

CALIFORNIA COASTAL COMMISSION

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



F14a

Date: July 31, 2025

To: COMMISSIONERS AND INTERESTED PERSONS

From: KARL SCHWING, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
ERIN PRAHLER, COASTAL PROGRAM MANAGER, STATEWIDE PLANNING
SHAHAR AMITAY, HOUSING COORDINATOR, STATEWIDE PLANNING
TONI ROSS, COASTAL PLANNER, SAN DIEGO COAST DISTRICT

Subject: STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT NO. LCP-6-CAR-24-0013-1 (Carlsbad Housing Element
Rezone) for Commission Meeting of August 15, 2025

SYNOPSIS

The subject LCP land use plan and implementation plan amendment was submitted and filed as complete on May 3, 2024. A one-year time extension was granted on August 8th, 2024. As such, the last date for Commission action on this item is September 11, 2025.

This report addresses one of two components submitted at the City of Carlsbad's first LCP Amendment submittal for 2024. The other component, LCP-6-CAR-24-0012-1 (Aura Circle Open Space Rezone) is also scheduled for the Commission's August agenda, as item F14b.

SUMMARY OF AMENDMENT REQUEST

The City is submitting the subject LCP amendment to facilitate meeting its housing goals, which are set forth in the City's Housing Element. The City of Carlsbad is requesting to amend the land use and zoning designations for seven sites within the City's coastal zone to allow high density residential development ([Exhibit 1](#)). The anticipated overall capacity of these seven sites would amount to 883 units, which exceeds the 623-unit Regional Housing Needs Assessment (RHNA) obligation in the coastal zone by 260 units. The City is also proposing to add two new land use designations—R-35 (32.5 to 35 dwelling units per net acre) and R-40 (37.5 to 40 dwelling units per net acre). To align with the proposed land use redesignations of the seven sites, the proposed LCP amendment will rezone six¹ sites.

¹ The La Costa Glen/Forum (Site 19) is currently zoned Planned Community (P-C) and is not proposed to be rezoned.

To account for the higher residential densities afforded by the newly proposed R-35 and R-40 land use designations, the City is also proposing to make changes to several development standards (such as height, parking, yard setbacks, lot area and coverage, private recreational space, and growth control points) that would incorporate the new land use designations. The City's submitted LCP amendment would also simplify and remove exceptions to certain front and side yard setback requirements. In the R-35 and R-40 land use designations, the City is proposing to prohibit single-family residences; this prohibition will extend to other lots rezoned to meet RHNA requirements as detailed in the Housing Element. For the rezoned sites, the City is proposing to require that 20% of units on non-City owned (including private) properties be made affordable to lower-income households, and for City-owned sites, the threshold is increased to 40% of units. Projects that conform to specific requirements, including containing at least 20% lower income housing (Gov. Code, § 65583.2(h)), would have guaranteed ("by right") approval and be subject to the mitigation measures of the Environmental Impact Report that is supplemental to this Housing Element Rezone.

Finally, the City is proposing changes to the Green Valley Master Plan, which is an implementing measure of the East Batiquitos Lagoon/Hunt Properties segment of the LUP (i.e., it is part of the IP), applicable to the La Costa Glen/Forum site (Site 19) under consideration for redesignation herein. These include changes to various figures of the Green Valley Master Plan, as well as text changes to reflect the redesignation of the La Costa Glen/Forum site as R-23 within Planning Area 2 of the Master Plan, add development standards and affordability requirements for this site.

This proposal would amend the City's East Batiquitos Lagoon/Hunt Properties and Mello II segments of the land use plan, land use maps and zoning maps, and the implementation plan, which consists of Title 21 (Zoning) of the Carlsbad Municipal Code and the Green Valley Master Plan.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP and IP amendment as submitted, then approval of both components with **eight** suggested modifications in total.

The key Coastal Act issues of concern is the potential for residential development at some of the sites to adversely affect environmentally sensitive habitat area (ESHA), wetlands (including vernal pools), and water quality. With respect to the La Costa Glen/Forum site, the City's proposed map and text changes generally seek to conform the Green Valley Master Plan with the redesignation of the site from Regional Commercial to R-23, while identifying parameters related to net developable acres for density yield calculations, total residential unit targets for the site, density, height, and other development standards. Nonetheless, the Commission and City agree that the western, upper mesa portion of the site should not be developed with residential uses, even if this acreage is ultimately utilized for density yield and density bonus calculations. As such, Commission staff recommends **Suggested Modifications 1 and 5 through 8** that would ensure that coastal resources present on the site are adequately protected, while enabling the City to meet the density targets of its Housing Element.

Staff recommends **Suggested Modification 2**, which adds a new Policy 3-9 to the Mello II segment of the LUP, to better protect ESHA, vernal pools, and water quality within the NCTD Poinsettia Coaster Station site (Site 17). This added policy would ensure that any future CDP application for residential development at this site provides sufficient information during the filing process to understand the potential impacts that the project would have on the vernal pools and water quality at this site, and it would also require that the project pursue specific design elements (such as clustered above-ground parking) to protect ESHA and water quality, consistent with the requirements of the Coastal Act.

Relatedly, the City proposes to simplify the existing certified language in Section 21.24.040 (Front Yard) of the Carlsbad Municipal Code, such that the requirement would now be for a front yard of no less than ten feet, except where there are carport or garage openings facing the front yard, where the minimum front yard depth then becomes twenty feet. At the same time, the City struck out language related to approval of landscaping and irrigation system plans by the City planner prior to issuance of a building permit for a proposed residential structure. By restoring all previous certified language in this Municipal Code section, staff believes that **Suggested Modification 4** would ensure that sites where the front yard is in proximity to ESHA would seek and receive City approvals for landscaping and irrigation, thus avoiding potential offsite adverse effects on sensitive habitats, riparian areas, and water quality.

The appropriate motions and resolutions begin on Page 7. The suggested modifications begin on Page 9. The findings for denial of the land use plan amendment as submitted begin on Page 22. The findings for approval of the LUP amendment, if modified, begin on Page 30. The findings for rejection of the implementation plan amendment as submitted begin on Page 39. The findings for approval of the IP amendment, if modified, begin on Page 40.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP amendment No. LCP-6-CAR-24-0013-1 may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

TABLE OF CONTENTS

I. OVERVIEW	5
A. LCP HISTORY	5
B. STANDARD OF REVIEW	6
C. PUBLIC PARTICIPATION	7
II. MOTIONS AND RESOLUTIONS.....	7
III. SUGGESTED MODIFICATIONS.....	9
IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED	14
A. AMENDMENT DESCRIPTION	14
B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT.....	19
C. CONFORMITY OF THE CITY OF CARLSBAD LAND USE PLAN WITH CHAPTER 3.....	20
V. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED	32
A. AMENDMENT DESCRIPTION	32
B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN.....	34
VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	43
 APPENDIX A – CERTIFIED HABITAT MANAGEMENT PLAN POLICIES AND EXCERPTED COMMISSION FINDINGS	 44
APPENDIX B – SUBSTANTIVE FILE DOCUMENTS	53

EXHIBITS

- [Exhibit 1](#) – Vicinity Map
- [Exhibit 2](#) – Site Appealability Map
- [Exhibit 3](#) – Proposed Land Use Map Changes
- [Exhibit 4](#) – Proposed Zoning Map Changes
- [Exhibit 5](#) – Previous Vegetation Mapping
- [Exhibit 6](#) – City Council Resolution No. 2024-015
- [Exhibit 7](#) – City Council Ordinances Nos. CS-465 and CS-466

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-Barrio. 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. The Village LCP segment was expanded and renamed the Village-Barrio in 2019. 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.

This proposal would amend the City's East Batiquitos Lagoon/Hunt Properties and Mello II segments of the land use plan, land use maps and zoning maps, and the implementation plan, which consists of Title 21 (Zoning) of the Carlsbad Municipal Code and the Green Valley Master Plan. The City also originally proposed to amend a specific plan for the North County Plaza site; however, the North County Plaza Specific Plan is not certified by the Commission, and thus, at this time, the City is no longer proposing to incorporate it as an implementing measure of the Mello II segment of the land use plan.

BACKGROUND

The City is submitting the subject LCP amendment to facilitate meeting its housing goals, which are set forth in the City's Housing Element. State Housing Element Law requires cities and counties to adopt and regularly update (every eight years) their Housing Element, a mandatory element of the City's General Plan. In 2021, the Carlsbad City Council approved, and the State certified, a Housing Element Update for the 2021-2029 planning period, consistent with Housing Element Law. As part of the Housing Element Update, the City inventoried housing sites that could accommodate its share of forecasted residential growth in the region. The State, through the San Diego Association of Governments, set Carlsbad's Regional Housing Needs Assessment (RHNA) allocation at 3,873 total housing units (including 1,311 units made affordable for Very Low Income households, 784 units for Low Income households, 749 units for Moderate Income households, and 1,029 market-rate units).² After evaluating how many housing units could

² To provide adequate housing for the full spectrum of income levels, the allocated number of housing units each jurisdiction must provide for is distributed by varying income categories. The State uses the income categories established by the U.S. Department of Housing and Urban Development (HUD), which groups income ranges for different household types into five income categories: extremely low, very low, low, moderate, and above-moderate household income. HUD bases the household income for each of these categories on a percentage of a particular region's area median income (AMI).

already be accommodated via existing zoning, the City determined that it would still need to rezone to allow for approximately 2,600 additional affordable housing units.³

Under the City's Housing Element Program 1.1, the City needed to act on and adopt the rezoning by April 2024 to ensure that the City is on track to adequately address its housing unit shortfall. After substantial input from the public and the City's Planning and Housing Commissions, the City Council approved on January 30, 2024 the rezoning of 16 sites citywide, seven of which are within the coastal zone. It also approved a minimum affordability requirement of 20% of units on non-City owned sites and 40% of units on City-owned sites identified for this rezoning effort, to help address the City's needs for affordable housing.

The Commission notes that while the General Plan (and thus Housing Element) is not a part of the Carlsbad LCP, the certified LCP incorporates certain portions of the General Plan, such as land use maps and land use designations, as well as certain requirements for their implementation (via the certified zoning). Thus, revisions to the text and maps of the Local Coastal Program, including land use and zoning map changes, amendments to the Land Use Plan, and modifications to the Municipal Code and master plans, are necessary to provide consistency between the General Plan's Housing Element, Land Use Plan, master plans, and the Municipal Code. The Housing Element Rezone is designed to address a variety of objectives, including increased housing stock by accommodating a variety of housing types to meet the needs of all Carlsbad residents, providing adequate sites with corresponding density to meet the City's RHNA allocation, adopting State mandated and locally desired programs to implement the City's efforts effectively, maintaining community character through project design requirements, adequately addressing and minimizing potential adverse environmental impacts, and distributing housing across various geographic areas of the City, including both within and outside the coastal zone.

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

³ Note that the California Department of Housing and Community Development (HCD) recommends cities add a 15-30% buffer to the remaining RHNA target to ensure adequate sites will exist throughout the eight-year project period or "Housing Cycle." In this case, the remaining RHNA target, after considering existing zoning already able to accommodate additional housing, is 1,724 affordable units. The City is proposing a 30% buffer, which results in the need for 2,578 new affordable units accomplished via rezoning.

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.

II. MOTIONS AND 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.

1. MOTION:

I move that the Commission certify the Land Use Plan Amendment for the City of Carlsbad as submitted.

STAFF RECOMMENDATION OF DENIAL OF CERTIFICATION:

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial 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 DENY CERTIFICATION OF LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment for the City of Carlsbad as submitted and finds for the reasons discussed below that the submitted Land Use Plan Amendment fails to meet the requirements of and does not conform to the policies of Chapter 3 of the California Coastal Act. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.

2. MOTION:

I move that the Commission certify the Land Use Plan Amendment for the City of Carlsbad as submitted if modified pursuant to the staff recommendation.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification with suggested modifications of the submitted land use plan amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY THE SUBMITTED LAND USE PLAN AMENDMENT IF MODIFIED AS SUGGESTED:

The Commission hereby certifies the Land Use Plan Amendment submitted for the City of Carlsbad and adopts the findings set forth below on grounds that the Land Use Plan Amendment as submitted with suggested modifications 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 amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts which the Land Use Plan Amendment may have on the environment.

3. MOTION:

I move that the Commission reject the Implementation Program Amendment for the City of Carlsbad certified LCP as submitted.

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Program 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 REJECT THE IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program Amendment submitted for City of Carlsbad and adopts the findings set forth below on grounds that the Implementation Program as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Program would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts

on the environment that will result from certification of the Implementation Program as submitted.

4. MOTION:

I move that the Commission certify the Implementation Program Amendment for the City of Carlsbad as submitted if modified pursuant to the staff recommendation.

STAFF RECOMMENDATION: CERTIFICATION IF MODIFIED AS SUGGESTED:

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

RESOLUTION TO CERTIFY THE IMPLEMENTATION PROGRAM AMENDMENT WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad if modified as suggested and adopts the findings set forth below on grounds that the Implementation Program Amendment, with the suggested modifications, conforms with and is adequate to carry out the certified Land Use Plan. Certification of the Implementation Program Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

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

REVISIONS TO LAND USE PLAN

1. Modify Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties Segment of the LUP as follows:

- (b) Upland (approximately 240 acres) is designated for a combination of Residential (R-15 – 11.5-15 du/ac and R-23 – 19-23 du/ac), Regional Commercial (R), and Open Space uses. The maximum height of new development shall be ~~limited to 35 feet~~ consistent with the Carlsbad Municipal Code, unless otherwise indicated in the certified Green Valley Master Plan. Additionally, the intensity of

development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a the certified Master Plan, as amended, which is consistent with the uses allowed by the Carlsbad General Plan.

2. Add Mello II LUP Policy 3-9 for the Poinsettia Coaster Station:

POLICY 3-9 POINSETTIA COASTER STATION

(a) Residential Development:

(1) Residential development shall be permitted to take place only on APNs 214-150-20-00 and 214-150-08-00, in accordance with the underlying LCP Land Use designation. The residential land use designations shall represent the maximum density permitted, subject to the application of any-requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.

(2) Residential development shall not take place on APN 214-150-11-00.

(3) Shading Analysis – A sun/shade analysis shall be required as a filing requirement for all coastal development permit applications associated with any residential or mixed-use development proposed on APNs 214-150-20-00 and 214-150-08-00, subject to approval by the City of Carlsbad Planning Department, California Department of Fish and Wildlife, and other relevant resource agencies. The shading analysis shall incorporate a graphic representation of how the proposed structure(s) will potentially shade the sensitive habitat and vernal pools on the site during at least five times of the day (6 AM, 9AM, 12PM, 3PM, and 6PM) of the winter and summer solstices and the spring and fall equinoxes. The shading analysis shall address possible negative impacts to the sensitive habitat and vernal pools by new shading from the proposed structure(s), and shall discuss methods to minimize such adverse impacts, such as but not limited to, lowering the height(s) of the structure(s), increasing setbacks from the vernal pool channel, utilizing bird-safe glass for greater sunlight infiltration, and architectural articulation or modulation changes.

(b) Parking

(1) Parking lots shall incorporate innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole or podium construction) to minimize paved surface area.

(2) No underground parking shall be allowed, and podium-level or multi-story parking structures requiring foundations shall utilize the minimum necessary foundations for support.

(c) Water Quality

(1) New development shall avoid adverse impacts on vernal pools.

(2) The property owner shall not interfere with or conduct work contrary to the existing conservation easement or vernal pool preserve management plan(s) applicable to the site.

(3) Drainage and runoff shall be controlled so as not to exceed at any time the drainage or runoff rates associated with the property prior to the proposed development, and appropriate measures shall be taken on or offsite to prevent siltation of vernal pools, aquatic habitats, and other environmentally sensitive areas.

(4) All development shall implement the water quality requirements listed in subsection (i) of Mello II LUP Policy 3-5 (Kelly Ranch/Macario Canyon Area), unless they otherwise conflict with this policy.

(5) Groundwater and Hydraulics Analysis – Submittal of a groundwater and hydraulics analysis conducted by a licensed professional qualified in hydrology and hydraulics shall be required as a filing requirement for all coastal development permit applications associated with any development. The groundwater and hydraulics analysis shall determine the depth of the groundwater table at that portion of the site, as well as include quantitative measurements and additional discussion of any hydrological connection between groundwater, drainage (including percolated runoff), existing drainage infrastructure on the site, and underground feeding of the vernal pools. The analysis shall discuss methods to minimize adverse impacts to the vernal pools resulting from ground-disturbing activities or those that would otherwise alter the drainage patterns onsite. The analysis shall discuss whether pollutants or contaminants from the proposed development would potentially reach and negatively affect the vernal pools due to the hydrology of the site. If so, the analysis shall indicate methods to control hydraulics, which may include, but not be limited to, onsite catchment basins, detention basins, siltation traps, and dissipators.

**REVISIONS TO TITLE 21 (ZONING) OF THE CARLSBAD MUNICIPAL CODE
(IMPLEMENTATION PLAN)**

3. Modify IP Section 21.24.020 (RD-M Zone), Note 7 of Table A, as follows:

7. Housing developments that contain a minimum of 20 percent affordability to lower-income households as required by Government Code section 65583(c)(1) and 65583.2(h) and that are on specific sites rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element shall be permitted “by right” as that term is defined in Government Code Section 65583.2(h) and shall be subject to the mitigation measures of Supplemental

Environmental Impact Report EIR 2022-0007, certified by City Council Resolution 2024-014X-XXX.

4. Restore the City’s deleted language in IP Section 21.24.040 (Front Yard).

REVISIONS TO GREEN VALLEY MASTER PLAN (IMPLEMENTATION PLAN)

5. Revise Figures I-5 (Master Plan Land Use) and VI-11 (Planning Area 2 - Land Use) to include the following note for the Multifamily Residential area that states “Western portion of this area shall not be developed. See Planning Area 2 development standards.”

6. Revise Figure II-1 of the Green Valley Master Plan (General Plan Land Use) to modify the City’s proposed note, as follows: “Boundaries are conceptual. See General Plan and certified Local Coastal Program Land Use Maps for boundaries of each land use designation.”

7. Modify Table I-1 (Land Use Summary) of the Green Valley Master Plan as follows:

Planning Area	Land Use Estimates				Total Area
	Retail Center	Residential	Open Space	Public Street R.O.W	
1	-	-	69.7*	9.5	79.2
2	18.3 NDA	4.0 NDA	2.67	-	24.97
3	-	55.8 NDA	-	-	55.8
4	-	-	122.8**	-	122.8
5			1.7		1.7
-				3.4	3.4
TOTAL	18.3 NDA	59.8 NDA	194.2 196.9**	12.9	287.9

* Riparian Woodland and Upland Buffer

** Upland Bluffs

NDA Estimated Net Development Acres

8. Modify “Development Standards” for Planning Area 2 in Section VI.C as follows:

[...] Residential development within the area designated R-23 (Residential 19-23 du/ac) shall be subject to all applicable requirements of the Local Coastal Program and the development standards in the CMC, including Chapter 21.24 (RD-M), except for building setbacks from Calle Barcelona, as specified below. Development is subject to approval of a site development plan (apartments) or a planned development permit (condominiums).

The eastern and western portions of the area designated R-23 are divided by a

steep slope. The western portion of the site at the top of the slope shall not be developed and shall be available for habitat restoration/mitigation purposes. Development shall be clustered on the eastern portion of the site. Clustering development on the eastern portion of the site shall not prevent meeting the density used in the Housing Element for the site, which is assumed to yield approximately 76 dwelling units. The density yield shall be determined based on a site specific analysis to confirm the net developable acres. The decisionmaker may authorize waivers to development standards, such as setbacks and building height, to achieve the number of units required by the Housing Element.

[...] ~~Setbacks (residential area)~~

- ~~1. A minimum setback of 35 feet shall be maintained from Calle Barcelona. This setback is applicable to all structures and all fences or walls greater than 42 inches in height.~~
- ~~2. Refer to Carlsbad Municipal Code Title 21 for all other setback requirements.~~

IV. FINDINGS FOR DENIAL OF CERTIFICATION OF THE CITY OF CARLSBAD LAND USE PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

A. AMENDMENT DESCRIPTION

The City of Carlsbad has worked closely with the Department of Housing and Community Development (HCD) in order to develop an inventory of suitable sites as part of its Housing Element Rezone ([Exhibit 1](#)). In general, each of the seven sites within the coastal zone that are proposed to be rezoned could accommodate 50 units or more, although some of the sites currently consist of several individual parcels that are in common ownership and there are some individual parcels that are too small to accommodate large multifamily housing developments. The rezoning will apply a residential density that ranges from a minimum of 19 dwelling units per net acre to a maximum of 40 dwelling units per net acre, and this will ensure that lots are able to be consolidated as needed.

The R-35 (32.5 to 35 dwelling units per net acre) and R-40 (37.5 to 40 dwelling units per net acre) are General Plan land use designations that are not currently part of the certified LCP. This LCP amendment will add these two new land use designations and implement them both via existing RD-M (Residential Density – Multiple) zoning. The higher residential densities afforded by these land use designations are proposed to be reflected in the certified land use map. In addition to redesignating these sites on the certified LCP land use map, the City also proposes a text change to Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties segment of the LUP to reflect the proposed redesignation of the La Costa Glen/Forum site (Site 19). Therefore, for the seven sites within the coastal zone that are being redesignated through this LCP amendment, development must meet the minimum densities of the new land use designations. They are as follows:

Site	APNs	Existing Land Use Designation	Proposed Land Use Designation	Site Size (Ac.)	Anticipated Residential Yield (Units)
North County Plaza (Site 1)	156-301-16-00	R/OS*	R/R-40/OS	19.5	240
Avenida Encinas Car Storage Lot (Site 5)	210-090-24-00	PI	R-30	2.2	53
Crossings Golf Course Lot 5 (Site 6)	212-270-05-00	PI/O	R-30	11.4	181
Caltrans Maintenance Station &	211-050-08-00, 221-050-09-00	P, GC	R-30	6.9	183

LCPA No. LCP-6-CAR-24-0013-1 (Carlsbad Housing Element Rezone)

Pacific Sales (Site 16)					
NCTD Poinsettia Coaster Station (Site 17)	214-150-08-00, 214-150-20-00	P	R-23/P	5.8	100
North Ponto Parcels (Site 18)	216-010-01-00, 216-010-02-00, 216-010-03-00, 216-010-04-00, 216-010-05-00	GC	R-23	1.2	50
La Costa Glen/Forum (Site 19)	255-012-05-00	R/OS*	R-23/OS	7.8	76
					Total: 883 new dwelling units

Legend:

GC = General Commercial
 O = Office
 OS = Open Space
 P = Public
 PI = Planned Industrial
 R = Regional Commercial

R-23 = Residential – 23 (19-23 du/ac)
 R-30 = Residential – 30 (26.5-30 du/ac)
 R-35 = Residential – 35 (32.5-35 du/ac)
 R-40 = Residential – 40 (37.5-40 du/ac)

* Portions of some sites are currently designated Open Space, as shown by the “split” designation. The City states that the proposed redesignation for these sites does not affect the existing OS designation.

Where environmentally sensitive habitat areas, wetlands, areas of steep slopes, or other site constraints may occur, the City conservatively calculated the capacity of such sites and assigned a land use designation of R-23 (with a residential density of 19-23 dwelling units per net acre). Even with the reduced land use designations for some of the constrained sites, the anticipated overall capacity of the seven sites within the coastal zone that are available for redesignation as part of the Housing Element Rezone would amount to 883 units, which would exceed the 623-unit RHNA obligation in the coastal zone by 260 units. The City therefore believes that the calculated targets and yields actually undercount the coastal sites’ potential (realistic) capacity and so will be adequate for the remainder of the planning period.

Of the seven coastal zone sites, two are either within or contain areas appealable to the Coastal Commission (as described in Coastal Act Section 30603). The appealable areas are shown in [Exhibit 2](#), and include the North County Plaza (Site 1) and NCTD Poinsettia Coaster Station (Site 17). A description of each of the seven sites is found below.

North County Plaza (Site 1) – This site is a 19.52-acre property located east of Jefferson Street, north of Marron Road, and south of Highway 78 developed with a shopping center. The site is also located directly west of The Shoppes at Carlsbad (formerly the Plaza Camino Real Shopping Center). Buena Vista Creek, the primary tributary to Buena Vista Lagoon, flows within the northern part of the site with native riparian vegetation in and surrounding the creek. A fence delineates the limits of the top of the slope (bank) of the Creek, and a discontinuous strip of non-native eucalyptus/gum trees offers a narrow buffer between the existing development’s parking lot and the Creek. A biological assessment of Buena Vista Creek was recently conducted as part of maintenance (vegetation removal) proposals that ensure the surrounding areas are protected from flooding ([Exhibit 5](#)).

The current land use classification of the site is Regional Commercial and Open Space (R/OS). To facilitate the submitted application and the City’s RHNA targets under its Housing Element, the site is proposed to be redesignated as Regional Commercial, Residential – 40, and Open Space (R/R-40/OS). The City notes that the potential capacity of the site could be as high as 300 units, if the site is to be approximately half-residential and half-commercial (not including the undevelopable acreage of Buena Vista Creek that is already designated open space). The project site is within the Mello II segment of the LUP, and it encompasses areas that are both appealable and not appealable to the Coastal Commission, as well as retained Commission jurisdiction; the applicant, City, and Commission could agree to process any pending or future applications as a consolidated coastal development permit (CDP). The City originally proposed to incorporate into the LCP the North County Plaza Specific Plan with modifications to address the site’s redesignation, but upon learning that this Specific Plan is not certified by the Commission, the City no longer proposes this component of the LCP amendment.

Avenida Encinas Car Storage Lot (Site 5) – This site is a 2.2-acre parcel located to the west of I-5 along Avenida Encinas, just south of Cannon Road, and east of the Los Angeles-San Diego (LOSSAN) rail corridor. The parcel is currently used as an underutilized private car storage lot that sits along a stretch of existing commercial uses. The site is entirely paved and graded, and there are no environmentally sensitive habitat areas, wetlands, or steep slopes. The site is located within the Mello II segment of the LUP, in an area where the City’s actions on CDPs are not appealable to the Coastal Commission. The City proposes to change the property’s land use designation from Planned Industrial (PI) to Residential – 30 (R-30). This high-density residential designation would facilitate apartments and/or condominiums up to three stories, with a minimum density of 47 residences. The City’s staff report for this LCP amendment notes that the currently proposed residential opportunity for this site is 53 units.

Crossings Golf Course Lot 5 (Site 6) – This site is a vacant 11.4-acre parcel located within the Crossings Municipal Golf Course. The Golf Course has been in operation since 2006. The Commission first reviewed and approved the Golf Course in 2003 (CDP A-6-CII-00-087). As part of this underlying CDP, the subject lot was graded and developed with manufactured slopes and a retaining wall to its immediate north. Given the previous development and intended uses for this site, the developable (flat) portion of the site, comprising 6.8 acres, is not currently known to support environmentally sensitive habitat, although the sloped part beyond the retaining wall contains coastal sage scrub ([Exhibit 5](#)).

Lot 5 is only partially located within the coastal zone, within the Mello II segment of the LUP, and is not located within the Commission's appeals jurisdiction. To the south of the site is College Boulevard and Palomar Point Way, and to the east of the site is a canyon as well as an office park. If the proposed redesignation from Planned Industrial/Office (PI/O) to R-30 were applied to the property, then at the minimum density of the new land use designation of 26.5 dwelling units per net acre over 6.8 developable acres, approximately 180 units could be developed on the graded, flat, and developable portion of the site. Given that the City owns the site, at least 40% of the development would be set aside as affordable, although the City may choose to require a higher affordability threshold.

Caltrans Maintenance Station & Pacific Sales (Site 16) – The site consists of two, separately owned parcels south of Palomar Airport Road and east of Paseo Del Norte. The larger, 4.2-acre parcel is owned by the State of California and developed with a Caltrans maintenance station. As a Caltrans maintenance station, above and below ground contaminants, such as from oil, fuel, lubricants, or other materials, may be present, and these contaminants may require clean-up prior to site redevelopment. The other parcel, adjacent and to the south and about 2.7 acres, is developed with a Pacific Sales kitchen and home store. The eastern one-third of this privately-owned lot is undeveloped. Both parcels are in a commercial area with close access to goods and services and a bus route. Site topography is generally flat. The parcels could be developed separately or possibly as a single project, and the City chose to analyze the latter alternative. The City's submitted LCP amendment would change the parcels' land use designations from Public (P) and General Commercial (GC) to R-30. This density, which is typical of two- and three-story apartment and condominium developments, could potentially support up to approximately 182 housing units. This site is within the Mello II segment of the LUP and is not in the Commission's appeals jurisdiction.

NCTD Poinsettia Coaster Station (Site 17) – This site is comprised of two parcels totaling 5.8 acres located directly east of the LOSSAN rail corridor and south of Avenida Encinas. The site is also immediately west of a mixed-use development containing commercial uses on the first floor and residential uses above. While the area was historically agricultural, in 1994, the Commission approved a request by the North County Transit District (NCTD) to construct an infill commuter rail and bus station and associated platform, restroom facility, and parking lot (CDP 6-93-207). However, since the project area contained wetland and other aquatic habitat, including vernal pools, two "seasonal ponds," and several track ditch drainage channels, the Commission's permit required the applicant to execute an irrevocable offer to dedicate (OTD) to a public agency or private association an easement for habitat restoration, maintenance, open space, and protection over an area designed to capture all of the sensitive habitat (i.e., vernal pools and disturbed wetland) within the project area (also see CDP 6-93-106). The conservation easement was accepted by CDFW in 1994, and the City accepted the OTD in 2015.

In 2016, under its federal consistency authority, the Coastal Commission authorized development including the extension of the platforms authorized under CDP No. 6-93-207 from 540 ft. to 1000 ft., widening of the platforms by approximately 25 ft., demolition and reconstruction of one of the platforms, slight relocation of the railroad tracks to make room

for double-tracking on the site, a pedestrian undercrossing, and a fence between the north and southbound rail lines (CC-0005-15). A biological assessment of the vernal pool channel was conducted as part of that effort ([Exhibit 5](#)). In 2021, the Commission approved an amendment to the underlying CDP to correct and expand the boundaries of the previously recorded easement due to a discovery that the easement boundary as depicted in the original 1994 report did not encompass all of the sensitive habitat within the project area (CDP 6-93-207-A2). As such, the vast majority of the OTD area containing the vernal pools and other sensitive habitat was accepted as its own separate parcel (APN 214-150-11-00), although portions remain within the limits of Site 17. The vernal pool channel generally delineates the appealable portion of the site ([Exhibit 2](#)), and the entirety of the site is within the Mello II segment of the LUP.

The City's submitted LCP amendment would facilitate the development of the existing public surface parking lot into residential uses, by changing the land use designation from Public (P) to a split R-23/P designation. In the City's Housing Element assessment, the City originally forecasted a site capacity of 27 units, but that was later revised to 100 units. However, it appears that the site could potentially accommodate many more housing units than the target capacity. In 2024, NCTD shared conceptual plans for a 216-unit transit-oriented development, 15% of which would be made affordable to Very Low Income households, along with 584 parking spaces (including 363 spaces for NCTD rail passengers and 221 spaces for residential uses). The conceptual plans showed a four-story residential structure over a lower-level parking podium, as well as an adjacent six-story NCTD parking garage (including five stories above ground and one subterranean level). These plans did not show changes to the existing two-lane road/drive aisle closest to the station (and vernal pools), but a bus/rideshare loop was added, and both structures were set back an additional 14 feet from the 26-foot-wide road, for a total 50-foot setback from the vernal pool channel. These conceptual plans are not under specific consideration of this LCP amendment, but they illustrate the potential developments that NCTD or other future developers may wish to pursue once the site is redesignated.

North Ponto Parcels (Site 18) – This site is comprised of five contiguous vacant parcels totaling 1.23 acres and is located at the intersection of Ponto Road and Ponto Drive. To the west is Carlsbad Boulevard (including right-of-way, which is delineated by a fence), and to the south and east are mainly vacant parcels, although some are currently being developed. The site is located within the Mello II segment of the LUP, and it is not within the Commission's appeals jurisdiction. The site is not known to contain environmentally sensitive habitat, and has previously been identified as 'disturbed' ([Exhibit 5](#)). In 2016, the Commission approved LCP map revisions (LCP-6-CAR-15-0034-2) that changed the land use designation of this site from Residential Medium-High Density (RMH), equivalent to R-15 under the current land use designation scheme, to General Commercial (GC). The GC land use designation and associated C-2 zone would allow some mixed-use residential development. Under the City's currently submitted LCP amendment, the parcels' land use designations would revert back to residential (at a higher density R-23) from GC. The City assesses a site capacity of 50 units across the five parcels, and at this time, it is unclear whether a future project would consolidate the lots and build across them, or maintain the lots in their current configuration, or some combination thereof.

La Costa Glen/Forum (Site 19) – The site is a 7.82-acre parcel located at the northwest corner of Calle Barcelona and Woodfern Lane, within the southwest quadrant of the City of Carlsbad, an area known as Green Valley. It is near the inland boundary of the coastal zone and is located within an area where the City’s actions on CDPs are not appealable to the Coastal Commission. It is surrounded by sensitive upland habitat, neighboring residential structures, and commercial uses. The site is also considered Very High Fire Severity Zone by the City of Carlsbad and includes steep, vegetated slopes. The site was improved with several manufactured slopes, drainage infrastructure, two graded pads (a western/upper portion and eastern/lower portion that abuts and provides access from Calle Barcelona) divided by a narrow, steep dirt access road and utilities pursuant to CDP 6-96-18. There is currently a paved parking lot on the eastern/lower portion of the site, however the City does not have any records of CDPs issued for the construction of the parking lot, or for recurring grading activities that appear to have occurred on both the lower and upper graded pads.

The La Costa Glen/Forum site is part of Planning Area 2 in the Green Valley Master Plan, certified by the Commission as an implementing measure of the East Batiquitos Lagoon/Hunt Properties LCP segment. The Master Plan describes Planning Area 2 as approximately 18 acres comprised of up to 300,000 square feet of commercial development. However, 2.67 acres in Planning Area 2 that were redesignated as Open Space by the Commission in LCP amendment 1-07C (La Costa Glen Corporate Center) are not currently reflected in the Master Plan. These portions include a panhandle parallel to Calle Barcelona in the southern extent of the site, as well as a thin strip of vegetation along the northeastern boundary of the site, adjacent to rugged vegetated slopes and the adjacent La Costa Glen Skilled Nursing Facility.

This LCP amendment includes the proposed redesignation of the site from Regional Commercial (R) to R-23, which is reflected in proposed changes to language in the East Batiquitos Lagoon/Hunt Properties segment of the LUP. There will also be accompanying changes to the Green Valley Master Plan, which will be discussed later in this staff report. The City’s assessment is that this site could have a capacity of 76 units across the two flat areas of the site and outside of lands already designated as open space (which comprise approximately four acres in total).

B. CONFORMANCE WITH SECTION 30001.5 OF THE COASTAL ACT

The Commission finds, pursuant to Section 30512.2b of the Coastal Act, that portions of the Land Use Plan as set forth in the preceding resolutions, are not in conformance with the policies and requirements of Chapter 3 of the Coastal Act to the extent necessary to achieve the basic state goals specified in Section 30001.5 of the Coastal Act which states:

The legislature further finds and declares that the basic goals of the state for the Coastal Zone are to:

- a) Protect, maintain and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and manmade resources.

b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.

c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

(d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.

(e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The Commission therefore finds, for the specific reasons detailed below, that the land use plan does not conform with Chapter 3 of the Coastal Act or the goals of the state for the coastal zone with regard to environmentally sensitive habitat area, wetlands, water quality, new development, scenic and visual resources, and public access and recreation.

C. CONFORMITY OF CITY OF CARLSBAD LAND USE PLAN WITH CHAPTER 3

Relevant Coastal Act policies include the following:

Section 30210 of the Coastal Act states:

In carrying out the requirement of [Section 4 of Article X of the California Constitution](#), maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states, in part:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway. [...]

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30222 of the Coastal Act states:

LCPA No. LCP-6-CAR-24-0013-1 (Carlsbad Housing Element Rezone)

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30231 of the Coastal Act states:

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 waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240 of the Coastal Act states:

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

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

Section 30250 states, in relevant part:

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

Section 30251 of the Coastal Act states, in relevant part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.[...]

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2)

providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

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

[...]

(d) Minimize energy consumption and vehicle miles traveled.

Section 30604 of the Coastal Act states, in relevant part:

(f) The commission shall encourage housing opportunities for persons of low and moderate income. In reviewing residential development applications for low- and moderate-income housing, as defined in paragraph (3) of subdivision (h) of [Section 65589.5 of the Government Code](#), the issuing agency or the commission, on appeal, may not require measures that reduce residential densities below the density sought by an applicant if the density sought is within the permitted density or range of density established by local zoning plus the additional density permitted under [Section 65915 of the Government Code](#), unless the issuing agency or the commission on appeal makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 (commencing with Section 30200) or the certified local coastal program

(g) The Legislature finds and declares that it is important for the commission to encourage the protection of existing and the provision of new affordable housing opportunities for persons of low and moderate income in the coastal zone.

1. FINDINGS FOR DENIAL AS SUBMITTED

The amendment before the Commission includes changes to the land use designations for seven sites and minor text changes to the LUP. As previously described, these sites are in disparate locations within the City's coastal zone, and therefore, they encompass a wide range of environmental conditions. Some of the sites under consideration contain steep slopes, environmentally sensitive habitat, and/or proximity to wetlands or riparian habitats. In some cases, there are also concerns that redesignation of some sites' land uses would have adverse impacts on visual resources, community character, and public access and

recreation. While the City's submitted LCP amendment has some changes that address these concerns, additional modifications would be needed to adequately address Coastal Act requirements related to the protection of environmentally sensitive habitat areas, wetlands, and water quality; minimization of adverse impacts to visual resource and risks from geologic and fire hazards; and maximization of opportunities for public access and recreation. This will help ensure that new development occurs in a way that is least impactful to coastal resources.

Open Space, Environmentally Sensitive Habitat Areas, Wetlands, and Water Quality

Of the seven sites that the City considered for this LCP amendment, four of these sites are not known to contain environmentally sensitive habitat areas (ESHA), wetlands, or riparian areas. They include the Avenida Encinas Car Storage Lot (Site 5), the Crossings Golf Course Lot 5 (Site 6), the Caltrans Maintenance Station & Pacific Sales (Site 16), and the North Ponto Parcels (Site 18). Additionally, Sites 5 and 16 are already developed with industrial or commercial uses, and they are located within urbanized areas. For any future development that would occur on Sites 6 and 18, which may be adjacent to or in proximity to ESHA, there are existing HMP policies that require buffers from sensitive habitat. As such, the redesignation of these sites from non-residential to residential land uses will not negatively affect known ESHA, wetlands, or riparian areas. At all four of these sites, the LCP has existing certified policy language requiring future developers to implement best management practices (BMPs), drainage and runoff control, and other measures to ensure that residential development would not have an adverse impact on water quality, including offsite.

For the other three sites, which include North County Plaza (Site 1), the NCTD Poinsettia Coaster Station (Site 17), and La Costa Glen/Forum (Site 19), the redesignation of land uses to allow for additional residential density has potential to result in significant adverse impacts to sensitive riparian habitats, wetlands (including vernal pools), and upland habitat areas.

As described previously, the most recent biological assessments for North County Plaza (Site 1) and the Coaster Station (Site 17) that Commission staff is aware of were conducted by LSA in January 2024 and by Merkel & Associates, Inc. in March 2016, respectively ([Exhibit 5](#)). LSA's analysis has indicated that there are sensitive species such as Ridgway's rail, least Bell's vireo, and coastal California gnatcatcher that use Buena Vista Creek's banks, where southern coastal saltmarsh, Diegan coastal sage scrub, freshwater marsh, mulefat scrub, and southern willow scrub communities can be found. The analysis by Merkel & Associates, Inc. stated that vernal pools, meadow habitat, saltbush scrub, *Baccharis* scrub, buckwheat scrub, and coastal sage scrub were observed occurring within the channel area between the Station's parking lot and the train platform. In the case of La Costa Glen/Forum (Site 19), the Commission is not aware of recent formally conducted biological surveys Commission staff visited these sites on June 23, 2025 to confirm the presence of ESHA and to conduct preliminary reconnaissance observations. The Commission's ecologist, Dr. Corey Clatterbuck, noted the following:

- For North County Plaza (Site 1), Buena Vista Creek was observed to contain extensive native vegetation, dominated by mulefat (*Baccharis salicifolia*), California bulrush (*Schoenoplectus californicus*), and cattails (*Typha* spp). This vegetation occurred both within the Creek bed as well as on its banks. Dr. Clatterbuck determined that such vegetation could currently support sensitive (avian) species, although none were observed during the field visit. Immediately upland of the Creek, the area was observed to be lined with invasive eucalyptus and pavement, separated from the Creek by a chain-link fence.
- For the NCTD Poinsettia Coaster Station (Site 17), Dr. Clatterbuck found continuing evidence of vernal pools, although their extent does not necessarily reflect that which was previously observed in the 2016 biological assessment. San Diego button celery, an indicator species of vernal pools, was prolific in some areas. Dr. Clatterbuck also noted laurel sumac (*Malosma laurina*) and coyote brush (*Baccharis pilularis*) lining the pool areas with lemonade berry (*Rhus integrifolia*) and the less commonly observed California buckwheat (*Eriogonum fasciculatum*), as well as vegetation that had been cut to ground level in years prior that had not resprouted. This is assumed to have been done as a measure to reduce the encroachment of upland habitat into the pools. Stone gravel fill has been placed at the edge of the vegetation areas within the channel, likely leading to areas of sewer maintenance.
- For the La Costa Glen/Forum Site (Site 19), Dr. Clatterbuck noted very productive coastal sage scrub surrounding this site, including but not limited to, California buckwheat, coyote brush, bush sunflower (*Encelia californica*), lemonade berry, jimsonweed (*Datura wrightii*), coastal goldenbush (*Isocoma menziesii*), coastal prickly-pear (*Opuntia* spp.), black sage (*Salvia mellifera*), laurel sumac, California sagebrush (*Artemisia californica*), redberry (*Rhamnus crocea*), sticky monkeyflower (*Diplacus puniceus*), and Nuttall's scrub oak (*Quercus dumosa*). The slope abutting the dirt access road that connects the lower and upper flat areas of the site also has indicators of coastal sage scrub, including laurel sumac, coastal prickly-pear, California buckwheat, and coastal goldenbush, but was significantly less dense than the surrounding ESHA slopes. The upper mesa-like portion of the site contains non-natives dominated by mustard (*Brassica nigra*) but also includes tree tobacco (*Nicotiana glauca*) and non-native grasses and herbs, indicating that this portion of the site was previously graded/cleared at various points in the past. Finally, the panhandle portion of the site that is adjacent to the road is steep and also clearly contained ESHA – the slopes are dominated by California sagebrush and black sage with coastal goldenbush, coastal prickly-pear, California buckwheat, lemonade berry, and scrub oaks at the top. Interestingly, Hooker's evening-primrose (*Oenothera elata*) was also observed next to the sidewalk along Calle Barcelona.

Given that portions of these sites contain sensitive habitat that could be impacted by future development, and in the case of North County Plaza and La Costa Glen/Forum, are not adequately preserved, it is important that any redesignations to residential uses account for adequate protection of existing habitat through conservation, biological buffers, limits to lighting, etc. Relatedly, the protection of water quality and marine resources must be considered.

The City's certified HMP includes policy language that requires development to generally minimize direct impacts to existing wetland and wildlife habitat, provide buffer areas, and ensure that indirect impacts to ESHA resulting from development (such as lighting, fuel modification, and stormwater runoff) are adequately addressed (see **Appendix A**). The LUP also contains policy language that mimics or complements the requirements of the HMP.

In the case of North County Plaza, a biological buffer of 100 feet is required for development adjacent to habitat occupied by least Bell's vireo, measured from the outer edge of riparian vegetation, pursuant to HMP Measure 6(A)(3)(f). Any future development would therefore be conditioned to incorporate the 100-foot biological buffer, as well as additional requirements such as planting drought-tolerant, non-invasive and native plants within the established buffer, a deed restriction prohibiting development within the buffer, and fencing to separate the buffer from the proposed development. Future coastal development permits may also specify lighting requirements, nesting bird surveys, noise restrictions, and other measures to protect the riparian habitat and buffer areas. In terms of water quality, future approval would include use wastewater reclamation and low-water technology, the latest and greatest green building standards, construction and post-construction BMPs, low-impact development (LID) standards, and use of permeable surfaces to infiltrate and treat stormwater runoff. Given that portions of this site that are in the coastal zone are either appealable or within the Commission's retained jurisdiction, the Commission will have direct permit authority over at least a portion of any future development proposal, at which point it could require applicable conditions of approval. Thus, the City's proposed redesignation for this site from Regional Commercial (R) to a combined R/R-40, as well as preservation of the existing Open Space designation over Buena Vista Creek, would not have negative implications for ESHA, riparian habitat, or water quality at this site.

In the case of the Poinsettia Coaster Station, HMP Measure 7-11(a) requires a minimum biological buffer of 100 feet for development from wetlands (including vernal pools), and it further specifies that for wetland areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat (i.e., delineated vernal pool edge), unless there is at least 50 feet between the wetland area and the top of the slope. Based on the 2016 biological assessment and Dr. Clatterbuck's most recent observations, the 100-foot buffer from the vernal pool channel edge will be applicable to most, if not all, of the site. While not under current consideration of this proposed LCP amendment, the most recent conceptual plans that NCTD shared with Commission staff show a 50-foot biological buffer from the edge of the vernal pool channel, and the majority of the buffer is comprised of the existing paved access road (e.g., already contains development).

Even though the City and NCTD have since indicated that future plans would be revised to adequately address the HMP buffer requirements, the conceptual plans raised additional concerns that the City's proposed redesignation for this site (to allow for any residential development) would not sufficiently protect the vernal pools onsite. For instance, in connection with the initially proposed project in 2024, the U.S. Fish and Wildlife Service (USFWS) had concerns with 1) the proposed height of buildings shading the vernal pool

habitat, and 2) disrupting groundwater patterns by having one or more levels of parking underground. Commission staff share the concerns that USFWS raised. Given that those plans did not have the adequate biological buffers required by the HMP, future residential development at this site will need to build taller in order to comply with the HMP requirements while also fulfilling the City's anticipated residential density yield of at least 100 units at this site. As for subterranean parking, the Commission understands that there is potential for this and other underground development to interfere with the groundwater table at this site, which may be hydrologically connected with the vernal pools. Thus, in the absence of additional information related to the hydrological connection between groundwater and the vernal pools at the site, or specifications in the LCP regarding underground development and water quality BMPs, a simple redesignation of this site from Public (P) to R-23/P raises issues with respect to consistency with Sections 30231 and 30240 of the Coastal Act.

Finally, in the case of the La Costa Glen/Forum site, HMP Measure 7-11(c) requires a 20-foot biological buffer from development for all upland native habitats, including coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, and oak woodland. It is further specified that no development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area, except for fuel modification (Zone 3) to a maximum of 20 feet for upland and non-riparian habitat. As mentioned before, the site already contains two areas designated as Open Space, and a significant portion of the site is likely to contain ESHA, which is contiguous with the ESHA found immediately surrounding this site. As proposed, the LCP amendment redesignates approximately four net developable acres within the La Costa Glen/Forum site from Regional Commercial to R-23, which would mean that residential development could foreseeably occur throughout the entirety of the site (save for the HMP buffer areas), including both the lower and upper flat portions of the site, as well as the steeply sloped dirt access road currently connecting the two flat pads.

The City's proposed approach raises several issues. First, it is not clear that the flat pads on the lower and upper portions of the site were graded with the full benefit of coastal development permits, given the very complicated permitting history at this site (thus, it is possible that ESHA that previously occurred on the site may have been removed without mitigation). Regardless of any such issues related to permitting history, new residential development spanning the site could lead to potential adverse impacts to ESHA. To illustrate this point, the Commission notes that a previous proposal for this site for the development of an office building and associated parking required the widening of the dirt access road, construction of a vehicle turnaround, and fuel modification, which would have resulted in impacts to 0.98 acres of coastal sage scrub and necessitated 3:1 mitigation. A future residential development would likely involve similar if not greater impacts to ESHA if it were to span both lower and upper portions of the lot. To accommodate the anticipated 76 dwelling units for this site, the development footprint would likely need to be larger than that which was proposed for the office building previously, and so it would likely have greater impacts resulting from increased fuel modification areas. The HMP allows for reduced fuel modification if structures are constructed using fire retardant materials and receive authorization from the City's Fire Department; reducing fuel modification requirements could site residential structures even closer to ESHA, leading to compounded edge effects on the sensitive habitat. Additionally, the City's Municipal Code

requires that interior circulation ingress/egress roads be at least 20 feet in width, whereas the existing dirt access road on the site is approximately 12 feet wide. While no recent biological studies have been conducted for this site, Dr. Clatterbuck is concerned that the less dense, but primarily native coastal sage scrub community along the slopes north of the existing dirt access road before reaching the upper mesa could be impacted if the road were widened, and an entirely different driveway alignment, as was proposed for the prior office project, would have even greater potential adverse impacts on ESHA onsite. Therefore, as currently proposed, the City's redesignation of the land uses on this site and the accompanying changes in Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties Segment of the LUP could result in the removal and thinning of sensitive vegetation without mitigation, inconsistent with Section 30240 of the Coastal Act.

New Residential Development and Community Character

Coastal Act Section 30250(a) requires new development to be sited within or as close as possible to existing developed areas, where it can be accommodated and adequately served by public services (utilities and infrastructure) without adverse impacts to coastal resources. Section 30251 requires that development minimize the alteration of natural landforms and maintain compatibility with the character of the surrounding area. Finally, Section 30253(a) requires new development to minimize risks to life and property in areas of high geologic and fire hazards, while subsection (d) requires that vehicle miles traveled and energy consumption be minimized.

All seven sites that are proposed to be redesignated as part of this LCP amendment are located contiguous with existing developed areas, and they can be readily served by public utility services, thus consistent with Coastal Act Section 30250(a). Moreover, the City's proposed redesignation for each of these sites would facilitate multifamily residential development that would be consistent with the requirements of Coastal Act Section 30251 to be compatible with community and visual character of the surrounding area.

More specifically, residential uses at North County Plaza (Site 1) would complement the adjacent commercial uses, and 300 dwelling units would be compatible with the bulk, height, and scale of existing and planned structures nearby; at the Avenida Encinas Car Storage Lot (Site 5), the R-30 land use designation allowing for apartments and/or condominiums up to three stories (and 35 feet in height) would be compatible with similarly sized planned industrial and visitor-serving commercial uses nearby; the redesignation at Crossings Golf Course Lot 5 (Site 6) would allow for multifamily residential development that is consistent with the visual character of development along College Boulevard and Palomar Point Way; the Caltrans Maintenance Station & Pacific Sales site (Site 16) is in an already-established commercial area with close access to goods and services and public transit, and the anticipated two- to three-story residential structure(s) facilitated by the proposed land use redesignation would be in line with the surrounding pattern of development; the NCTD Poinsettia Coaster Station (Site 17) is served by commuter rail, is immediately adjacent to a mixed-use development, and residential development is anticipated to architecturally integrate with public parking for rail passengers; the North Ponto Parcels (Site 18) would have a site capacity of 50 units, which may be dispersed among five parcels or consolidated into one development, and would be adjacent to other

sites that are already designated R-23 and which support (or soon will support) large-scale multifamily residential development; and, finally, the La Costa/Glen Forum site (Site 19) is located immediately adjacent to residential development (both single-family and multifamily), and the R-23 designation will facilitate the construction of a multifamily residential development consistent with the bulk, height, and scale of the neighboring residential and regional commercial uses along Calle Barcelona.

As proposed, the redesignation of the seven sites (and the accompanying changes to the LUP) would also be consistent with scenic and visual resource requirements of Coastal Act Section 30251. None of the subject sites are located within LCP-designated Critical Viewsheds, future proposed development on most of the sites is likely to occur on the inland side of public vantage points, and is not anticipated to impact scenic views or public views to the sea. None of the properties are located along designated Scenic Roads such as North Highway 101, and there are no vista points to or across designated scenic areas such as Batiquitos Lagoon. While none of the sites are anticipated to contain development that would impact sensitive visual resources, other visual factors may be considered as part of design review and coastal development permit approval when the development on each of the sites is formally proposed. Therefore, future development will be reviewed on a case-by-case basis to verify consistency with the Carlsbad General Plan and LCP standards.

Nonetheless, questions are raised as to whether the proposed LCP amendment sufficiently addresses Coastal Act requirements for new development to minimize landform alteration (Section 30251), minimize risks in areas of high geologic and fire hazards (Section 30253(a)), and minimize vehicle miles traveled (Section 30253(d)).

Of the seven sites considered, only two (Crossings Golf Course Lot 5 and La Costa Glen/Forum) present challenging topography where development may occur or be immediately adjacent to slopes greater than 25% (and in certain areas, greater than 40%). The LCP indicates that special standards would apply under such circumstances. For instance, Policy 4-2 requires the developer at the time of application to submit a geotechnical report for development near steep slopes, and Policy 4-3 requires maintaining adequate slope setbacks and protections. The City is also proposing that any future development be subject to the geologic hazard mitigation measures of the Supplemental Environmental Impact Report associated with this LCP amendment (EIR 2022-0007). Since the vast majority of Crossings Golf Course Lot 5 is flat, the existing LCP requirements and EIR mitigation measures would be sufficient in ensuring that any future proposed residential development would not exacerbate site instability and would maintain adequate setbacks from the retaining wall and steep slopes immediately to the north.

However, for the La Costa Glen/Forum site, there is concern that risks from geologic hazards would not be minimized if residential development spans the entirety of the residentially-designated (four-acre) portion of the site, including the very steep slopes connecting the currently existing lower and upper flat portions of the site. These risks include potential geologic instability resulting from the widening of the existing dirt access road onsite and the extensive grading of the steep slopes immediately adjacent to it, relocation of existing drainage and water utility infrastructure onsite that may exacerbate landslide potential and erosion, and extensive recontouring of steep erodible slopes to

allow for a sufficient development footprint on the upper flat portion of the site. Moreover, such an approach fails to minimize landform alteration as required by Coastal Act Section 30251, and there are likely other alternatives that would not necessitate such a dramatic change to existing landforms or create such drastic visual resource impacts. By allowing the existing dirt road to become a vehicular driveway, the City's proposal also encourages interior automobile circulation within the site, which would be inconsistent with Sections 30252 and 30253(d) of the Coastal Act.

Finally, the La Costa Glen/Forum site is located within a Very High Fire Severity Zone, as it is surrounded by extremely flammable vegetation on three sides, and it is topographically situated within a 'bowl' at the base of open space hillsides. As such, any future proposed development would be extremely susceptible to fire hazards. While the HMP provides fuel modification requirements, as previously mentioned, those fuel modification requirements may be reduced under a specific set of circumstances, and in any case, a 60-foot fuel modification area may not be sufficient to minimize risks to life and property from fire hazards. Moreover, the existing dirt access road onsite, even if widened and made into a vehicular driveway with sufficient turnarounds, would be the sole mode of ingress and egress from the upper mesa portion of the site, in the case of a fire or other emergency. Fire and safety codes would typically require two ingress and egress points for emergency vehicles, but attempting to construct another connection from the upper mesa to Calle Barcelona might prove very challenging, if not infeasible, due to the steep slopes and existing constraints onsite. Thus, the City's proposed facilitation of development on the upper portion of the La Costa Glen/Forum site would not minimize risks from fire hazards, inconsistent with Coastal Act Section 30253(d).

Public Access, Recreation, and Visitor-Serving Uses

Coastal Act Section 30210 requires maximum public access to the coast. Sections 30212 and 30212.5 require new development to not adversely impact the public's continued access to the coast, and to avoid contributing significantly to overcrowding and overuse of any particular area, through the provision of adequate public facilities (such as parking). Section 30222 prioritizes visitor-serving commercial recreational uses over private residential or general commercial development. Lastly, Section 30252 requires new development to provide adequate parking facilities or access to public transit, and it encourages the siting of residential development near commercial areas.

Of the seven sites, five (Sites 1, 5, 16, 18, and 19) are privately owned, and except for the existing commercial uses at North County Plaza (Site 1) and Pacific Sales (Site 16), they are not currently open to the public for public access or recreation. The other two sites, Crossings Golf Course Lot 5 (Site 6) and the NCTD Poinsettia Coaster Station (Site 17), are publicly owned; however, Site 6 is currently fenced off and not available to the public, while Site 17 allows for public parking and other public uses that are incidental to serve the train station. The City's proposed land use redesignations would retain commercial activities at North County Plaza, and the land use designation for public parking would remain at the Coaster Station. For this reason, the City's submitted LCP amendment would not have significant adverse impacts on existing public access and recreational opportunities. Furthermore, none of the sites are currently designated as visitor-serving

commercial, and thus the City's proposed LCP amendment does not raise issues with respect to the Coastal Act's prioritization of land uses in the coastal zone.

With respect to the parking and circulation requirements in Coastal Act Sections 30212.5 and 30252, the City's staff report for this LCP amendment indicated that off-street residential parking would be provided as required by the LCP and other applicable laws. In terms of public parking, the land use redesignations at North County Plaza and the Coaster Station will still allow and ensure that public parking facilities are provided to serve their commercial and transit-oriented uses, respectively. Nonetheless, the City's proposed redesignations and LUP policy language should be revised to ensure that residential development is grouped together with other nearby uses where possible, and that public parking areas are provided in a manner that will avoid their overuse or oversaturation of facilities in any particular location.

2. FINDINGS FOR APPROVAL IF MODIFIED

Open Space, Environmentally Sensitive Habitat Areas, Wetlands, and Water Quality

Several of the sites included in this Housing Element Rezone LCP amendment include sensitive habitats, including ESHA, riparian habitat, and wetlands (including vernal pools). As discussed above, the City's proposed amendments to the land use designations and Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties Segment of the LUP cannot be found consistent with several Coastal Act policies. Two suggested modifications are necessary to better protect these resources.

Suggested Modification 2 adds a new Policy 3-9 to the Mello II LUP, which will better protect ESHA, vernal pools, and water quality within the NCTD Poinsettia Coaster Station site (Site 17). More specifically, the policy includes requirements to: 1) provide a shading analysis as a filing requirement for any future CDP application associated with any residential or mixed-use developments on the site; 2) minimize paved parking surface area and prohibit underground parking; 3) implement water quality protection and runoff control measures, including construction and post-construction BMPs; and 4) provide a groundwater/hydraulics analysis as a filing requirement for any future CDP application associated with any development. This added policy would ensure that any future CDP application for residential development at this site provides sufficient information during the filing process to understand the potential impacts that the project would have on the vernal pools and water quality at this site, and it would also require that the project pursue specific design elements (such as clustered above-ground parking) that are known to be more protective of ESHA and water quality, consistent with the requirements of the Coastal Act.

Although not imposed as a suggested modification, Commission staff also note that any future development proposals at this site should evaluate opportunities to minimize impacts of development here on the vernal pools, including a vegetated strip along the vernal pool edge landscaped with appropriate drought-tolerant native, non-invasive plants to provide a natural transition between residential/recreational areas and aquatic habitat. Additional opportunities include signage, trash and waste collection, fencing, and pedestrian trail access to discourage human intrusion or indirect impacts (such as littering)

into the vernal pool area. There may also be opportunities to relocate the existing drainage and sewer infrastructure located within or immediately adjacent to the vernal pool channel (including components such as pipes, mains, laterals, interceptors, pumps, manholes, utility boxes, catch basins, etc.) away from the vernal pool channel without significant adverse impacts to the vernal pools or other sensitive habitat within the channel. These analyses could support design of future development that provides housing units in this area while ensuring protection of these highly sensitive vernal pool resources that are protected by the City's certified LCP.

With respect to the La Costa Glen/Forum site, **Suggested Modification 1** would add references to the certified Green Valley Master Plan and eliminate an existing height limitation in Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties Segment of the LUP. The Green Valley Master Plan is part of the certified IP, as an implementing measure of this LUP segment, and it is also being changed as part of this subject LCP amendment, as further detailed in Section V of this staff report. The reference to the Master Plan clarifies that all future development at this site must comply with the habitat and water quality protection standards and measures of the Master Plan, which will be discussed later in the staff report. Thus, only as modified, can the Commission find the proposed LCP amendment consistent with Coastal Act Sections 30231 and 30240 protecting water quality, wetlands, and ESHA.

New Residential Development and Community Character

Of the seven sites considered under this LCP amendment, only the redesignation of the La Costa Glen/Forum site (Site 19), and the accompanying text changes to the LUP, raises issues with regards to consistency with the new development policies of the Coastal Act, in particular those relating to high geologic and fire hazards and reduction of vehicle miles traveled. As already mentioned, the proposed redesignation from Regional Commercial to R-23 for the entirety of the site also raises the concerns of excessive landform alteration inconsistent with Coastal Act Section 30251.

In order to ensure that any future development is undertaken in a manner that responds to the aforementioned concerns related to hazards, landform alteration, and siting of residential development, **Suggested Modification 1** makes clear that the development standards for this site are outlined in the certified Green Valley Master Plan (which is also being amended). The Commission also removes language limiting the height to 35 feet, to align with the increased flexibility on development standards that may be allowed by the Master Plan. No other changes related to the land use designation or acreages are needed for Section B.1.(3)(b) of the East Batiquitos Lagoon/Hunt Properties Segment of the LUP.

With regard to the NCTD Poinsettia Coaster Station site (Site 17), **Suggested Modification 2** clarifies that residential development may be eligible for density bonuses if protective of coastal resources per the requirements of the LCP, and requires future development at the site to incorporate innovative siting and design criteria to minimize paved surface parking through the use of driveways, clustering, tandem parking, or pole or podium construction. Together, these are taken to promote "smart growth" principles, such

as placing residential development in close proximity to commercial and public-serving uses, siting and distributing public facilities such as parking structures such that they adequately serve members of the public, reducing vehicle miles traveled, and minimizing ground surface area dedicated to impermeable pavement and parking through the use of innovative techniques. The shading analysis required by the new Mello II LUP Policy 3-9 also requires evaluating alternatives such as lowering the height(s) of the proposed structure(s), increasing setbacks from the vernal pool channel, utilizing bird-safe glass for greater sunlight infiltration, and changes to architectural articulation or modulation. While these project alternatives would be mainly required to be evaluated to limit the negative impacts of shading on sensitive habitat and the vernal pools at this site, these alternatives may also increase the visual compatibility of the development with the surrounding area.

Thus, as revised, the LUP amendment is broadly consistent with Section 30210’s goal to maximize public access, Section 30250 and 30251’s requirements for site compatibility with surrounding uses, community character, and natural landforms, Section 30252’s goals to improve transit and provide non-automobile circulation, Section 30253’s goal to minimize risks from hazards and reduce vehicle miles traveled, and will not interfere with public access in conflict with 30212, 30212.5, or other public access provisions of the Coastal Act.

V. FINDINGS FOR REJECTION OF CERTIFICATION OF THE CITY OF CARLSBAD IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED, AND APPROVAL IF MODIFIED

The proposed amendment affects the IP component of the City’s LCP. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan (LUP).

A. AMENDMENT DESCRIPTION

The proposed LCP amendment will rezone six sites to align with the proposed land use redesignations of seven sites as discussed in Section IV of this staff report. The La Costa Glen/Forum (Site 19) is currently zoned Planned Community (P-C) and is not proposed to be rezoned. The proposed rezones are as follows:

Site	APNs	Existing Zoning	Proposed Zoning
North County Plaza (Site 1)	156-301-16-00	C-2-Q/OS*	C-2-Q/RD-M/OS
Avenida Encinas Car Storage Lot (Site 5)	210-090-24-00	P-M	RD-M

LCPA No. LCP-6-CAR-24-0013-1 (Carlsbad Housing Element Rezone)

Crossings Golf Course Lot 5 (Site 6)	212-270-05-00	P-M/O	RD-M
Caltrans Maintenance Station & Pacific Sales (Site 16)	211-050-08-00, 221-050-09-00	R-A-10000, C-2	RD-M
NCTD Poinsettia Coaster Station (Site 17)	214-150-08-00, 214-150-20-00	RD-M-Q	RD-M-Q/T-C-Q
North Ponto Parcels (Site 18)	216-010-01-00, 216-010-02-00, 216-010-03-00, 216-010-04-00, 216-010-05-00	C-2	RD-M

Legend:

C-2 = General Neighborhood Commercial
 O = Office
 OS = Open Space
 P-M = Planned Industrial
 T-C = Transportation Corridor
 Q = Qualified Development
 R-A-10000 = Residential Agriculture (10000 sq. ft.)
 RD-M = Residential Density - Multiple

* Portions of some sites are currently zoned Open Space, as shown by the “split” zoning. The City states that the proposed rezoning for these sites does not affect the existing OS zones.

To account for the higher residential densities afforded by the newly proposed R-35 and R-40 land use designations, the City is also proposing to make changes to several development standards (such as height, parking, yard setbacks, lot area and coverage, private recreational space, and growth control points) that would incorporate the new land use designations. The growth control points are being updated with the most current General Plan density ranges for all residential designations, and a new section 21.90.200 is being proposed to clarify that the growth control points, as well as residential growth management plan caps and quadrant limits, cannot be enforced, consistent with State housing laws, and rather, they are to be used to inform the City of potential dwelling unit yields and potential future public facility needs of new development. The City’s submitted LCP amendment would also simplify and remove exceptions to certain front and side yard setback requirements. In the R-35 and R-40 land use designations, the City is proposing to prohibit single-family residences; this prohibition will extend to other lots rezoned to meet RHNA requirements as detailed in the Housing Element.

Under the City’s current inclusionary housing provisions, 15% of multifamily housing projects of seven or more units must be considered Low or Very-Low, and such designated affordable units (either for-rent or for-sale) must be deed restricted to ensure

their status. As mentioned, for the rezoned sites, the City is proposing to increase the threshold to 20% for non-City owned sites, and 40% for City-owned sites. Projects that conform to specific requirements, including containing at least 20% lower income housing (Gov. Code, § 65583.2(h)), would have guaranteed (“by right”) approval and be subject to the mitigation measures of the Environmental Impact Report that is supplemental to this Housing Element Rezone. Per the City’s density bonus provisions, developers may obtain even greater densities with a density bonus due to the inclusion of onsite affordable units. To allow for these greater densities and to ensure that the LCP is harmonized with state law, the LCP amendment clarifies that any growth control points are to help estimate potential dwelling unit of a site and determine the development’s future reliance on public infrastructure, rather than set a hard residential cap or limit.

The City is also proposing substantial changes to the Green Valley Master Plan, which is an implementing measure of the East Batiquitos Lagoon/Hunt Properties segment of the LUP (i.e., it is part of the IP), applicable to the La Costa Glen/Forum site (Site 19). These include changes to various figures concerning Planning Area 2 of the Green Valley Master Plan (Figures I-5 (Master Plan Land Use), I-6 (Master Plan Planning Areas), II-1 (General Plan Land Use), and VI-II (Planning Area 2 – Land Use)), as well as text changes that specify four net developable acres designated as R-23 within Planning Area 2 with an anticipated site capacity of approximately 76 dwelling units (provided in multifamily development, and exclusive of any applicable density bonuses), and that parse out the residential uses from the existing commercial uses on the remainder of Planning Area 2. Additional proposed language applicable to residential development within Planning Area 2 requires a 35-foot setback from Calle Barcelona, as well as the following affordability requirements:

- Providing a minimum of 20% of the total housing units on the site as affordable to low-income households at 80% AMI; or
- Providing at least 15% of the total housing units on the site as affordable to low-income households and an additional 10% affordable to moderate-income households; or
- Providing at least 15% of the total housing units to very low-income households.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation plan submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. In this case, the proposed LCP amendment concerns sites located within two certified LUP segments: the Mello II Segment and the East Batiquitos Lagoon/Hunt Properties Segment. Each has a number of goals and policies relevant to the proposed amendment; the most applicable LUP standards are as follows:

Mello II Segment LUP Policies

Policy 1-1 Allowable Land Uses

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

Policy 1-2 Maximum Density of Development

Residential densities shall be permitted and based on the underlying LCP land use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection policies of the certified LCP.

Policy 3-1 Carlsbad Habitat Management Plan

Certain areas of Carlsbad coastal zone have very high habitat value. These areas are not suitable for farming. These areas exhibit a large number and diversity of both plant and animal species, several of which are threatened because of extensive conversion of mixed Chaparral and Coastal Sage Scrub habitats to urban or agricultural uses. Also, well-established and well-maintained vegetation is a major deterrent to soil erosion and attendant difficulties.

The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the Coastal zone.

Policy 3-4 Grading and Landscaping Requirements

... (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.

... (f) 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.

... (l) Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.

... (o) Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry

weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.

Policy 4-7 100-Year Floodplain

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.

East Batiquitos Lagoon/Hunt Properties Segment LUP Policies

Policy 3. Environmentally Sensitive Habitats

... (4) Steep Slopes - Slopes 40% or greater shall be constrained from development. Slopes 25% to 40% may be constrained from development. (See Grading and Erosion Control below.)

Policy 4. Grading, Drainage and Erosion Control

(1) ... Many slope areas on the property contain sensitive vegetation and support a variety of wildlife species. Slope areas also pose possible geologic hazards and require close development review.

(2) Any development proposal that affects slopes 25% inclination or greater, shall be required to prepare a slope map and analysis for the affected slopes. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project as is and shall be required as a condition of a coastal development permit.

(3) Under the Master Plan requirements, any development shall conform to the following additional standards:

(a) For those slopes mapped as possessing endangered plant/animal species and/or Coastal Sage Scrub and Chaparral plant communities, the following shall apply:

(1) Slopes of 25% grade and over shall be preserved in their natural state, unless the application of this policy would preclude any reasonable use of the property in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with 25% grade, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be

made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

(2) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 20% of the total site area.

(3) Slopes and areas remaining undisturbed as a result of the hillside review process, shall be placed in a permanent open space easement as a condition of development approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community.

(b) For all other 25% and over slope areas, the City Council may allow exceptions to the above grading provisions provided the following mandatory findings to allow exceptions are made:

(1) A soils investigation conducted by a licensed soils engineer has determined the subject slope area to be stable and grading and development impacts mitigable for at least 75 years, or life of structure.

(2) Grading of the slope is essential to the development intent and design.

(3) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas.

(4) 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.

(5) 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.

(6) 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.

...(e) All undeveloped slopes shall be placed in open space easements as a condition of development.

(f) Mitigation measures tailored to project impacts and consistent with the control of cumulative development shall be implemented prior to development in accordance with the following additional criteria:

(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.

... (9) Development projects should be designed to comply with the following site design principles:

- a. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
- b. 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.

... (15) Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMPs on disturbed areas as soon as feasible.

... (18) Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.

Policy 5. Landscaping

... Landscaping adjacent to structures should provide an effective screen of urban development.

The City's certified Habitat Management Plan (HMP), a collaboration of federal and state wildlife agencies in addition to the City, is important for implementing the Coastal Act policies regarding biological resources. Given the mandate of Section 30240 to protect environmentally sensitive habitat areas, the City developed its HMP to establish the critical preserve and development envelopes in remaining undeveloped areas. The HMP implements Section 30240 as it applies to environmentally sensitive habitat areas in the City, and the Commission certified the HMP in July 2003. The HMP includes goals, objectives, and policies, which are included in **Appendix A** of this staff report and are applicable to the proposed amendment.

1. FINDINGS FOR REJECTION AS SUBMITTED

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

a) Purpose and Intent of the Ordinances.

The purpose of the Housing Element Rezone is to include a current inventory of seven sites that will be redesignated and upzoned to increase density allowances in order to meet the City's remaining RHNA housing needs for this phase of the City's Housing Element Law, and there are additional textual changes that are needed to harmonize the new land use and zoning designations with California Housing Element Law and the California Coastal Act (including the certified LUP).

b) Major Provisions of the Ordinances.

The Housing Element Rezone ordinances (CS-465 and CS-466) include many detailed provisions, but the most significant are:

Title 21 (Zoning Code), Ordinance CS-465

- Updates to the density ranges for various zones (such as R-3, R-P, R-W, and RD-M) that implement the residential land use designations. RD-M would now implement the higher land use designations of R-35 and R-40.
- Incorporation of references to R-35 and R-40 land use designations in the development standards (height, setbacks, lot area and coverage, recreational space, and parking requirements).
- Prohibition of single-family residences within R-35 and R-40 land use designations.
- Updates to the density ranges for all residential land use designations and their corresponding growth management control points.
- The addition of Carlsbad Municipal Code Section 21.90.200 stating that State laws preempt the City from enforcement of growth management provisions.
- For the rezoned sites, an affordability requirement for 20% of units for those that are non-City owned (including private), and 40% of units for City-owned sites.
- "By right" approval of 20% lower income housing pursuant to Gov. Code § 65583.2(h), which would be subject to the mitigation measures of the Environmental Impact Report that is supplemental to this Housing Element Rezone.

Green Valley Master Plan, Ordinance CS-466

- Updates to figures to show the multifamily residential land uses within Planning Area 2.
- The addition of approximately four net developable acres of residential uses within Planning Area 2, with R-23 land use designation, and an anticipated density yield for the site of approximately 76 units (within condominiums or apartments).
- Implementation of RD-M zoning within Planning Area 2 pursuant to the R-23 land use designation.
- Affordability requirements for future residential development in Planning Area 2, which could be accomplished in one of three ways pursuant to City approval.
- A minimum setback of 35 feet from Calle Barcelona, applicable to all structures and fences or walls greater than 42 inches in height proposed within Planning Area 2.
- Characterization of residential land uses in nearby Planning Area 3 as R-15, comprised of 400 single-family dwellings. Base density yields per the land use designation would be made exclusive (rather than inclusive) of any density bonus under State law or the Carlsbad Municipal Code.

c) Adequacy of the Ordinances to Implement the Certified LUP Segments.

The Commission has, in general found that the allowance for increased densities can be an effective tool to provide for affordable housing. In fact, Coastal Act Section 30604(f) specifically encourages the Commission to approve an increase in density for affordable housing when such housing can be accommodated in a manner otherwise consistent with the resource protection policies of the Coastal Act or a local government's certified LCP. However, Ordinance CS-465 would remove front yard landscaping approvals, and Ordinance CS-466 would amend the Green Valley Master Plan such that the R-23 land use designation is applied to a large portion of the La Costa Glen/Forum site (Site 19) where ESHA and steep slopes, prone to fire and geologic hazards, are likely to occur. The Commission notes that the City's submitted LCP amendment also contains administrative errors, such as a scrivener's error related to the 2024 City Council resolution approving the Supplemental EIR for the Carlsbad Housing Element Rezone, miscalculations and omitted acreages in a land use table of the Green Valley Master Plan, and height and setback requirements that potentially conflict with Title 21 of the Carlsbad Municipal Code. Thus, the ordinance is found to be inadequate to carry out the provisions of the certified LUP.

2. FINDINGS FOR APPROVAL IF MODIFIED

As further discussed below, with the inclusion of the suggested modifications, any future residential project on the La Costa Glen/Forum property will avoid the upper mesa area and steep slopes of the site, will waive restrictive limits on height, setbacks, and similar development standards to allow for clustering of the development on the lower, eastern portion of the site at the anticipated density yield of the Housing Element, and will require City landscaping approvals within its front yard setback. The suggested modifications thus result in increased protections of ESHA, existing landforms, and existing areas on the site already designated as Open Space. With these changes, residential development on the La Costa Glen/Forum site would also be in accordance with Section B.1.(3)(b) of the East

Batiquitos Lagoon/Hunt Properties Segment of the LUP, as amended by the City and modified by the Commission herein.

Title 21 (Zoning Code)

As discussed in Section IV of this staff report regarding the proposed LUP amendment, there are three sites (North County Plaza (Site 1), NCTD Poinsettia Coaster Station (Site 17), and La Costa Glen/Forum (Site 19)) under consideration of this IP amendment that either contain, or are immediately adjacent to, ESHA. The City proposes to simplify the existing certified language in Section 21.24.040 (Front Yard) of the Carlsbad Municipal Code, such that the requirement would now be for a front yard of no less than ten feet, except where there are carport or garage openings facing the front yard, where the minimum front yard depth then becomes twenty feet. At the same time, the City struck out language related to approval of landscaping and irrigation system plans by the City planner prior to issuance of a building permit for a proposed residential structure. By restoring all previous certified language in this Municipal Code section, **Suggested Modification 4** would therefore ensure that sites where the front yard is in proximity to ESHA would seek and receive City approvals for landscaping and irrigation, thus avoiding potential offsite adverse effects on sensitive habitats, riparian areas, and water quality.

The only other revision necessary to find the City's Zoning Code changes consistent with the certified LUP is **Suggested Modification 3**, which addresses a scrivener's error in Note 7 of Table A in Section 21.24.020 (RD-M Zone). The City's submitted LCP amendment erroneously states that the City Council Resolution certifying the Supplemental EIR (EIR 2022-0007) for the Carlsbad Housing Element Rezone is "202X-XXX." The City Council passed Resolution No. 2024-014 on January 30, 2024. While this is a minor error, it is important that it is fixed to ensure that the "by right" approvals for certain residential developments subject to Government Code Section 65583.2(h) indeed contain the necessary mitigation measures of the Supplemental EIR, including the requirements for biological and geological surveys in environmentally sensitive sites.

Green Valley Master Plan

The Green Valley Master Plan amendments under consideration apply to only one of the redesignated sites – La Costa Glen/Forum (Site 19). The City's map and text changes generally seek to conform the Green Valley Master Plan with the redesignation of the site from Regional Commercial to R-23, while setting objective parameters related to net developable acres for density yield calculations, total residential unit targets for the site, density, height, and other development standards. Nonetheless, the Commission and City agree that the western, upper mesa portion of the site, and the steep slopes surrounding it, should not be developed with residential uses, even if this acreage is ultimately utilized for density yield and density bonus calculations. As such, the Commission sets forth a series of suggested modifications that would ensure that adequate protection of coastal resources present on the site is achieved, while balancing the need for the City to meet its density targets of its Housing Element.

In order to cluster future residential development away from the western, upper portion and the steep slopes on the site, **Suggested Modification 8** outright prohibits development therein, and further makes that portion of the site available for habitat restoration/mitigation purposes (which the Commission understands to potentially include the construction and maintenance of pedestrian trails for passive open space recreation). This suggested modification then clarifies that development must therefore be clustered on the eastern, lower portion of the site. The modification allows the City to waive certain development standards, such as setbacks and height, to achieve the number of units required by the Housing Element, assumed to be approximately 76 dwelling units, and will be more definitively determined upon a site specific analysis confirming the net developable acreage of the site. To that end, the City may require a future developer to submit geotechnical and biological analyses as filing requirements or conditions of approval of a coastal development permit, as these will evaluate on-the-ground conditions and help determine the final site developability or capacity. This suggested modification then removes the City's originally proposed 35-foot setback from Calle Barcelona, as such a requirement could potentially conflict with the approach to cluster development within the eastern portion of the site, and closer to the street.

While the final net developable acreage and developable footprint is not currently known (pending future site specific analysis), and thus it cannot be mapped accurately, the Commission and City agree that a note could still be added to the applicable figures to demonstrate that the western portion of the site shall not be developed. Therefore, **Suggested Modification 5** would add a note to Figures I-5 (Master Plan Land Use) and VI-11 (Planning Area 2 - Land Use) of the Master Plan stating that, for the Multifamily Residential area in Planning Area 2, the "[w]estern portion of this area shall not be developed. See Planning Area 2 development standards." This signals for any potential future developer that they would need to reference the requirements set forth in Section VI.C of the Master Plan (added by Suggested Modification 8).

Finally, the Master Plan, as proposed to be amended by the City, does not adequately capture the existing 2.67 acres already designated as Open Space on this site. To avoid confusion when viewing the Open Space areas in Figure II-1 (General Plan Land Use) of the Master Plan, the City agrees with the Commission's **Suggested Modification 6** to revise the existing note to state that the "[b]oundaries are conceptual. See General Plan and certified Local Coastal Program Land Use Maps for boundaries of each land use designation." That puts the reader on notice that the General Plan and LCP Land Use Maps are more accurate and are controlling, and should thus be referenced. Similarly, the 2.67 acres of designated Open Space are missing from Table I-1 (Land Use Summary) of the Master Plan. **Suggested Modification 7** would add in that Open Space acreage and revise the final tallies on the table. Together, these modifications help ensure that no residential development in the future encroaches onto these Open Space areas

As revised, through the inclusion of all the aforementioned suggested modifications, Title 21 of the City's Municipal Code and the Green Valley Master Plan would ensure that future residential development would adequately protect sensitive habitat areas, minimize landform alterations, minimize risks from geologic and fire hazards, minimize impacts to water quality, addresses visual resource impacts and public access and recreational requirements, and clusters development within areas that could satisfactorily

accommodate it, consistent with the certified LUP, including as modified by this subject LCP amendment.

VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 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 submission. On January 30, 2024, the Carlsbad City Council adopted Resolution No. 2024-014 certifying the Final Supplemental Environmental Impact Report associated with this LCP amendment (EIR 2022-0007, SCH No. 2022090339).

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. The Commission finds that approval of the proposed land use and ordinance amendments, as submitted, would result in significant impacts under the meaning of the California Environmental Quality Act, including impacts relating to environmentally sensitive habitat area, wetlands, water quality, new development, scenic and visual resources, and public access and recreation. However, as suggested to be modified, the changes to the City's Land Use and Implementation Plans would not result in significant impacts to the environment within the meaning of the California Environmental Quality Act. Therefore, the Commission finds that approval of the LCP amendment, as modified, will not result in any significant adverse environmental impacts.

APPENDIX A – CERTIFIED HABITAT MANAGEMENT PLAN POLICIES AND EXCERPTED COMMISSION FINDINGS

Certified HMP Text:

Goals and Objectives

The overall goal of the HMP is to contribute to regional biodiversity and the viability of rare, unique or sensitive biological resources throughout the City of Carlsbad and the larger region while allowing public and private development to occur consistent with the Carlsbad General Plan and Growth Management Plan.

The specific biological objectives of the Plan are to:

- Conserve the full range of vegetation types remaining in the City, with a focus on rare and sensitive habitats;
- Conserve areas of habitat capable of supporting the HMP Species in perpetuity; and
- Maintain functional wildlife corridors and habitat linkages within the City and to the region, including linkages that connect gnatcatcher populations and movement corridors for large mammals.

The specific conservation objectives of the Plan are to:

- Maintain functional biological cores;
- Maintain functional linkages and movement corridors;
- Conserve rare vegetation communities;
- Conserve narrow endemic species and maintain populations of target species; and
- Apply a “no net loss” policy to the conservation of wetlands, riparian and oak woodland habitats.

The specific land use objectives of the Plan are to:

- Protect important wildlife habitats while allowing for orderly growth and development;
- Provide a menu of land use measures to protect and conserve habitat according to the Plan including standards relating to mitigation, open space dedications and density transfer; and
- Provide a framework for coordinating and monitoring the protection and management of biological resources in natural open space[...]

Coastal Zone Conservation Standards

Policy 7-1 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent upon those resources shall be allowed within those areas.

Policy 7-2 Coastal Sage Scrub

Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub located in the Coastal Zone shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.[...]

Policy 7-4 Streams

A stream is a topographical feature with a clear bed and bank that periodically conveys water.

Policy 7-6 Wetlands

Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), 'wetland' means lands within the coastal zone, which may be covered periodically, or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens. Wetland shall include land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.

Wetlands in the Coastal Zone shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.

Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed in the Coastal Zone except as provided in that Section.

Policy 7-7 Wetland Mitigation Requirements

If impacts to a wetland are allowed consistent with Policy 7-6 above, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.

Policy 7-8 No Net Loss of Habitat

There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland, and Oak Woodland within the Coastal Zone of Carlsbad.

Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been

lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 7-1 of this subsection, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.

Policy 7-9 Upland Habitat Mitigation Requirements

Where impacts to the habitats stated in 7-1 are allowed, mitigation shall be provided as follows:

a. The no net loss standard shall be satisfied as stated in 7-8. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP.

b. Onsite preservation is not eligible for mitigation credit in the coastal zone. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.

c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

[. . .]

h. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Coastal Commission. Phase 1 of the preserve management plan shall be incorporated into the Implementation Program of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP. Phase 2 of the preserve management plan shall be incorporated into the Implementation Program in the same manner within three years of Commission certification of the HMP as part of the certified LCP. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management

provisions and funding for mitigation required to address habitat impacts shall be in place prior to the impacts for which the mitigation is required. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts.

Policy 7-11 Buffers and Fuel Modification Zones

Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:

- a. 100 ft. for wetlands
- b. 50 ft. for riparian areas
- c. 20 ft. for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland).

Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 ft. between the riparian or wetland area and the toe of the slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.

Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.

No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area, except for:

- a. Fuel modification Zone 3 to a maximum of 20 ft. for upland and non-riparian habitat. No fuel modification shall take place within 50 ft. of riparian areas, wetlands, or oak woodland.
- b. Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat, and that appropriate measures are taken for physical separation from sensitive areas.

Buffer areas that do not contain native habitat shall be landscaped using native plants. Signage and physical barriers such as walls or fences shall be required to minimize edge effects of development.

Components of Preserve System

The adopted HMP protects habitat and wildlife by contributing to an interlinked regional preserve system. The preserve area for the HMP includes land in three different categories: hardline properties, standards areas, and existing preserve.

1. Hardlines

Certain properties have been designated in the HMP with specific development and conservation footprints and are known as “hardline” properties. If development is proposed on these sites in a manner that is substantially in conformance with the “hardline” configuration in the HMP, the development will be authorized consistent with all other regulatory standards and procedures. The purpose of this process is to ensure that certain areas of onsite habitat will be set aside for permanent preservation, and that the property owners have committed to abide by the established development limitation upon approval of the HMP.

2. Standards Areas

The second category of proposed preserve area in the HMP contains the “standards” areas, for which the HMP contains guidance relative to future habitat preservation and the siting of new development. The standards areas involve specific undeveloped properties within the City that are located in the biological core and linkage areas identified in the County MHCP.

3. Existing Preserve Areas

The third category contains existing preserve lands (preserved prior to certification of the HMP), such as the City’s three coastal lagoons and associated wetlands, the Dawson Los Monos Reserve, the Carlsbad Highlands Mitigation Bank, and other preserves located within previously approved development. Approximately 4,450 acres of existing preserve land were incorporated into the HMP. These areas, which include both private and public land, have already been conserved for their wildlife value through previous development actions, such as mitigation banks and required open space. However, because these lands were preserved prior to the development of the HMP, many of these lands will not be monitored or managed to the extent of the post-HMP preserve areas. It is the City’s intention to seek outside funding for management, monitoring and enforcement of the privately-owned lands in the existing preserve areas.

Pages 35-39 – Findings for Approval of HMP (Dated May 22, 2003):

A. Conflict Resolution/ESHA and Concentration of Development

The Commission can approve an LUP amendment that is inconsistent with Chapter 3 policies only if it finds that the approval of the development raises conflicts between Coastal Act policies and that, on balance, the project as approved is most protective of significant coastal resources. The policy conflicts which arise in this LCP amendment request result from the fact that all areas determined to be ESHA would not be preserved, and concentration of development would not be achieved. In other words, to appropriately

concentrate development and create a habitat preserve that addresses the long-term viability and conservation of identified sensitive species, some impacts to ESHA in the coastal zone must be accepted.

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

Section 30240 states:

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

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

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

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

In order for the Commission to utilize the conflict resolution provision of Section 30007.5, the Commission must first establish that a substantial conflict exists between two statutory directives contained in the Coastal Act. In this case, as described above, the draft HMP is inconsistent with Coastal Act policies that protect environmentally sensitive habitat area. Although the City has proposed changes to the HMP and associated policies of the certified land use plan that would delete potential impacts to wetlands in the coastal zone, impacts to environmentally sensitive habitat would still result. However, to deny the LCP amendment based on this inconsistency with the referenced Coastal Act requirements would reduce the City's ability to concentrate proposed development contiguous with existing urban development, and away from the most sensitive habitat areas, as required

by Section 30250. If the LCP amendment is not approved, dispersed patterns of development will occur that are inconsistent with Section 30250. Denial of the LCP amendment would also prevent the resource protection policies of the LCP from being upgraded to clearly protect ESHA that is not located on steep slopes.

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

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

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

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

Within the City of Carlsbad, approximately 8,800 acres of naturally-vegetated areas remain, or 36% of the City's total area, including approximately 3,315 acres of coastal sage scrub. In Planning Zones 19, 20 and 21, where the majority of undeveloped land in the coastal zone is located, approximately 60 acres of CSS remain. The populations of gnatcatchers within the City are important to the overall viability of the regional gnatcatcher population that will be addressed in the MHCP. As the municipality with the largest amount of gnatcatcher habitat within the MHCP, the populations represent a critical link in the

distribution of the species throughout north San Diego County, particularly in the Carlsbad-Oceanside corridor, which connects gnatcatcher populations in Orange and Riverside counties with populations to the north and east of Carlsbad. The HMP would preserve approximately 6,400 acres of native habitat, as existing preserve, proposed hardline preserve areas, and through implementation of “standards areas” in certain areas without existing development proposals.

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

The Commission must consider impacts of residential buildout as a means to analyze the effect of the proposed LCP amendment and make revisions, as necessary, to establish the standard of review consistent with the Coastal Act. In order to protect corridors of viable, connected habitat area which take into account the mobility and foraging requirements of listed and covered species, the Commission finds that it is appropriate to take a regional approach to the preservation of ESHAs. Instead of preserving all ESHAs in place where they are found, which could result in excessive fragmentation, reduced habitat values and difficulties in monitoring and management, it may be more protective of ESHA resources to focus on regional conservation approaches that concentrate development away from the habitat of greatest overall value. Such an approach could ensure the health and viability of larger, connected sensitive vegetative communities that support listed and covered species within the City’s jurisdiction.

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

Most of the properties in the standards areas and hardlines are zoned for low- density single-family development. Although it is anticipated that clustering and density transfer within areas outside of the proposed preserve locations could allow for the same number and intensity of residential units to be developed on most properties as currently designated in the General Plan, the ultimate effect would be to locate development on smaller lots and/or a smaller overall development footprint, located further from sensitive resources and proposed wildlife movement corridors. Although current zoning and land use designations limit development in most of the standards areas and hardline properties to low-density single-family development, higher density development than is currently

allowed could appropriately occur in most of the areas identified for development in the LCP amendment. Potential impacts to these areas located in the HMP preserve would therefore be reduced, and additional benefits to the City resulting from compact urban growth, prevention of sprawl and efficient use of underlying infrastructure, public services and facilities would likely result. The Commission therefore finds that approval of the HMP and the LCP amendment, if modified as suggested, would result in increased clustering of development and reduction of urban sprawl into sensitive habitat areas.

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

This finding that approval of the HMP is the most protective option for coastal resources is based on the assumption that the habitat mitigation will be implemented as proposed, and properly maintained in perpetuity. Should the mitigation not be managed and maintained as designed, or if the required mitigation sites are not provided as proposed, the long-term benefits of the HMP for coastal resources would not be realized. To address these concerns, the City has included revisions to the HMP and associated LUP policies which address establishment of the preserve area, funding, monitoring and management.

Interim preserve management requirements, as provided in the draft HMP, will cover the first three years following approval of the HMP, during which time a plan for permanent management will be developed by the City in cooperation with existing reserve managers, private owners, and the wildlife agencies. The preserve management plan must be approved by the City, the wildlife agencies and the Commission, and shall ensure adequate funding to protect the preserve as open space and maintain the biological values of the mitigation areas in perpetuity. Additionally, the preserve management plan is required to be incorporated into the Implementation Plan of the LCP through an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.

APPENDIX B – SUBSTANTIVE FILE DOCUMENTS

- LCP Amendment No. LCP-6-CAR-24-0013-1 (Carlsbad Housing Element Rezone)
- Carlsbad Habitat Management Plan