mitigation measures for the control of urban runoff  
flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1)  
the requirements of the city's grading ordinance, storm water ordinance, standard urban storm  
water mitigation plan (SUSMP) dated April 2003 and as amended, and the City of Carlsbad  
Drainage Master Plan, as those documents are certified as part of the city's LCP; (2) the city's  
jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology  
Manual to the extent that these requirements are not inconsistent with any policies of the LCP;  
and (3) the additional requirements contained herein. Such mitigation shall become an element  
of the project and shall be installed prior to the initial grading.

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SECTION 10: That Section 21.205.060 (c.) of the Carlsbad Municipal Code is amended to read as follows:

c. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments to it. No subsequent amendments are a part of this zone unless certified by the coastal commission. The general provisions, procedures, standards, content of plans and implementation contained in them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

SECTION 11: That Section 21.205.060 (c.) (i.) of the Carlsbad Municipal Code is amended to read as follows:

i. All off-site, downstream improvements (including debris basin and any other improvements) recommended in the City of Carlsbad Drainage Master Plan shall be constructed prior to the issuance of a grading permit on-site. Improvements shall be inspected by city staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the on-site improvements;

EFFECTIVE DATE: This ordinance shall be effective no sooner than thirty (30) days after its adoption but not until approved by the California Coastal Commission, and the City Clerk shall certify the adoption of this ordinance and cause a summary to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen (15) days after its adoption.

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INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 4th day of November, 2008, and thereafter.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 18th day of November, 2008, by the following vote to wit:


AYES: Council Members Lewis, Hall, Packard and Nygaard.

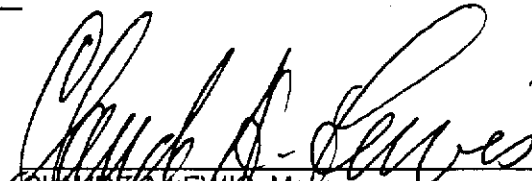
NOES: None.

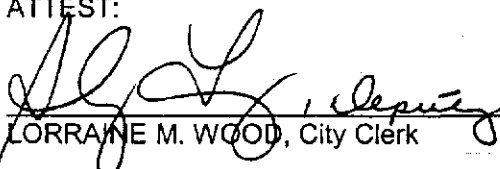
ABSENT: Council Member Kulchin.

ABSTAIN: None.

APPROVED AS TO FORM AND LEGALITY

  
\_\_\_\_\_  
RONALD R. BALL, City Attorney  
11-18-08

  
\_\_\_\_\_  
CLAUDE A. LEWIS, Mayor

ATTEST:  
  
\_\_\_\_\_  
LORRAINE M. WOOD, City Clerk



**ZCA 07-04  
PROPOSED ZONING ORDINANCE TEXT CHANGES  
DRAINAGE MASTER PLAN / PLANNED LOCAL DRAINAGE AREA FEES /  
CALAVERA AND AGUA HEDIONDA CREEKS PROJECT**


Section 21.38.141(c) (6) of the Carlsbad Municipal Code is proposed to be amended as follows:

(6) A site specific technical report shall be required addressing the cumulative effects of developing each subwatershed and recommending measures to mitigate both increased runoff and sedimentation. It shall be reviewed and prepared according to the City of Carlsbad Engineering Standards and provisions of the Local Coastal Program, Model Erosion Control Ordinance contained in the master drainage plan, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed.

Section 21.203.040 (B.) (1.) of the Carlsbad Municipal Code is proposed to be amended as follows:

1. Buena Vista Lagoon. Developments located along the first row of lots bordering Buena Vista Lagoon, including the parcel at the mouth of the lagoon, shall be designated for residential development at a density of up to four dwelling units per acre. Proposed development in this area shall be required to submit topographic and vegetation mapping and analysis, as well as soils reports, as part of the development permit application. Such information shall be provided in addition to any required environmental impact report, and shall be prepared by qualified professionals and in sufficient detail to locate the boundary of wetland and upland areas and areas of slopes in excess of twenty-five percent. Topographic maps shall be submitted at a scale sufficient to determine the appropriate developable areas, generally not less than a scale of one inch equals one hundred feet with a topographic contour interval of five feet, and shall include an overlay delineating the location of the proposed project. The lagoon and wetland area shall be delineated and criteria used to identify any wetlands existing on the site shall be those of Section 30121 of the Coastal Act and based upon the standards of the local coastal program mapping regulations. Mapping of wetlands and siting of development shall be done in consultation and subject to the approval of the Department of Fish and Game. Development shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least one hundred feet from wetlands/lagoon shall be required in all development, in order to buffer such sensitive habitat area from intrusion. Such buffer areas, as well as other open space areas required in permitted develop

MAY 28 2009

<b>EXHIBIT #3</b>
<b>Language Shown in Strike-Out/Underline</b>
LCPA #2-08A Carlsbad Drainage Master Plan
 California Coastal Commission



shall be permanently preserved for habitat uses through provision of an open space easement as a condition of project approval. In the event that a wetland area is bordered by steep slopes (in excess of twenty-five percent) which will act as a natural buffer to the habitat area, a buffer area of less than one hundred feet in width may be permitted. The density of any permitted development shall be based upon the net developable area of the parcel, excluding any portion of a parcel which is in wetlands or lagoon. As specified in subsection A of this section, a density credit may be provided for that portion of the parcel which is in steep slopes. Storm drain alignments as proposed in the **City of Carlsbad Drainage Master Plan, dated July 2008** ~~Carlsbad master drainage plan~~ which would be carried through or empty into Buena Vista Lagoon shall not be permitted, unless such improvements comply with the requirements of Sections 30230, 30231, 30233 and 30235 of the Coastal Act by maintaining or enhancing the functional capacity of the lagoon in a manner acceptable to the State Department of Fish and Game. Land divisions shall only be permitted on parcels bordering the lagoon pursuant to a single planned development permit for the entire original parcel.

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Section 21.203.040 (B.) (3.) (a.) of the Carlsbad Municipal Code is proposed to be amended as follows:

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city's grading ordinance, storm water ordinance, standard urban storm water mitigation plan (SUSMP) dated April 2003, and as amended, and the **City of Carlsbad Drainage Master Plan, dated July 2008** ~~master drainage plan dated 1994~~, as those documents are certified as part of the city's LCP; (2) the city's jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project, and shall be installed prior to the initial grading.

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Section 21.203.040 (B.) (3.) (c.) of the Carlsbad Municipal Code is proposed to be amended as follows:

c. Mitigation shall require construction of all improvements shown in the **City of Carlsbad Drainage Master Plan, dated July 2008** ~~master drainage plan~~ and any amendments to them for the area between the project site and the lagoon (including the debris basin), as well as revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the city declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allocates costs among the various landowners in an equitable manner.

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Section 21.203.040 (B.) (4.) (a.) of the Carlsbad Municipal Code is proposed to be amended as follows:

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city's grading ordinance, storm water ordinance, standard urban storm water mitigation plan (SUSMP) dated April 2003 and as amended, and the **City of Carlsbad Drainage Master Plan, dated July 2008, master drainage plan dated 1994**, as those documents are certified as part of the city's LCP; (2) the city's jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project and shall be installed prior to the initial grading.

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Section 21.203.040 (B.) (4.) (c.) of the Carlsbad Municipal Code is proposed to be amended as follows:

c. Mitigation shall also require construction of all improvements shown in the **City of Carlsbad Drainage Master Plan, dated July 2008 master drainage plan** and amendments to it. No subsequent amendments are a part of this zone unless certified by the coastal commission. The general provisions, procedures, standards, content of plans and implementation contained with them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

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Section 21.203.040 (B.) (4.) (c.) (i.) of the Carlsbad Municipal Code is proposed to be amended as follows:

i. All off-site, downstream improvements (including debris basin and any other improvements recommended in the **City of Carlsbad Drainage Master Plan, dated July 2008 drainage plan**) shall be constructed prior to the issuance of a grading permit on-site. Improvements shall be inspected by city or county staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city or county declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the on-site improvements;

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Section 21.203.040 (B.) (4.) (c.) (vi.) of the Carlsbad Municipal Code is proposed to be amended as follows:

vi. Storm drainage facilities in developed areas shall be improved and enlarged according to City of Carlsbad Drainage Master Plan, dated July 2008, the ~~Carlsbad master drainage plan~~, incorporating the changes specified in this section. Improvement districts shall be formed for presently undeveloped areas which are expected to urbanize in the future. The improvement districts shall implement City of Carlsbad Drainage Master Plan, dated July 2008, the ~~master drainage plan~~. Upstream areas in the coastal zone shall not be permitted to develop incrementally prior to installation of the storm drain facilities downstream, in order to assure protection of coastal resources. New drainage facilities, required within the improvement districts shall be financed either by some form of bond or from fees collected from developers on a cost-per-acre basis;

---

Section 21.205.060 (a.) of the Carlsbad Municipal Code is proposed to be amended as follows:

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with: (1) the requirements of the city's grading ordinance, storm water ordinance, standard urban storm water mitigation plan (SUSMP) dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan, dated July 2008, ~~master drainage plan dated 1994~~, as those documents are certified as part of the city's LCP; (2) the city's jurisdictional urban runoff management program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP; and (3) the additional requirements contained herein. Such mitigation shall become an element of the project and shall be installed prior to the initial grading.

---

Section 21.205.060 (c.) of the Carlsbad Municipal Code is proposed to be amended as follows:

c. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan, dated July 2008 ~~master drainage plan~~ and amendments to it. No subsequent amendments are a part of this zone unless certified by the coastal commission. The general provisions, procedures, standards, content of plans and implementation contained in them are required conditions of development in addition to the provisions below. Approved development shall include the following conditions, in addition to the requirements specified above:

---

Section 21.205.060 (c.) (i.) of the Carlsbad Municipal Code is proposed to be amended as follows:

i. All off-site, downstream improvements (including debris basin and any other improvements) recommended in the **City of Carlsbad Drainage Master Plan, dated July 2008 drainage plan** shall be constructed prior to the issuance of a grading permit on-site. Improvements shall be inspected by city staff and certified as adequate and in compliance with the requirements of the drainage plan and the additional requirements of this zone. If the city declines to accept maintenance responsibility for the improvements, the developer shall maintain the improvements during construction of the on-site improvements;

LCPA 07-06

Proposed Text Changes to Agua Hedionda Land Use Plan

(***Bold, italicized, heavily underlined*** words indicate text to be added and ~~strikethrough, heavily underlined~~ words indicate text to be deleted)

habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the onsite preservation included in the Hardline preserve boundary shall apply.

3-13-1.14 Invasive Plants

The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.

3-14 Grading and Landscaping Requirements

In addition to the requirements of the ~~model grading ordinance in the City of~~ Carlsbad Master Drainage *Master* Plan, permitted new development shall also comply with the following requirements:

- a. Grading activity shall be prohibited during the rainy season: from October 1<sup>st</sup> to April 1<sup>st</sup> of each year.
- b. All graded areas shall be landscaped prior to October 1<sup>st</sup> of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1<sup>st</sup> following the initial planting.
- c. The October 1<sup>st</sup> grading season deadline may be extended with the approval of the City Engineer subject to implementation by October 1<sup>st</sup> of special erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation. Extensions beyond November 15<sup>th</sup> may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit.
- d. If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate best management practices (BMPs) are incorporated to limit potential adverse impacts from winter grading activities.

Received

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LCPA 07-06

Proposed Text Changes to Agua Hedionda Land Use Plan

(***Bold, italicized, heavily underlined*** words indicate text to be added and ~~strikethrough, heavily underlined~~ words indicate text to be deleted)

▪ Policies

- 4.1 a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ ***City of Carlsbad*** Drainage ~~Master~~ ***Plan***, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Master~~ ***City of Carlsbad Master*** Drainage ~~Master~~ ***Plan (1994)*** are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.
- e. Development projects should be designed to comply with the following site design principles:
1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
  2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
  3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
  4. Provide development-free buffer zones for natural water bodies.

LCPA 07-06

Proposed Text Changes to Agua Hedionda Land Use Plan

(***Bold, italicized, heavily underlined*** words indicate text to be added and ~~strikethrough, heavily underlined~~ words indicate text to be deleted)

- Limit grading to the minimum area necessary to accomplish the proposed development;
- Construction of drainage facilities prior to or concurrently with grading activities;
- Grading of surfaces so as to direct runoff toward planned drainages and, if possible, away from cut and fill slopes;
- Early planting and maintenance of ground cover suitable for slope erosion control and maximum retention of natural vegetation;
- Development projects shall preserve, as feasible, natural drainage swales and landforms.

4.3 Development projects shall provide for improvements indicated in the City of Carlsbad Master Drainage Master Plan, and shall limit the rate of runoff through the provision of onsite catchment basins, desilting basins, subsurface drains, and similar improvements as necessary. Runoff shall be controlled in such a way that the velocity and rate of runoff leaving the site shall not exceed that of the site in its natural state.

4.4 Recognizing the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, development shall be regulated as follows:

- a. Development on existing subdivided lots having all of their area in slopes of 25% or greater shall be permitted, but grading shall be limited to minimal site preparation for pole-type footings. Driveway/parking areas shall be limited in size and shall be restricted to an area adjacent to the local streets. Onsite vegetation shall not be disturbed beyond the minimal area needed to be cleared for the construction process, which shall be clearly delineated on approved site plans.
- b. Development, grading and landform alteration of natural steep slope areas (25%) shall be avoided, when feasible. Any unavoidable disturbance shall be minimized to the extent possible. Exceptions may include encroachments by roadway and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable City regulations.

LCPA 07-06

Proposed Text Changes to Agua Hedionda Land Use Plan

(***Bold, italicized, heavily underlined*** words indicate text to be added and ~~strikethrough, heavily underlined~~ words indicate text to be deleted)

- a) A runoff control plan prepared by a licensed engineer qualified in hydrology and hydrolics demonstrating/ that there would be no significant increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of 6 hour, 10-year frequency storm. Runoff control may be accomplished by a variety of methods including such devices as catchment basins, detention basins, siltation traps, or other appropriate measures.
- b) Development approvals shall include detailed maintenance provisions for repair and maintenance of approved drainage and erosion control facilities. Permanent runoff control and erosion control devices shall be installed prior to or concurrent with onsite grading activities.
- c) Development shall meet all other requirements of this plan, including the provisions of the City of Carlsbad Grading Ordinance and ~~Master~~ Drainage Master Plan.

5.8 The conceptual alignment recommended by PRC Toups (alignment 1-B) for Cannon Road shall be incorporated into this plan (see Exhibit G). In developing the precise alignment of the proposed roadway, the following design criteria and environmental protection measures shall apply:

- a) No portion of the road construction shall involve filling or dredging of fresh or saltwater marsh wetlands, except as noted in the letter from the Coastal Commission to the State Department of Fish and Game (2/17/82; Attachment 3, P. 56).
- b) To the extent that any portion of the road construction would occur in or adjacent to an environmentally sensitive habitat area other than a wetland, the road shall be sited and designed to prevent impacts which would significantly degrade such areas, shall avoid significant disruption of habitat values, and shall be sited and designed to be compatible with the continuance of habitat values.
- c) To the extent that there are no feasible less environmentally damaging alternatives and the road as designed would nonetheless result in adverse impacts to environmentally sensitive habitat areas, such impacts shall be fully mitigated in accordance with the recommendations of the State Department of Fish and Game.
- d) To protect agricultural lands from the growth-inducing potential of the project, no agricultural lands shall be assessed for construction of the road, and the road shall be designed so as to avoid uncontrolled access into adjacent agricultural areas.



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Policy 3 - Drainage, Erosion Control

- a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ **City of Carlsbad** Drainage ~~Master~~ **Plan**, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Drainage Master Plan~~ **City of Carlsbad Drainage Master Plan (1994)** are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdiction Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project and shall be installed prior to the initial grading. At a minimum, such mitigation shall require construction of all improvements shown in the ~~City of Carlsbad Master~~ **City of Carlsbad** Drainage ~~Master~~ **Plan** between the project site and the lagoon (including the debris basin), revegetation of all graded areas immediately after grading, and mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district or through any similar arrangement that allots costs among the various landowners in an equitable manner.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases to pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.
- e. Development projects should be designed to comply with the following site design principals:
- 1) Protect slopes and channels to decrease the potential for slopes and/or channels

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- (3) The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.
- (4) The area located west of Interstate 5 and north of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance, provided that a minimum of 35% is developed as visitor serving uses.

Policy 2 - Drainage, Erosion Control

- a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Master~~ Drainage ~~Master~~ Plan (1994) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project and shall be installed prior to initial grading. Mitigation shall also require construction of all improvements shown in the ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan and amendments thereto between the project site and the lagoon (including the debris basin), revegetation of all graded areas immediately after grading, and a mechanism for permanent maintenance if the City declines to accept responsibility. The offsite drainage improvements shall be reimbursable to Occidental by use of assessment districts, development agreements or other appropriate means acceptable to the City.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases to pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases to peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm water system (MS4) shall be

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- (f) Because north-facing slopes are generally more prone to stability problems and many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.
- (3) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.
- (4) The appropriate measures shall be installed prior to onsite grading.
- (5) All undevelopable slopes shall be placed in open space easements as a condition of development approval.
- (6) a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed. The SUSMP, dated April 2003 and as amended, the ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan ~~(1994)~~ are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increase in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

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- (4) Required Drainage or Erosion Control Facility Maintenance Arrangements
- (5) Installation and Timing of Permanent Runoff and Erosion Control Devices
- (6) Required Open Space Easements on Undeveloped Slopes

Policy 4-4 REMOVAL OF NATURAL VEGETATION

Policy 4-5 SOIL EROSION CONTROL PRACTICES

Policy 4-6 "SEDIMENT CONTROL" PRACTICES

Policy 4-7 FLOOD HAZARDS

- (a) Storm Drainage Facilities in Developed Areas
- (b) City's Grading Ordinance
- (c) Storm Drainage Facilities in Undeveloped Areas
- (d) Financing New Drainage Facilities
- (e) 100-Year Floodplain
- (f) City of Carlsbad ~~Master~~ Drainage Master Plan

Policy 4-8 SEISMIC HAZARDS

5. Public Works and Public Services Capacities

Policy 5-1 REGIONAL SEWAGE TRANSPORTATION SYSTEM

Policy 5-2 FUTURE SEWAGE TREATMENT

Policy 5-3 UNTREATED RECLAIMED WATER

Policy 5-4 TEN PERCENT RESERVE SEWAGE CAPACITY FOR COASTAL DEPENDENT RECREATION FOR VISITOR-SERVING USES

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**POLICY 3-2    BUENA VISTA LAGOON**

Developments located along the first row of lots bordering Buena Vista Lagoon, including the parcel at the mouth of the lagoon (See Exhibit 4.5, Page 75), shall be designated for residential development at a density of up to 4 dwelling units per acre. Proposed development in this area shall be required to submit topographic and vegetation mapping and analysis, as well as soils reports, as part of the coastal development permit application. Such information shall be provided as a part of or in addition to any required Environmental Impact Report, and shall be prepared by qualified professionals and in sufficient detail to enable the City to locate the boundary of wetland and upland areas and areas of slopes in excess of 25%. Topographic maps shall be submitted at a scale sufficient to determine the appropriate developable areas, generally not less than a scale of 1" - 100' with a topographic contour interval of 5 feet, and shall include an overlay delineating the location of the proposed project. Criteria used to identify any wetlands existing on the site shall be those of Section 30121 of the Coastal Act and based upon the standards of the Local Coastal Program mapping regulations, and shall be applied in consultation with the State Department of Fish and Game.

Development shall be clustered to preserve open space for habitat protection. Minimum setbacks of at least 100 feet from wetlands shall be required in all development, in order to buffer such sensitive habitat areas from intrusion unless otherwise permitted pursuant to Policy 3-1.12. Such buffer areas, as well as other open space areas required in permitted development to preserve habitat areas, shall be permanently preserved for habitat uses through provision of an open space easement as a condition of project approval. In the event that a wetland areas is bordered by steep slopes (in excess of 25%) which will act as a natural buffer to the habitat area, a buffer area of less than 100 feet in width may be permitted.

The density of any permitted development shall be based upon the net developable area of the parcel, excluding any portion of a parcel which is in wetlands.

Storm drain alignments as proposed in the City of Carlsbad ~~Master~~ Drainage Master Plan which would be carried through or empty into Buena Vista Lagoon shall not be permitted, unless such improvements comply with the requirements of Sections 30230, 30231, 30233, and 30235 of the Coastal Act by maintaining or enhancing the functional capacity of the lagoon in a manner acceptable to the State Department of Fish and Game.

Land divisions shall only be permitted on parcels bordering the Lagoon pursuant to a single planned unit development permit for the entire original parcel.

**POLICY 3-3    BATIQUITOS LAGOON**

Erosion, drainage, and sedimentation of Batiquitos Lagoon were previously addressed, in the certified

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provided in Policy 3-3 e) above.

**POLICY 3-4      GRADING AND LANDSCAPING REQUIREMENTS**

~~In addition to the requirements of the model grading ordinance in the Carlsbad Master Drainage Plan,~~  
Permitted new development shall also comply with the following requirements:

- a) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master City of Carlsbad~~ Drainage ***Master*** Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the ***City of Carlsbad Master*** Drainage ***Master*** Plan ~~(1994)~~ are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials; to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.
- c) Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- d) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- e) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

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native vegetation and selective thinning designed to assure safety from fire hazard, protection of native habitat, and landscape screening of the residential structures. No portions of brush management Zone 1 and 2 as defined in the City of Carlsbad Landscape Manual shall occur in designated open space areas. Zone 3 may be permitted within designated open space upon written approval of the Fire Department and only when native fire retardant planting is permitted to replace high and moderate fuel species required to be removed.

(e) Siting/Parking. Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated to minimize paved surface area. Dwelling units shall be clustered in the relatively flat portions of the site.

(g) Roads in Open Space: Access roads shall be a permitted use within designated open space subject to an approved coastal development permit, only when necessary to access flatter areas and when designed to be the least environmentally damaging feasible alternative. Wildlife corridors shall be required when necessary to facilitate wildlife movement through the open space area.

(h) Other Uses in Open Space: The designated open space on Planning Area D may be modified to accommodate daycare facilities and RV parking which meet the following criteria, subject to an approved coastal development permit:

- 1) In no case shall the designated open space corridor be less than 800 feet including the desiltation basin on Planning Area E;
- 2) No development shall encroach into jurisdictional wetlands mapped by the ACOE;
- 3) The facilities shall be located on the least environmentally sensitive portion of the site and within non-native grassland and/or disturbed agricultural area to the maximum extent possible; and
- 4) The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.

(i) Water Quality:

- a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ Drainage ~~Master~~ Plan, and the following additional requirements: The SUSMP, dated April 2003 and as amended, the City of Carlsbad Master-Drainage Master Plan (1994) are hereby incorporated into the LCP by

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not established at the time of preparation of the HMP. The purpose of the standards is to ensure that future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish a viable habitat corridor and preserve area in Zones 20 and 21. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment, subsequently approves a hardline preserve boundary for any of the above-described properties as part of the HMP, then the onsite preservation included in the hardline preserve boundary shall apply.

## 4. GEOLOGIC, FLOODPLAIN, AND SHORELINE HAZARD AREAS

**POLICY 4-1**    **COASTAL EROSION**I.    Development Along Shoreline

- a. For all new development along the shoreline, including additions to existing development, a site-specific geologic investigation and analysis similar to that required by the Coastal Commission's Geologic Stability and Blufftop Guidelines shall be required; for permitted development, this report must demonstrate bluff stability for 75 years, or the expected lifetime of the structure, whichever is greater. Additionally, permitted development shall incorporate, where feasible, sub-drainage systems to remove groundwater from the bluffs, and shall use drought-resistant vegetation in landscaping, as well as adhering to the standards for erosion control contained in the City of Carlsbad ~~Master~~ Drainage ~~Master~~ Plan. A waiver of public liability shall be required for any permitted development for which an assurance of structural stability cannot be provided. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinances, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ City of Carlsbad Drainage ~~Master~~ Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad ~~Master~~ Drainage ~~Master~~ Plan (1994) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.



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material is suitable for sand replenishment.

IV. Undevelopable Shoreline Features

No development shall be permitted on any sand or rock beach or on the face of any ocean bluff, with the exception of accessways to provide public beach access and of limited public recreation facilities.

**POLICY 4-2      LANDSLIDES AND SLOPE INSTABILITY**

The soils investigations now required as part of the land subdivision process are adequate to identify with specificity areas of landslide and instability. However, these investigations will need to be particularly thorough in those areas with La Jolla Group soils which have been identified for potential future development.

Currently, soils investigations are only required for subdivisions. In the future, any development proposed for areas known to be prone to landslide shall include a geologic investigation identifying appropriate mitigation measures, and such geologic report shall be substantially as has been required by the Coastal Commission's Geologic Stability and Blufftop Development Guidelines.

**POLICY 4-3      ACCELERATED SOIL EROSION**Areas West of I-5 and the Existing Paseo del Norte and Along El Camino Real Upstream of Existing Storm Drains

For areas west of the existing Paseo del Norte, west-of I-5 and along El Camino Real immediately upstream of the existing storm drains, the following policy shall apply:

- a. All development must include mitigation measures for the control of urban runoff rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ **City of Carlsbad** Drainage ~~Master~~ **Master** Plan, and the additional requirements contained herein. The SUSMP dated April 2003 and as amended, the **City of Carlsbad** ~~Master~~ **Master** Drainage ~~Master~~ **Master** Plan ~~(1994)~~ are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project, and shall be installed prior to the initial grading. At a minimum, such

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mitigation shall require construction of all improvements shown in the City of Carlsbad ~~Master~~ Drainage Master Plan and amendments thereto between the project site and the lagoon (including the debris basin), as well as: revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allots costs among the various landowners in an equitable manner.

- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.
- e. Development projects should be designed to comply with the following site design principles:
  1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
  2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
  3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
  4. Provide development-free buffer zones for natural water bodies.
  5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
  6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.

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- d) The percentage of steep slope encroachment listed in (a) and (b) above may be modified only for development consistent with the approved HMP and the resource habitat protection policies including Policy 3 above, and approved as part of the City's Incidental Take Permit pursuant to the adopted HMP.

(2) All Other Steep Slope Areas:

For all other steep slope areas, the City Council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:

- a) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigatable for at least 75 years, or life of structure.
- b) Grading of the slope is essential to the development intent and design.
- c) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas and is consistent with the habitat protection policies contained in Policies 3-1 and 3-8.
- d) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.
- e) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.
- f) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(3) Drainage and Erosion Control

- a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water

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Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Master~~ Drainage ~~Master~~ Plan ~~(1994)~~ are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.
- e. Development projects should be designed to comply with the following site design principles:
  1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
  2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
  3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
  4. Provide development-free buffer zones for natural water bodies.
  5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.

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writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

## (4) Required Drainage or Erosion Control Facility Maintenance Arrangements:

Development approvals shall include detailed maintenance arrangements for providing the ongoing repair and maintenance for all approved drainage or erosion-control facilities.

## (5) Installation &amp; Timing of Permanent Runoff and Erosion Control Devices:

All permanent runoff-control and erosion-control devices shall be developed and installed prior to or concurrent with any onsite grading activities.

## (6) Required Open Space Easements on Undeveloped Slopes:

All undevelopable slopes shall be placed in open space easements as a condition of development approval.

**POLICY 4-4      REMOVAL OF NATURAL VEGETATION**

When earth changes are required and natural vegetation is removed, the area and duration of exposure shall be kept at a minimum.

**POLICY 4-5      SOIL EROSION CONTROL PRACTICES**

- a. Soil erosion control practices shall be used against "onsite" soil erosion. These include keeping soil covered with temporary or permanent vegetation or with mulch materials, special grading procedures, diversion structures to divert surface runoff from exposed soils, and grade stabilization structures to control surface water. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master City of Carlsbad~~ Drainage ~~Master~~ Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Master~~ Drainage ~~Master~~ Plan (~~1994~~) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban

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**POLICY 4-6      "SEDIMENT CONTROL" PRACTICES**

- a. Apply "sediment control" practices as a perimeter protection to prevent offsite *drainage*. Preventing sediment from leaving the site should be accomplished by such methods as diversion ditches, sediment traps, vegetative filters, and sediment basins. Preventing erosion is of course the most efficient way to control sediment runoff. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ***Master City of Carlsbad*** Drainage ***Master*** Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the ***City of Carlsbad Master*** Drainage ***Master*** Plan (~~1994~~) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMP's) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.
- c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.
- d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.
- e. Development projects should be designed to comply with the following site design principles:
  1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.

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3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
  4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Projects.
- q. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

**POLICY 4-7      FLOOD HAZARDS**(a)      Storm Drainage Facilities in Developed Areas

Storm drainage facilities in developed areas should be improved and enlarged according to the City of Carlsbad ~~Master~~ Drainage ~~Master~~ Plan, incorporating the changes recommended in the LCP.

(b)      City's Grading Ordinance

The City's grading ordinance should be amended to greatly reduce the extent of onsite and offsite erosion due to construction activities. (See policies under Soil Erosion.) Although these are primarily erosion control measures, they will help to prevent sedimentation in downstream drainage facilities.

(c)      Storm Drainage Facilities in Undeveloped Areas

Drainage improvement districts shall be formed for presently undeveloped areas which are expected to urbanize in the future. The improvement districts would serve to implement the City of Carlsbad ~~Master~~ Drainage ~~Master~~ Plan. Upstream areas in the coastal zone shall not be permitted to develop prior to installation of the storm drain facilities downstream, in order to assure protection of coastal resources.

(d)      Financing New Drainage Facilities

New drainage facilities, required within the improvement districts, should be financed either by some form of bond or from fees collected from developers on a cost-per-acre basis.

(e)      100-Year Floodplain

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Development shall continue to be restricted in 100-year floodplain areas. Continuing the policy of zoning 100-year floodplains as open space will permit natural drainage to occur without the need for flood control channels. No permanent structures or filling shall be permitted in the floodplain and only uses compatible with periodic flooding shall be allowed.

(f) ~~Master Drainage~~ **Master Plan**

Adopt the provisions of the ~~City of Carlsbad Master Drainage~~ **Master Plan** to ameliorate flood and drainage hazards within the planning area.

**POLICY 4-8      SEISMIC HAZARDS**

The provisions of the State Uniform Building Code are not entirely adequate for earthquake protection. The City should continue to monitor the UBCs earthquake provisions and make recommendations for improvement.

Most development in liquefaction-prone areas should have site-specific investigations done addressing the liquefaction problem and suggesting mitigation measures. New residential development in excess of four units, commercial, industrial, and public facilities shall have site-specific geologic investigations completed in known potential liquefaction areas.

## 5. PUBLIC WORKS AND PUBLIC SERVICES CAPACITIES

**POLICY 5-1      REGIONAL SEWAGE TRANSPORTATION SYSTEM**

The planned improvements to the regional sewage transportation system should be undertaken and completed. These improvements are necessitated by development beyond the coastal zone.

**POLICY 5-2      FUTURE SEWAGE TREATMENT**

Future treatment demands can be met by the combined effects of enlarging the Encina Water Pollution Control Facility and implementing the City of Carlsbad Wastewater Reclamation Master Plan. The City must participate in meeting growth demands beyond the coastal zone.

**POLICY 5-3      UNTREATED RECLAIMED WATER**



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5. Agricultural improvements which will aid in continuation of agricultural production within the Carlsbad Coastal Zone, as determined by the Carlsbad City Council.

**Note:** The fee for the remaining 60 acres of non-prime agricultural land within the Poinsettia Shores Master Plan was set with the approval of the Batiquitos Lagoon Educational Park Master Plan at \$5,000 per acre.

## C. GRADING AND EROSION CONTROL

- a. Because the area is located close to environmentally sensitive habitats, all development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ ***City of Carlsbad*** Drainage ~~Master~~ ***Master*** Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the ~~City of Carlsbad Master~~ ***City of Carlsbad*** Drainage ~~Master~~ ***Master*** Plan (~~1994~~) are hereby incorporated in the LCP by reference. Development must comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.
- b. Drainage and runoff shall be controlled so as not to exceed the capacity of the downstream drainage facilities or to produce erosive velocities and appropriate measures shall be taken on and/or off the site to prevent the siltation of the Batiquitos Lagoon and other environmentally sensitive areas.
- c. All graded areas shall be hydroseeded prior to October 1st with either temporary or permanent materials. Landscaping shall be ~~maintained and replanted~~ if not established by December 1st.
- d. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earth-moving equipment, stockpiling or earthwork material, or other disturbances within the open space areas.
- e. Any necessary temporary or permanent erosion control devices required for the development of a specific planning area, such as desilting basins, shall be developed and installed prior to any on, or off, site grading activities within the specific planning area requiring the mitigation, or concurrent with the grading, provided all devices required for that planning area are installed and operating prior to October 1st, and installation is assured through bonding or other acceptable means.
- f. The developer must provide for the long-term maintenance of drainage improvements and

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cumulative development shall be implemented prior to development in accordance with the following additional criteria:

- 1) Submittal of a runoff control plan designated by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps, and energy dissipators and shall not be concentrated in one area or a few locations.
- 2) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities.
- 3) All permanent runoff and erosion control devices shall be developed and installed prior to or concurrent with any onsite grading activities.
- 4) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said plantings shall be accomplished under the supervision of a licensed landscape architect and shall consist of seeding, mulching, fertilization, and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles.
- 5) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), ~~Master~~ ***City of Carlsbad*** Drainage ~~Master~~ ***Plan***, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the ***City of Carlsbad*** ~~Master~~ Drainage ~~Master~~ ***Plan*** (~~1994~~) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that