

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



F17c

LCP-6-CAR-20-0078-2 (DENSITY BONUS UPDATE)

DECEMBER 17, 2021

CORRESPONDENCE

Public Comment on December 2021 Agenda Item Friday 17c - City of Carlsbad LCP Amendment No. LCP-6-CAR-20-0078-2 (Density Bonus Update)

Christopher Pederson <cpedersonlaw@gmail.com>

Wed 12/8/2021 12:41 PM

To: SanDiegoCoast@Coastal <SanDiegoCoast@coastal.ca.gov>

Cc: Ainsworth, John@Coastal <John.Ainsworth@coastal.ca.gov>; Schwing, Karl@Coastal <Karl.Schwing@coastal.ca.gov>; Prahler, Erin@Coastal <Erin.Prahler@coastal.ca.gov>; Boyle, Carrie@Coastal <carrie.boyle@coastal.ca.gov>; Warren, Louise@Coastal <Louise.Warren@coastal.ca.gov>

Dear Chair Padilla and Commissioners:

The Commission should reject the City of Carlsbad density bonus LCP amendment as submitted and certify it with a suggested modification allowing the approval of incentives and concessions for density bonus projects so long as they are consistent with Carlsbad's certified LUP.

As submitted, the City's proposed LCP amendment requires any incentives or concessions for density bonus projects to be fully consistent with all the technical requirements of the LCP regardless of whether those technical requirements as applied to a particular project are necessary for the protection of coastal resources or to ensure compliance with the certified LUP. Thus, for example, a density bonus project could not request exceptions from certified implementation program ("IP") requirements regarding setbacks or height even if the project would not impair any coastal views and have no effect on sensitive habitat or coastal bluffs.

By prohibiting exceptions to technical requirements in the IP even when they are unnecessary to protect coastal resources or to ensure compliance with the LUP, the LCP amendment is likely to render projects that include affordable housing infeasible. This is incompatible with the Coastal Act mandate to encourage housing opportunities for low and moderate income persons. (Pub. Resources Code, § 30604(f).)

The Commission can fulfill its obligation to encourage affordable housing while also protecting coastal resources by adopting a suggested modification that would allow incentives and concessions for density bonus projects so long as they comply with the certified LUP. By facilitating more affordable housing in the coastal zone, this would also advance Coastal Act policies to maximize public access for all and to promote environmental justice. (See Pub. Resources Code, §§ 30013, 30210, 30604(h).)

The Commission should also encourage local governments that are considering density bonus LCP amendments in the future to propose combined LUP and IP amendments. This would allow maximum flexibility for the approval of density bonuses, incentives, and concessions while also ensuring full compliance with the Chapter 3 policies of the Coastal Act.

Thank you for your consideration of my comments.

Sincerely,

Christopher Pederson