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Date: September 24, 2026

To: **COMMISSIONERS AND INTERESTED PERSONS**

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Subject: **STAFF RECOMMENDATION ON CITY OF CARLSBAD MAJOR
AMENDMENT NO. LCP-6-CAR-25-0057-2 (Carlsbad Land Use Plan and
Poinsettia Shore Master Plan Updates) for Commission Meeting of
October 7-9, 2026)**

SYNOPSIS

The subject LCP land use and implementation plan amendment was submitted and filed as complete on October 22, 2025. A one-year time extension was granted on February 5, 2026. As such, the last date for Commission action on this item is March 5, 2027. The subject LCP Amendment affects the City's certified Land Use and Implementation Plans, and this report addresses the entire submittal.

SUMMARY OF AMENDMENT REQUEST

The subject LCPA includes changes to both the City's Land Use Plan (LUP) and Implementation Plan (IP). The LUP amendment proposed a complete repeal and replacement of the LUP. The IP amendment includes revisions to two community plan areas (Poinsettia Shores Master Plan, Village Barrio Master Plan) and changes to zoning on two sites. The Village Barrio Master Plan serves as both the LUP and IP for the downtown/village portion of the City. The objectives of the amendment are to modernize the LUP, update the Poinsettia Shores Master Plan to reflect those areas that have been developed or are proposed to be developed since certification, and to clarify how the Village Barrio Master Plan and the LUP work together to form the LCP for the Village/Barrio.

Land Use Plan Update

The City of Carlsbad is proposing a comprehensive update to its Local Coastal Program (LCP) Land Use Plan (LUP) and amendments to several LCP Implementation Plan components. The City's LUP was originally certified in 1996 and organized into six

separate community segments, five of which are fully certified. The Agua Hedionda segment remains an area of deferred certification. Aside from two major amendments addressing habitat management and stormwater, the LUP has not undergone a full update since original certification.

The City has prepared a consolidated, Citywide LUP update to achieve consistency with its 2015 General Plan and to address new coastal resource and hazard issues, including sea level rise. The update is informed by the City's 2017 Sea Level Rise Vulnerability Assessment, funded in part by Commission and Ocean Protection Council grants. The revised LUP reorganizes and modernizes policies related to land use, public access, recreation and visitor-serving uses, agricultural and cultural resources, environmentally sensitive habitat areas, water quality, coastal hazards, and definitions.

Poinsettia Shores Master Plan Amendment

The City is requesting several changes to the Poinsettia Shores Master Plan, a certified component of the City's Implementation Plan. The Poinsettia Shores Master Plan (PSMP) governs permitted uses and development standards for a 130- acres of land, located in the southern portion of the City, known as the South Ponto region. Since the PSMP was certified, several planned developments have been completed, while some portions remain undeveloped, including an 11-acre site, known as Planning Area F.

Planning Area F is currently designated Non-Residential Reserve (NRR) where land uses are to be determined through future planning. Potential uses identified in the Master Plan include commercial, residential, office, and other uses. The PSMP requires a Master Plan and LCP amendment prior to approving development in Planning Area F and requires evaluation of the need for lower cost visitor accommodations or recreational facilities (i.e., public park) west of the railroad. The subject LCP Amendment is the result of this required planning effort and would establish permitted land uses for Planning Area F, including 7.21-acres of Residential (R-23) and 3.83-acres of Commercial. These zoning designation changes match the Land Use designations of Residential and Commercial certified by the Commission in 2016 as part of the City's General Plan update. The project-driven amendment is designed to allow for the development of up to 120 residential units, including 18 affordable units; and associated commercial space, and buffering for sensitive habitats on the site.

Other changes proposed include revisions to the Village and Barrio Master Plan to clarify its relationship to the draft LUP and identify which components comprise the certified LCP, as well as land use/ and zoning changes for the Encina power plant and strawberry fields north of Cannon Road.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending denial of the LUP update, and then approval with suggested modifications. Staff is also recommending denial of the IP update, and subsequent approval with nine suggested modifications. This report and the recommended suggested modifications reflect several years of close coordination, dialogue, and iterative review between Coastal Commission staff and City staff, resulting in a comprehensive set of modifications and revisions intended to ensure consistency with the Coastal Act. City staff

generally agrees with most of the suggested LUP modifications, but have raised concerns regarding the mitigation program for lower-cost overnight accommodations, certain modifications related to environmentally sensitive habitat, and the protection of cultural/tribal resources. City staff supports all of the recommended suggested modifications for the Poinsettia Shore Master Plan (IP).

Staff Recommendation for Changes to the Land Use Plan.

Overall, the plan is expected to be an effective guidance document for future development in the City of Carlsbad. The City has taken a noteworthy and proactive position with regard to Climate Change and Sea Level specifically, through either policy decisions they included as proposed, or policies modified by staff by supported by the City. The result is a robust LUP that includes modern SLR projections, requires best available science is used in planning and decisions making, identifies the portions of the Coastal Zone most at risk, includes site specific hazards review for new development, defines existing structures as those construction before January 1, 1977, considers redevelopment through previous and cumulative review including previous permits, or other means of evidence, limits shoreline protection consistent with 30253 of the Coastal Act, requires mitigation for sand supply and public access/recreational impacts associated with shoreline protection where permitted, and provides commitments for future updates including new Vulnerability Assessments and Adaptation Plans to be included and certified by the Commission through future LCP amendments. The LUP also provides modern policy language protecting access generally, commits to the preservation of coastal views, and modernizes water quality protection measures. As a result, certification of the LUP update, including those revisions recommended by staff, will have significant benefits to coastal resources located throughout the City's Coastal Zone.

However, several Coastal Act requirements related to resource protection are not sufficiently addressed. Therefore, staff is recommending modifications that provide clarity and stronger, affirmative policy language to ensure consistency with the Chapter 3 policies of the Coastal Act. Most significantly, the proposed plan does not contain policies that protect and preserve overnight visitor-serving accommodations. Currently, there are over 1,300 hotel/motel units in the Coastal Zone, with 302 rooms considered to be economy. An additional 220 low-cost camping spaces are also available at the South Carlsbad State Park Campground. Although Carlsbad presently has a higher supply of affordable accommodations than some other coastal areas, recent development trends towards luxury hotel construction and the demolition of older lower-cost motels, demonstrate a growing need for policies that maintain affordability within the Coastal Zone. Therefore, staff is recommending the Commission include Suggested Modification No. 3-6 which includes provisions for protection of existing lower-cost accommodations, requires replacement of those units that cannot be protected, encourages new accommodations to provide a range of affordability and requires funds in-lieu for new development that doesn't include affordable units. Similar requirements have been certified for other Land Use and Community Plans throughout San Diego County (ref. LCPA Nos. LCP-6-OCN-23-0035-1, LCP-6-BRL-22-0022-1, LCP-6-OMN-23-0053-4, LCP-6-NOC-23-0015-1).

Another critical policy revision concerns the protection of cultural, tribal, and paleontological resources. While the City's proposed LUP requires site specific investigations where these resources may be impacted, it does not require an alternatives

analysis, which is an important component of CDP and LCP review. Alternatives analyses evaluate different project designs, layouts, or methodologies that could better avoid or reduce impacts. Without this requirement, preventable impacts could occur. Suggested Modification No. 5-4 requires projects that have the potential to impact cultural resources avoid and minimize this impact through several means, including an alternatives analysis. The Commission has applied similar requirements in other recent LUPs, including the Mira Mesa and Otay Mesa-Nestor Community Plan updates within the City of San Diego. The City opposes this modification, stating that developers are not the appropriate parties to identify preferred alternatives and that the requirement is burdensome. However, alternatives analyses are a standard part of the development review process and are routinely prepared by project applications. Such analyses can identify options that avoid or substantially reduce impacts, and therefore should remain a required component of the LUP.

The LUP does not fully address the protection of sensitive habitat, particularly California coastal sage scrub (CSS) habitat specifically. The City's Habitat Management Plan (HMP), certified by the Commission in 2006 and effective through 2053, allows for loss of CSS on private lots in exchange for protection within the City's preserve system. The City has indicated that it will not support policy language that could conflict with the requirements of the HMP. This position stems from the fact that the HMP is a certified, long-term conservation agreement developed jointly with multiple resource agencies and intended to remain in effect through 2053. Because revisions to the HMP would require reengagement with those agencies and potentially reopening the negotiated framework, the City is unwilling to avoid any new LUP provisions that could be construed as inconsistent with the HMP until the agreement reaches its expiration. However, staff is recommending several Suggested Modifications that will ensure consistency with 30240 of the Coastal Act, outside of the limitations certified through the City's HMP.

Staff is recommending several Suggested Modifications to strengthen sensitive resources protection consistent with 30240 and 30233 of the Coastal Act. These include incorporating key HMP protections into the LUP (Suggested Modification Nos. 6-1, 6-2, 6-3, 6-19, 6-20, 6-21, 6-22, and 6-23). Additional suggested modifications have been added to protect sensitive habitats identified as ESHA or which require additional protection since certification of the HMP such as vernal pools (Suggested Modification No. 6-22), coastal dunes (Suggested Modification Nos. 6-15, 8-29), Monarch butterfly habitat (Suggested Modification Nos. 6-13, 6-14, 6-23), and kelp wrack (Suggested Modification Nos 6-8, 6-28, 8-13). City staff are supportive of all these recommended changes.

However, staff is recommending five additional modifications that the City does not. These include additional requirements for Biological Technical Reports, bird-Safe design standards, the consideration for wildlife crossings with new development, and the definitions of temporary versus permanent impacts to sensitive habitats. The City argues that these requirements are burdensome or unnecessary. However, the Commission's staff ecologist have reviewed the modifications in detail and considered the City's objections and maintain that the level of protection provided in these additional policies are necessary for the LUP to be found consistent with the Coastal Act.

For Biological Technical Reports, Suggested Modification No. 6-6 requires reports to account for seasonal habitat variability and identify appropriate mitigation measures when impacts occur—an increasingly important practice given the limited availability of mitigation sites in the Coastal Zone. Suggested Modification No. 6-12 includes the Commission’s standard bird-safe design requirements. Carlsbad’s extensive lagoons, canyons, and undeveloped areas provide important foraging and stopover habitat for resident and migratory birds using the Pacific Flyway. Similarly, wildlife crossings can reduce mortality where development is adjacent to preserves or open spaces; Suggested Modification 6-12 requires only that such crossings be considered when projects present a meaningful potential for impact.

Finally, the City opposes revised definitions for temporary (Suggested Modification No 32) and permanent (Suggested Modification No. 24) impacts to sensitive habitats. Specifically, the City objects to requiring temporary impacts to be fully restored within **12 months**, arguing that this timeframe is too short. However, this standard is well-established and supported by multiple Commission decisions (CDP Nos. 2-20-0282/Gleason’s Beach Highway & 5-21-0641/Laguna Beach Fire Department; 2-23-0862/Vista Grande Drainage Improvements Project). Deviating from this standard could create a precedent enabling greater long-term impacts to sensitive habitats inconsistent with 30240 of the Coastal Act.

Staff Recommendation for Changes to the Implementation Plan.

1. Poinsettia Shores Master Plan (PSMP)

Staff is also recommending denial of the PSMP as proposed, and approval with nine suggested modifications. The master plan amendment is primarily project-driven to facilitate development of 120 residential units. Eighteen of these are proposed as affordable units, and a collection of visitor-serving uses is also proposed. The project would occupy an 11-acre site in south Carlsbad (ref. [Exhibit No. 6](#)), designated as “Planning Area F” in the PSMP. None of the suggested modifications would affect the ~7-acre residential portion of the site. The residential units are necessary to meet the City’s housing requirements and do not raise coastal resource concerns.

The nine suggested modifications, taken collectively, reduce development intensity on the western ~3-acre portion of the site. The reduction improves protection of sensitive habitat on the site and preserves long-range planning flexibility for the potential inland relocation of Carlsbad Boulevard and/or South Carlsbad State Beach Campground. Specific revisions include separating the western portion of Planning area F into three districts with distinct allowable uses (ref. [Exhibit No. 6](#)).

District 1, located in the eastern portion of the property, may include up to 3,000 square feet of commercial space. Permitted uses are limited to pedestrian-oriented visitor-serving uses such as a small market or a restaurant, that can serve residents and campground users.

Development on District 2, located on the westernmost portion of the site adjacent to Carlsbad Boulevard and the South Carlsbad State Beach Campground, will be limited to removable at-grade structures, including pavers, fire pits, and visitor-serving kiosks (e.g., food/beverage carts, surfboard-rental stands). This approach allows the site to support

visitor-serving uses now, without foreclosing future inland relocation options for critical public infrastructure such as Carlsbad Boulevard and the South Carlsbad State Beach Campground.

District 3 includes all the sensitive habitat and associated buffers. Uses are limited to habitat restoration and public trails. Additional suggested modifications require protection of District 3 through a recorded deed restriction, incorporate Exhibit 43A to visually depict the district boundaries, and allow flexible parking standards for the commercial portion of the site. As revised, the amendment provides needed housing and new visitor-serving opportunities while preserving flexibility for long-term coastal planning. Both the City and the property owner support all suggested modifications.

During review of the amendment, both City and Commission staff received thousands of public comments opposing development in Planning Area F, primarily from the group People for Ponto. The primary objection is the belief that the entire Planning Area F should be reserved as a coastal park given the absence of parks in the southern portion of the City. While Commission staff recognizes parks as a priority use, the site is privately owned, the City has not allocated funds to purchase the land, and the owner has not offered the land for sale to the City. Furthermore, the City has provided sufficient information of adequate open space and undeveloped parklands. The City, the property owner and Commission staff have worked cooperatively over the last four years to modify the project, to allow for long range planning and as a result, the 3-acre portion of the site west on Ponto Drive will remain primarily undeveloped. The portions that will be developed will be limited to visitor-serving uses that will serve both the surrounding residential neighborhoods as well as the campers at South Carlsbad State Beach, and the undeveloped portions of the site will provide additional public trails and open space. Therefore, staff maintains that the Commission should approve the PSMP as modified.

Staff is recommending the revisions to the Village/Barrio Master Plan, and the two zoning changes for Encina power plant and the strawberry fields be approved as submitted

Finally, several suggested modifications have been included at the request of the City, which will correct several errors, clarifications and updates identified by the City from the time of its initial approval. These changes will not result in any coastal resources impacts, are supported as requested by the City, and have been included as several modifications located throughout the LUP. As a procedural note, the suggested modifications modify and supplement the proposed Land Use Plan as submitted. However, the City has indicated that they expect to renumber and/or reformat the suggested modifications approved by the Commission. These types of formatting and organizational changes, as long as they do not change any text or meaning of the suggested modifications can be considered consistent with the suggested modifications adopted by the Commission.

The appropriate motions and resolutions begin on Page 10. The suggested modifications begin on Page 12. The findings for denial of the Land Use Plan Amendment as submitted begin on Page 68. The findings for approval of the plan, if modified, begin on Page 87. The findings for denial of the Implementation Plan Amendment as submitted begin on Page 106. The findings for approval of the plan, if modified, begin on Page 113.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad LCP amendment No. LCP-6-CAR-25-0057-2 may be obtained from Toni Ross, Coastal Planner, at (619) 767-2370 or SanDiegoCoast@coastal.ca.gov.

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EXHIBITS

[Exhibit 1 – Resolution No. 2021-233](#)
[Exhibit 2 – Ordinance No. CS-406](#)
[Exhibit 3 – City’s Analysis for Planning Area F](#)
[Exhibit 4 – LUP Figures 1-4 \(a-c\)](#)
[Exhibit 5 – LUP Figure 6-1](#)
[Exhibit 6 – Planning Area F - Revised](#)

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 amendment addresses both the City's land use and implementation plans.

B. STANDARD OF REVIEW

The standard of review for land use plans, or their amendments, is found in Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). Except as provided in paragraph (1) of subdivision (a), a decision to certify shall require a majority vote of the appointed membership of the Commission.

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

The City has held Planning Commission and City Council meetings with regard to the subject amendment request. Public participation includes extensive community participation, with approximately 8,000 community members participating in workshops, public meetings and community surveys. The City also developed a 19-member citizen advisory committee. Public workshops/meetings were held on October 16, 2019, Dec. 2, 2020, Jan. 6, 2021, and Jan. 13, 2021. Additional outreach was provided via email updates

and social media posts. With regard to sea level rise policy language specifically, the City hosted community workshops in 2016 in May, June, September, and October to provide background information on sea level rise science, the regional perspective on sea level rise, and how sea level rise may specifically affect Carlsbad and to allow those owners of property vulnerable to sea level rise were invited to share their concerns regarding sea level rise. All 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 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.

3. MOTION:

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

STAFF RECOMMENDATION OF REJECTION:

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 DENY CERTIFICATION OF 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 as amended. 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 if it is modified pursuant to the staff recommendation.

STAFF RECOMMENDATION:

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 City of Carlsbad. 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 Land Use Plan and Implementation Plan 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.

Suggested Modification for the Land Use Plan:

Chapter 2 - Land Use:

2-1. Revise LUP Policy LCP-2-P.1, as follows:

LCP-2-P.1 Designate sites ~~for as~~ VC “visitor commercial” ~~uses~~ in locations generally near major transportation corridors and proximate to key tourist/visitor draws, such as hotels, the ocean, lagoons, the Village, LEGOLAND, and other recreation venues. On land designated VC, rRegional commercial, general commercial, and local shopping center uses may be adjacent to or, as a secondary use, integrated into a with visitor commercial uses center to also serve the daily convenience needs of tourists, visitors, and residents, provided the visitor commercial uses are the primary use of the site ~~(when such uses are integrated into a visitor commercial center, visitor commercial uses shall be the primary use of the site).~~ [Related to Coastal Act Section 30250(c)].

2-2. Add new LUP Policy within the General Policies section, as follows:

LCP-2-P.10 Environmental Justice: per Coastal Act Section 30107.3:

- (a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- (b) “Environmental justice” includes, but is not limited to, all of the following:
 - (1) The availability of a healthy environment for all people.
 - (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 - (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their

meaningful participation in all phases of the environmental and land use decision making process.

(4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

2-3. Add new LUP Policy within the General Policies section, as follows:

LCP-2-P.X When acting on a coastal development permit, local coastal program amendment, the City may consider environmental justice to ensure meaningful engagement and public participation, ensure public access for all persons to the coast, and ensure no community is disproportionately burdened by environmental impacts, such as by:

A. Ensuring that:

1) all potentially affected community members have an opportunity to participate in decisions about the project, including those who may have barriers to participating, such as language; and shall include, but not limited to the following:

a. Provide engagement opportunities at times the community can attend, providing materials in straightforward and accessible language without extensive use of technical terms and jargon.

b. Provide translation and interpretation services at public meetings and on meeting and project notices on issues affecting populations whose primary language is not English.

2) the decision-makers seek out and facilitate the involvement of those potentially affected; and

3) the concerns of all participants involved will be considered in the decision-making process.

B. Ensuring the project is consistent with the public access policies in Chapter 4 of this land use plan, and does not disproportionately impact coastal access for any community in the City.

C. Ensuring the project is consistent with the coastal hazard policies in Chapter 7 of this land use plan, and that coastal hazards do not disproportionately impact any community in the City.

D. Ensuring that hazardous uses are sited to avoid, reduce, and mitigate for unavoidable adverse impacts to vulnerable communities (i.e. senior citizens and children) or any residential area.

2-4 Add the Following New Policy to Chapter 2 Land Use – General Policies, as follows:

LCP-2-P.X Encourage housing opportunities for persons of low and moderate income, consistent with state law.

2-5. Revise LUP Policy LCP-2-P.17, as follows:

LCP-2-P. 17 West of the railroad tracks:

- A. Decommission, demolish, remove, and remediate the Encina Power Station site, including the associated structures, the black start unit, and exhaust stack according to the provisions of a settlement agreement dated January 14, 2014, between and among the City of Carlsbad and the Carlsbad Municipal Water District (CMWD), Cabrillo Power I LLC and Carlsbad Energy Center LLC, and San Diego Gas and Electric Company (SDG&E).

[...]

- E. Consistent with the requirements of the Habitat Management Plan, a wetland buffer shall be maintained along the lagoon's south shore between the railroad tracks and Carlsbad Boulevard.

2-6. Revise LUP Policy LCP-2-P.18, as follows:

LCP-2-P.18 Between I-5 and the railroad tracks:

- A. Ensure the Carlsbad Energy Center continues to include the following characteristics:

[...]

- B. ~~Maintain an open space buffer~~ Consistent with the requirements of the Habitat Management plan; a wetland buffer shall be maintained along the lagoon's south shore between the railroad tracks and I-5.

2-7. Revise LUP Policy LCP-2-P.19, as follows:

LCP-2-P.19 Apply the Carlsbad Village and Barrio Master Plan as the guide for land use planning and design in the Village and Barrio neighborhood. If any policies or standards, of the Village & Barrio Master Plan conflict with the Local Coastal Program (LCP), the policies of the LCP shall prevail.

2-8. Revise LUP Policy LCP-2-P.28, as follows:

LCP-2-P.28 Approve a specific plan prior to developing the 45-acre parcel (designated Visitor Commercial (VC)) located on the south shore of Agua Hedionda Lagoon immediately east of Interstate-5. The specific plan shall be consistent with

and implement the policies of this land use plan, and shall be approved by the California Coastal Commission through the certification of an LCP Amendment.

2-9. Add new LUP Policy LCP-2-P.30, as follows:

LCP-2-P.30 Amend the zoning ordinance to implement the open space land use designation by ensuring appropriate use and protection of the different types of open space (i.e., open space for protection of natural resources; open space for outdoor recreation; open space for managed production of resources; and open space for aesthetic, cultural and educational purposes), such as by creating a different open space zone for each type of open space or other effective means.

2-10. Revise the certified land use map to include a note for the Terramar neighborhood that states the following:

The location of the open space boundary shall be interpreted to align with the blufftop edge, which shall be determined by site-specific analysis.

2-11. Add the following note to Figures 1-4 A-C:

This map is a representation of the Coastal Commission's permit and appeal jurisdiction. Refer to Coastal Act Sections 30603 and 30519 to confirm what areas are within the commission's permit and appeal jurisdiction.

2-12. Revise Chapter 2, Carlsbad Boulevard/Agua Hedionda Center, as follows:

Revise text as follows:

~~This area previously contained the former Encina Power Station (EPS). Demolition of the EPS, including its, with a 400-foot exhaust stack, was completed in August 2022, landmark near the edge of Agua Hedionda Lagoon and the ocean since the mid-1950s. Pursuant to a settlement agreement dated January 14, 2014, between the City of Carlsbad and the Carlsbad Municipal Water District (CMWD), Cabrillo Power I LLC and Carlsbad Energy Center LLC, and San Diego Gas and Electric Company (SDG&E), the EPS is slated for decommissioning and demolition in the near future. The EPS ceased operations in December 2018. After demolition of the EPS, future use of the site will be guided by the The General Plan and Local Coastal Program Land Use Plan, which envision redevelopment of the EPS site west of the railroad track, as well as the adjacent SDG&E North Coast Service Center site, with visitor-serving commercial and open space uses to offer the public enhanced opportunities for coastal access and services, reflecting the California Coastal Act's goal of "maximizing public access to the coast."~~

2-13. Remove proposed zone changes for the Power Plant are strawberry fields

Chapter 3 – Recreation and Visitor-Serving Uses

3-1. Revise LUP Policy LCP-3-P.6, as follows:

LCP-3-P.6 ~~Protect, s~~Support and encourage water-oriented recreational activities in coastal areas that are suited for such use. ~~Protect, s~~Support and encourage the continuation of existing recreational uses on Agua Hedionda Lagoon and support expansion of such uses, if expansion is feasible [related to Coastal Act Section 30220].

3-2. Revise LUP Policy LCP-3-P.8, as follows:

LCP-3-P.8 ~~Protect, S~~Support and encourage recreational fishing activities in the Coastal Zone, including the continuation of free public fishing with no City fees along the western boundaries of Agua Hedionda Lagoon and Batiquitos Lagoon, subject to state fishing regulations [related to Coastal Act Section 30234.5].

3-3. Revise LUP Policy LCP-3-P.9, as follows:

LCP-3-P.9 Ensure that development in areas adjacent to public parks and recreation uses is located, designed, and maintained to prevent significant degradation of the public park and recreation uses, and does not discourage public access to those recreational areas. [related to Coastal Act Section 30240].

3-4. Revise LUP Policy LCP-3-P.11, as follows:

LCP-3-P.11 Require that construction above the mean high tide line of private boat docks, boat storage, and launching facilities, where permitted (~~e.g., Agua Hedionda Lagoon~~), be subject to City approval of a coastal development permit, except where the Coastal Commission retains permit authority. Coastal development permits for construction of boat docks/storage/launching, within areas below the mean high tide line or on public trust lands, and areas where the Coastal Commission retains permit authority shall be subject to Coastal Commission approval.

3-5. Revise LUP Policy LCP-3-P.19, as follows:

~~Define “lower-cost” overnight accommodations as accommodations available at an annual average daily rate that is equal to or less than the annual average daily rate provided by Smith Travel Research for the “economy” hotel segment within the hotel market area. The market area shall include only the hotels in Carlsbad’s Coastal Zone. If Smith Travel Research requires more economy hotels than are within Carlsbad’s Coastal Zone to identify the annual average daily rate, the market area may be expanded, to the extent necessary, to include economy hotels in Carlsbad outside the Coastal Zone and the nearest economy hotels in the Coastal Zones of adjacent cities.~~

3-6. Add new LUP Policy LCP-3-P.21. P.-22. P.23, P.24, as follows:

Lower-Cost Accommodation in the Coastal Zone.

Lower-cost overnight accommodations, defined as overnight accommodations with an annual average daily room rate equal to or less than 75% of the annual statewide average daily room rate, shall be protected and maintained.

a. The City shall proactively work with operators of lower-cost overnight accommodations to maintain and renovate existing properties.

b. Lower-cost overnight accommodations shall not be removed or converted unless replaced at a 1:1 ratio with units comparable in function, amenities, location, and cost to the public.

c. If the City determines that replacement of lower- or moderate-cost units on-site is infeasible, pursuant to a feasibility analysis, then the new development shall provide lower-cost units elsewhere within the City's Coastal Zone.

d. The City shall encourage the addition of overnight accommodations particularly serving the low and moderate cost range in the community. Moderate-cost overnight accommodations are defined as overnight accommodations with an annual average daily room rate between 75% and 125% of the statewide average daily room rate.

Encourage the rehabilitation of existing visitor accommodation uses, particularly for low/moderate cost accommodations.

New hotel and motel development within the City shall provide a range of rooms in order to serve all income ranges.

a. Priority shall be given to developments that include no-cost or lower-cost recreational amenities open to overnight guests and the general public, especially coastal dependent recreational opportunities.

b. New high-cost overnight accommodations shall provide at least 25% of the proposed units as lower-cost accommodations on-site. High-cost overnight accommodations are defined as overnight accommodations with an annual average daily room rate equal to or greater than 125% of the annual statewide average daily room rate.

c. If the City determines, pursuant to a feasibility analysis, that provision of lower-cost units on-site is infeasible, then the new development shall provide lower-cost units elsewhere within the City's Coastal Zone.

d. If the City determines, pursuant to a feasibility analysis, that provision of lower-cost units off-site in the City's Coastal Zone is infeasible, then the new development shall provide an equivalent amount of lower-cost units elsewhere within the San Diego County Coastal Zone.

e. If the City determines, pursuant to a feasibility analysis, that the project cannot feasibly provide lower-cost units on or offsite, in-lieu fees shall be required.

f. An in-lieu mitigation fee based on approximate construction costs per room, adjusted for inflation using a building cost index as needed, plus land cost square footage, shall be required. Construction costs shall be based on approximate hard and soft costs of building at least 25% of the proposed units as lower-cost accommodations on-site or shall be based on a comparable per-room construction cost estimate. Land cost calculations shall be based on the average square footage of commercial land sales in the City over the past five years.

g. The fee shall be used for construction of new lower-cost hotel rooms or other inherently lower-cost accommodations (e.g., motels, hostels, campgrounds, cabins) within the coastal zone in the City.

h. All in-lieu fee payments shall be deposited into an interest-bearing account, to be established and managed by the State Coastal Conservancy, or a similar entity approved by the Executive Director of the California Coastal Commission.

i. Funds may be used for activities including land acquisition, construction, permitting, or renovation that will result in the provision of additional lower-cost overnight visitor accommodations.

j. If any portion of the in-lieu fee remains seven years after the date of deposit into the interest-bearing account, the funds may be used to provide lower-cost overnight accommodations outside of the City, within the San Diego County Coastal Zone.

3-7. Revise Section 3-1 Introduction - Add Coastal Act Section 30234.5 (Economic Commercial and recreational importance of fishing) to the list of relevant Coastal Act policies.

Chapter 4 – Coastal Access

4-1 Revise LUP Policy LCP-4-P.3, as follows:

Require that new development, as defined by Coastal Act Section 30212, which is located on property fronting the ocean or a lagoon shoreline, dedicate or provide direct dedication or irrevocable offers to dedicate vertical and lateral public access, except when:

- A. Providing public access would be inconsistent with the need to protect public safety, public rights, the rights of property owners, and natural resources; or
- B. Agriculture would be adversely affected; or
- C. Adequate public access exists nearby.

~~D. Dedications or offers of dedication shall be made to the City of Carlsbad, California Coastal Conservancy, another public agency, or other suitable entity. Offers to the City shall be accepted, where feasible. [Related to Coastal Act Sections 30210 and 30212].~~

4-2. Add new LUP Policy after LCP-4-P.3, as follows:

LCP-4-P.4 Dedications or offers of dedication shall be made to the City of Carlsbad, California Coastal Conservancy, another public agency, or other suitable entity. Offers to the City shall be accepted, where feasible. [Related to Coastal Act Sections 30210 and 30212].

4-3. Revise LUP Policy LCP-4-P.6, as follows:

LCP-4-P.6 Require that lateral public access easements along ocean shorelines include a minimum of 25 feet in width of dry sand at all times of the year or the entire sandy area if the dry sand area is less than 25 feet in width; the easement shall not extend further inland than ~~any shoreline protective device or the toe of the coastal bluff or come closer than 10 feet to an existing single-family home.~~

4-4. Revise LUP Policy LCP-4-P.14, as follows:

LCP-4-P.14 Identify opportunities to provide and maintain continuous lateral public access, where feasible and safe to do so, along the south shore of Buena Vista Lagoon, and the north and south shores of Agua Hedionda Lagoon and Batiquitos Lagoon. The provision of such access shall include seeking lateral access across developed lands in addition to requiring such access as conditions of new development. The provision of lateral access along the lagoons shall minimize grading and avoid ~~and/or minimize~~ impacts to environmentally sensitive habitat areas, unless consistent with the requirements of the Carlsbad Habitat Management Plan.

4-5. Revise LUP Policy LCP-4-P.16, as follows:

LCP-4-P.16: Ensure that public accessways to the ocean and lagoons are well-maintained and identified with clear signage. Signage should utilize a consistent design. For educational and interpretive signage, evaluate options, such as QR codes, to translate the signage from English to other languages common in the region. [related to Coastal Act Section 30210].

4-6. Revise LUP Policy LCP-4-P.19, as follows:

LCP-4-P.19 ~~Prohibit restrictions on~~ Protect public access to the beach, ~~bysuch as:~~

a. Prohibiting such as signs that deter use of accessways and beaches, and closures or curfews of public beaches, parking lots, or accessways, unless otherwise permitted by a coastal development permit; and;

b. Maintaining no-cost and lower-cost beach user fees and beach parking fees,

and minimizing curfews for beach parking lots to the extent feasible in order to maximize public access and recreation opportunities. To ensure the beach remains accessible to residents and visitors of all income levels, a coastal development permit shall be required to create or change restrictions or fees at public beach parking lots, the primary purpose of which is to provide parking for beach visitors.

4-7. Remove LCP-4-P.32, as follows:

~~LCP-4-P.32 Complete Poinsettia Lane between Cassia Road and Skimmer Court; thereby ensuring the street provides direct access to the coast from El Camino Real.~~

4-8. Add New Policy LCP-4-P.37, as follows:

LCP-4-P.37 To foster access to shoreline recreation areas while maintaining adequate circulation on major coastal access roadways, development shall ensure adequate access to and along the coast is maintained and where feasible, improved. All modes of travel shall be considered, including vehicle, public transportation and walking and biking. Major coastal access roadways are Carlsbad Boulevard and the portions of the following roadways that are part of Carlsbad Boulevard and the portions of the following roadways that are located west of Interstate 5: Ocean Street, Carlsbad Village Drive, Tamarack Avenue, Cannon Road, Palomar Airport Road, Poinsettia Lane, and La Costa Avenue.

Prior to modifying a major coastal access roadway that has a current or projected future Multimodal Level of Service (MMLOS) E or worse at one or more roadway segments (with or without proposed development), a quantitative analysis projecting the change in MMLOS resulting from a lane reduction along the roadway shall be conducted to determine if coastal access is impacted. The specific modes to be quantitatively analyzed for each roadway are identified by the City's livable streets typologies provided in Table 3-1 of the City's General Plan Mobility Element. The General Plan Mobility Element identifies which modes of travel are accommodated on each street typology and specifies, depending on the type of street, which modes are subject to the MMLOS standard and which modes are not. While Table 3-1 does not require a minimum level of service for some travel modes on some types of streets, the intent is not to degrade levels of service for any travel mode. Rather, Table 3-1 provides the City with the flexibility to provide a balanced mobility system that meets the mobility needs of all modes and persons of all ages and abilities; and recognizes that to do so it may not always be possible to provide an optimum level of service for all travel modes on all streets.

Roadway modification projects that do not maintain adequate access to and along the coast shall be avoided. Modification to major coastal access roadways shall be accompanied by public access benefit enhancements promoting multi-modal access. Public access benefit enhancements may include, but are not limited to, increased public transportation services, improved pedestrian and cyclist access, and increased public parking. Existing public views of the coast and ocean provided through intersections and roadways shall be protected. Any new vegetation

proposed shall consist of native or non-invasive vegetation only. Additional water treatment improvements shall be incorporated into project design where feasible.

4-9. Revise Section 4-1 Introduction – Add Section 30213 (Lower cost visitor and recreational facilities) to the list of Coastal Act policies.

4-10. Edit Figure 4-1B, as follows:

- a. Label the arrows pointing towards Agua Hedionda Lagoon and describe these access points.
- b. Add Encina Fishing Area to this map.
- c. Add the access point at Bayshore Drive to this map.

4-11. On Page 4-29, delete the following from the list of “Future Street Improvements”:

~~Most major streets in the City’s Coastal Zone are constructed and provide access to the coast; however, one segment of Poinsettia Lane is not yet constructed (between Cassia Road and Skimmer Court). Construction of the Poinsettia Lane segment is planned by the City as part of its street system; completion of the street will provide direct access to the coast from El Camino Real.~~

4-12. On Page 4-30, revise the “Parking Availability” section as follows:

Parking Availability

~~The Village, Barrio, and Beach Area Parking Study (conducted in May and July 2016) concluded there is adequate parking capacity in the study area (generally north of Tamarack Avenue to the northern City boundary between the beach and Interstate 5). The study found 54 percent of parking spaces throughout the study area were occupied during peak periods, well below a typical parking occupancy threshold of 85-90 percent. While parking occupancy in the study area is generally low, some parking areas close to the beach can experience high occupancy rates during times of peak demand. The parking study found that a number of on-street and off-street facilities close to the beach experienced occupancies greater than 90 percent.~~

The Carlsbad Parking study (conducted in August 2024) evaluated the inventory and utilization of parking in the Village, Barrio and beach neighborhoods generally north of Tamarack Avenue. The 2024 parking inventory includes a total of 5,332 public parking spaces (3,988 on-street, 783 off-street, and 561 NCTD transit), and a total of 1,506 private parking spaces. The study concluded that on both the weekday and weekend, the beach and Village neighborhoods observed peak occupancies during the evening (6 p.m. - 9 p.m.), while the Barrio neighborhood observed peak occupancies in the morning (6 a.m. - 9 a.m.). High occupancy rates (above 85%; as stated in the study, the ideal parking occupancy is 85%) were observed mostly in the Village and beach neighborhoods, especially in the evening.

Chapter 5 – Agricultural, Cultural, and Scenic Resources

5-1. Modify LUP Policy LCP-5-P.1, as follows:

LCP-5-P.1 Allow non-prime agricultural lands in Carlsbad to convert to non-agricultural uses only when consistent with the policies of the Coastal Act and this Local Coastal Program [related to Coastal Act Section 30241 and 30242].

5-2. Modify LUP Policy LCP-5-P.8, as follows:

LCP-5-P.8 Support efforts to educate agriculturalists and home gardeners about agriculture and gardening practices, including proper use of fertilizers and pesticides, such as by working with the Carlsbad Community Gardens Collaborative and other similar organizations and providing information on the City's website. The use of natural/organic herbicides and pesticides is preferred in lieu of chemical products~~pesticides.~~

5-3. Modify LUP Policy LCP-5-P.10, as follows:

LCP-5-P.10 Allow conversion of non-prime agricultural land to non-agricultural landuses through a Specific Plan to be certified by the Coastal Commission and prior to issuance of a permit for development to ensure that such development is consistent with all applicable requirements of the Coastal Act and the City's Local Coastal Program, including the following:

A. Area 1 on Figure 5-1:

- i. May convert to uses consistent with the applicable land use designation and zone, subject to criteria developed by the Specific Plan and payment of a mitigation fee pursuant to Coastal Act Section 30171.5.
- ii. Prior to development on Area 1, a permanent open space easement in favor of the City of Carlsbad shall be recorded over Area 2 on Figure 5-1. The easement shall not prohibit or limit the uses described in Policy LCP-5-P.10.B.5.
- iii. Development on Area 1 shall include two a public trails with one located along the south side of the lagoon, but aligned along the edge of the lagoon waters and the other, as identified in Chapter 4, with public coastal viewing areas, as well as dedication of a portion of the site for a public recreational use ~~if the City finds that current or future recreational needs require the development of such uses along the south shore of Agua Hedionda Lagoon...~~

5-4. Add new LUP Policy LCP-5-P.14, as follows:

Cultural Investigations.

Conduct project-specific investigations in accordance with all applicable laws and regulations to identify potentially significant cultural, tribal, archaeological paleontological resources.

- a. Work with development applicants to site and design proposed development to avoid adverse effects on cultural, tribal, archeological, and

paleontological resources to the maximum extent feasible in accordance with the requirements of the Carlsbad Municipal Code and state law.

b. Evaluate alternatives that would result in the fewest and least significant impacts to archeological, tribal cultural, paleontological, and coastal resources.

c. Implement the alternative with the least impacts to archeological, tribal cultural, paleontological, and coastal resources to the maximum extent feasible.

d. Provide adequate data collection, recovery and mitigation, as appropriate, for adverse effects on cultural, tribal, paleontological, and archaeological resources and Native American sites as part of development where development would adversely impact such resources. Include measures to monitor, conserve in situ, or recover, or other measures as appropriate, cultural, tribal cultural, archaeological and paleontological resources, under the supervision of a qualified professional and, for tribal cultural resources, a Native American monitor.

5-5. Modify LUP Policy LCP-5-P.18, as follows

LCP-5-P.18⁹ Require that development activities halt if subsurface deposits are found and believed to be cultural or tribal cultural resources, or human in origin. No development activities shall occur within 100 feet of the find. A determination of the find's significance shall be made pursuant to Policy LCP-5-P.17. The no work radius may be modified as appropriate by a qualified archaeologist and, in the case of tribal cultural resources, in consultation with a Native American monitor. The no work radius shall remain in effect subject to the following:

- A. If the archaeologist, in consultation with a Native American monitor in the case of tribal cultural resources, determines that the find does not represent a cultural resource, then work may resume.
- B. If the archaeologist, in consultation with a Native American monitor in the case of tribal cultural resources, determines that the find does ~~not~~ represent a cultural resource from any time period or cultural affiliation, then work may resume when it has been demonstrated to the satisfaction of the City that: 1) the site is not eligible for the National Register of Historic Places or the California Register of Historical Resources, and 2) that measures for treatment of the find have been completed to the City's satisfaction.

5-6. Add new LUP Policy LCP-5-P.22, as follows:

LUP Policy LCP-5-P.22 Consider the interpretation of cultural and paleontological resources through signage in public areas (e.g., parks, along trails, and scenic overlooks) for the benefit of the general public. Consultation with local Native American tribes shall be required to determine if interpretive signage is appropriate

for Native American cultural resources. The number, location, and content of interpretive signage shall not disclose the locations of confidential resources or sites.

5-7. Add new LUP Policy LCP-5-P.23, as follows:

LCP-5-P.24. Consider Native American cultural resource access agreements, cultural easements, interpretive signage, or place naming in coordination with relevant tribes when development is proposed in a location with identified tribal cultural resources or in locations of tribal cultural significance.

5-8. Revise existing LUP Policy LCP-5-P.22, as follows:

LCP-5-P.224. Ensure that new development and redevelopment is scaled and sited and designed to respect the natural terrain and is designed in a manner that protect public views to and along the ocean and scenic coastal areas (e.g., coastal bluffs, lagoons and surrounding natural habitat and hillsides), minimizes the alteration of natural landforms, and ensures compatibility with the be visually compatible with the character of the surrounding community, and, where feasible, restore and enhance visual quality in visually degraded areas. Development shall be scaled and sited to maintain existing public views from public scenic viewing areas including public streets, trails, beaches, parks and open spaces. Development on slopes, when permitted, shall be designed to minimize grading and comply with the hillside development requirements of the zoning ordinance [related to Coastal Act Section 30251].

5-9. Add new LUP Policy LCP-5-P.23, as follows:

Maintain existing view points accessible to a mix of pedestrians, bicycles, motor vehicles, and public transit and consider establishing new view points if and where environmentally sound and physically feasible along lagoon shorelines to provide varied visual access to the lagoons.

5-10. Add new LUP Policy LCP-5-P.26, as follows:

LCP-5-P.26 Development on slopes, when permitted, shall be designed to minimize grading and comply with the hillside development requirements of the zoning ordinance [related to Coastal Act Section 30251].

5-11. Revise existing LUP Policy No. LCP-5-P.24, as follows:

LCP-5-P.284. Ensure that new development and redevelopment preserves, where possible, existing, mature, healthy vegetation that provides significant scenic value, such as oak. Removal of mature trees must comply with LCP Policy No. LCP-6-P.23.

5-12. Revise existing LUP Policy No. LCP-5-P.25, as follows:

LCP-5-P.259 Require that all signs comply with the City's sign ordinance and comply with the following criteria. In addition, signs shall be designed and located to minimize impacts to coastal viewsheds from public scenic viewing areas:

- A. Monument signs should be limited to one per driveway entrance and six feet in height above average grade.
- B. Digital signage, new billboard signage, tall freestanding, and roof signs shall be prohibited.
- ~~BC~~ Wall signs should be sized in relation to the size of the building.
- ~~GD~~ One pole sign limited to 35 feet in height above average grade may be permitted for shopping centers designated "Regional Commercial" on the Local Coastal Program Land Use Map.
- ~~DE~~ Off-site commercial signs and billboards are prohibited.

5-13. Remove existing LUP Policy No. LCP-5-P.27, as follows:

~~LCP-5-P.27 Ensure that new development and redevelopment is located and designed to avoid, and where avoidance is not possible, to minimize visual impacts and interruption of public views of a coastal viewshed from public scenic viewing areas [related to Coastal Act Section 30251].~~

5-14. Add new Policy No. LCP-5-P.30, as follows:

LCP-5-P.30 Ensure that new development and redevelopment is sited to minimize impacts to public views along the ocean and lagoon shorelines by requiring compliance with a stringline setback that prevents structures from encroaching too far into ocean and lagoon shoreline views, as follows:

A. Habitable structures. No enclosed portions of a habitable structure shall be permitted closer to the sea or lagoon than allowed by a line drawn between the nearest edge of the enclosed portions of existing and permitted habitable structures on the immediately adjacent lots along the ocean/lagoon.

B. Accessory structures. No above grade accessory structure, attached or detached, including but not limited to decks, patio covers, sheds, barbeque islands, fire pits, etc., shall be permitted closer to the sea or lagoon than allowed by a line drawn between the nearest edge of like-for-like existing and permitted accessory structures located on immediately adjacent lots along the sea or lagoon. If a like-for-like existing and permitted accessory structure is not located on the immediately adjacent lot:

1. The stringline shall be drawn from either: a) the nearest edge of another existing and permitted accessory structure on the adjacent lot, provided the other accessory structure has an equal or greater impact to views compared to the proposed accessory structure, or b) the nearest edge of the existing and permitted habitable structure on the adjacent lot.

C. Habitable and accessory structures on nonadjacent lots shall not be used for the stringline.

D. A greater setback may be required for geological safety, as specified in Chapter 7 of this Land Use Plan.

5-15. Revise existing LUP Policy No. LCP-5-P.27, as follows:

LCP-5-P.27³² Ensure that new development and redevelopment is located and designed to avoid, and where avoidance is not possible, to minimize visual impacts and interruption of public views of a coastal viewshed from public scenic viewing areas [related to Coastal Act Section 30251].

- A. Development site selection and design alternatives are preferred methods to minimize impacts on public views of a coastal viewshed, rather than landscape screening.
- B. Land divisions and lot line adjustments shall be designed to minimize impacts to public views of the viewshed and maximize open space, such as by clustering building sites.
- C. Fences, walls, and landscaping shall not block public views of a coastal viewshed from public scenic viewing areas. Fences and walls shall be visually permeable (75% open to light) if located where there is the potential to block public views. Landscaping shall be maintained at a height that will not obscure or block public views of a view shed.

5-16. Revise existing LUP Policy No. LCP-5-P.30, as follows:

LCP-5-P.30⁵. Ensure that exterior lighting (except street lights, traffic lights, navigational lights, and other similar safety lights) is minimized, restricted to low intensity fixtures, shielded, downward facing, utilize lights with has a maximum color temperature of 2,700 Kelvin, and that do does not cast uplight, and concealed from view to the maximum feasible extent to avoid or minimize public views of the light source from public scenic viewing areas.

5-17. Add new LUP Policy No. LCP-5-P.37, as follows:

LCP-5-P.37 Ensure that improvements to “public streets and freeways” identified as “scenic viewing areas” on Figure 5-3 are designed to minimize substantial impacts to public views of the coastal viewshed from the street or freeway, including grading design, lighting, fencing, and operational activities. Where possible, project design shall include, but is not limited to:

- A. Project design shall integrate into the surrounding landscape.
- B. Grading shall be designed to minimize landform alteration and removal of significant vegetation. Areas that remain disturbed by cut, fill, or grading shall be seeded or planted with native vegetation, such that these areas will blend with the surrounding vegetated areas.
- C. When replacement bridges across lagoons are proposed, consider providing a reduced number of support structures compared to the existing

bridges, as a way to improve views of the lagoon from public scenic viewing areas.

D. New landscaping planted as part of the project along the street or freeway shall not substantially block public views of the coastal viewshed.

E. Night lighting shall be the minimum required for operations and safety and shall be excluded at lagoon crossings, wherever feasible. All lights should be fully-shielded and downward-facing in order to minimize glare and light trespass.

5-18. Revise existing LUP Policy No. LCP-5-P.33, as follows:

LCP-5-P.33 Require that new development and redevelopment is sited and designed to preserve public blue water ocean/lagoon views by:

A. On parcels located adjacent to the north shore of Agua Hedionda Lagoon and that have an elevation difference of 35 feet or more between the mean high tide line and an adjacent public street:

[...]

B. On parcels not subject to A.1 of this policy and when it is infeasible to comply with A.1 of this policy due to physical site constraints or conflicts with other resource protection policies of this Local Coastal Program:

[...]

b. The width of the view corridor shall be no less than the minimum required building setback ~~or at least 1/3 of the road frontage, whichever is greater~~; however, additional width may be required to ensure public blue water ocean/lagoon views...

5-19. Revise Figures 5-1A, B, C (Agriculture in the Coastal Zone) to include APNs for all remaining agricultural properties shown in these figures.

Chapter 6 – Coastal Resources and Water Quality:

Sensitive Habitat

6-1. Add new Policy immediately following LCP-6-P.3, as follows:

LCP-6-P.4 Ensure there is 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 Wildlife (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.

6-2. Add new LUP Policy immediately following new policy LCP-6-P.4, as follows:

New Policy LCP-6-P.5

Ensure compliance with the following mitigation requirements:

Permanent Impacts to habitat shall be mitigated consistent with Sections 7-7, 7-8, and 7-9 of the City's Habitat Management Plan. Temporary impacts shall be mitigated at a 1:1 ratio and habitat restored in place. In addition:

A. On-site mitigation is preferred. When compensatory mitigation is instead moved off site, the findings shall provide an ecological rationale to support the site selection.

B. When impacts take place wholly or partially within the Coastal Zone, it is preferred that compensatory mitigation occur within the Coastal Zone.

C. Any impacts to wetlands in the Coastal Zone shall be compensated with no net loss, preferably within the Coastal Zone. A description and rationale for the location and compensatory mitigation should be included with any mitigation plan.

D. 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, planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat.

E. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat or retirement of development credits on existing like habitat with permanent preservation.

F. 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. 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.

G. Replacement habitats shall be of the same kind (habitat type) as the impacted resource and preferably on or adjacent to the impact area. These measures ensure continuity of that resource's existence and role within the greater ecosystem.

H. Landscaping using non-invasive species shall be provided as a project requirement, and landscaping shall not be considered as mitigation for ecological impacts.

6-3. Add new LUP Policy immediately following new policy LCP-6-P.5, as follows:

LCP-6-P.6 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 (e.g., 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 Wildlife, 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.
- c. 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.

6-4. Add new LUP Policy, LCP-6-P.7 as follows:

LCP-6-P.7 Require new trails within or immediately adjacent to sensitive habitat be constructed consistent with the Habitat Management Plan and with materials that minimize impacts to the sensitive habitat, such as bare soil or non-petroleum stabilized decomposed granite.

6-5. Add new LUP Policy, LCP-6-P.8, as follows:

LCP-6-P.8 In cases where it is not certain if a coastal development permit was approved to clear or disturb a site and, based on the presence of habitat on the site or surrounding sites, there is potential that ESHA was cleared or disturbed, then historical analysis shall confirm whether ESHA was cleared or disturbed and if such clearing or disturbance was done pursuant to a valid coastal development permit.

6-6. Revise existing LUP Policy LCP-6-P.7, as follows:

LCP-6-P.7¹² Require a site-specific biological report, conducted by a qualified biologist, for any development project (i.e., grading, clearing, grubbing, construction, etc.) that requires a discretionary or ministerial permit, in the following circumstances:

A. The project could directly or indirectly impact ESHA or wetlands on the project site or adjacent site; or

B. The project could directly or indirectly impact lands identified in the Habitat Management Plan as existing hardline, proposed hardline, or standards area; or

C. There is no clear evidence that ESHA or wetlands ~~does not~~ exist on the project site or adjacent site.

D. The biological report shall identify the location and aerial extent of each vegetation community according to the Vegetation Classification Manual for Western San Diego County, on the project property and any off-site work area; the location and identity of sensitive species; and the location of any off-site ESHA, wetland, riparian habitat, oak woodland, nesting raptors, or narrow endemic species located within 100 feet of the property. The report shall also consider seasonality for presence of sensitive habitat (such as associated with annual Orcutt's Spineflower) and seasonal changes that may influence timing of development and mitigation activities (e.g. additional protection during grunion season, planting for mitigation lands just before rainy season), identify disturbed areas adjacent to or within sensitive habitat areas; the applicant shall provide information that identifies how the area became disturbed (i.e., natural causes or human actions; and if a coastal development was required and obtained to authorize the disturbance of the sensitive habitat). If impacts are identified, the report shall also include a preliminary Habitat Mitigation and Monitoring Plan. The reports shall also identify mitigation measures including precise buffers and any other

information and analysis appropriate to identify and protect biological resources at and adjacent to the site. Surveys must be conducted no more than five years prior to project approval; and protocol level surveys for sensitive species may be required as a follow-up to the initial biological report.

6-7. Revise existing LUP Policy LCP-6-P.8, as follows:

LCP-6-P.8 13 Ensure that Buena Vista, Agua Hedionda, and Batiquitos Lagoons and surrounding wetland habitat remain protected as hardline preserve areas, including biological buffers, pursuant to the Habitat Management Plan and the policies of this chapter.

6-8. Revise existing LUP Policy LCP-6-P.13, as follows:

LCP-6-P.13 Ensure large scale beach maintenance activities avoid adverse impacts to marine resources the beach ecosystem, including beach wrack and near shore habitat during the spring/summer nesting season (April-August) through timing and frequency of grooming activities, location of grooming with respect to the high tide line, grooming methods, equipment used. Organized and mechanical beach grooming should be avoided to the extent feasible, but ~~would~~may be allowed to decrease impacts of flying insect populations and large beach displacement areas on beaches in areas without sensitive species or their active nests. Alternative beach maintenance activities, such as manual beach cleaning, should be restricted when sensitive species are present on the beach (e.g., grunion, western snowy plover and least tern); when sensitive species are present, limit beach maintenance to areas located more than 2540 feet landward of the ~~beach wrack habitat line or~~ mean high tide line, ~~whichever is farthest landward.~~ Monitoring activities should be undertaken before and during any grooming work. In any case, beach grooming is considered development, and is required to be reviewed through issuance of a Coastal Development Permit.

6-9. Add new LUP policy LCP-6-P.19, as follows:

LCP-6-P.19: Evaluate the feasibility and benefit of wildlife crossings as part of new development that is proposed adjacent to a sensitive habitat preserve or other open space lands, when the project has the potential to substantially impede wildlife movement.

6-10. Add new LUP policy LCP-6-P.20, as follows:

LCP-6-P. 20 Encourage new development to restore and enhance sensitive habitat areas, where feasible, consistent with the Habitat Management Plan.

6-11. Add new LUP Policy LCP-6-P.21, as follows

:

LCP-6-P.21 Encourage new development that is located on sites that contain plants listed as “moderate” or “high” on the Cal-IPC inventory of invasive plants to remove all invasive plants and replace them with native plant species endemic to the area.

6-12. Add new LUP Policy LCP-6-P.22, as follows:

LCP-6-P.22 Bird-Safe Design. Encourage the use of special design and window treatments to improve the degree to which new developments are bird-safe. Green design that facilitates bird safety includes but is not limited to: reduction of reflectivity and transparency in glass, the avoidance of light pollution, reduced disturbance to natural landscapes, and biological systems, and lowered energy use.

6-13. Add new LUP Policy LCP-6-P.23, as follows:

LCP-6-P.23 Protect trees used by Monarch butterflies for colonial roosting or nesting, as identified by Western Monarch Count or other similar source and confirmed by a biologist, by:

A. Requiring adjacent development to be set back a minimum of 50 feet from the trees.

B. Prohibiting trimming of the trees during colonial roosting and breeding (October 15 – March 1).

C. Prohibiting removal of the trees, except where they pose a serious threat to life or property, or due to the health of the trees (e.g., infestation of a tree disease), as determined by a qualified biologist.

1. If trees must be removed, they shall be replaced at a 1:1 ratio. Replacement shall occur outside of the Monarch breeding season (October 15 – March 1), where feasible. The replacement ratio may be reduced when multiple trees must be removed. A planting plan for each tree replacement or transplant shall be developed to specify the replacement or transplant location; tree type and size (minimum 15-gallon container size); planting specifications; and a five-year monitoring program with specific performance standards. Replacement trees shall be native and shall not include invasive tree species or cultivars listed in the California Native Plant Council's Inventory of Invasive Plants, and shall include trees known to provide monarch roosting habitat (i.e. California Sycamore and Coast Live Oak).

6-14. Add new LUP Policy LCP-6-P.24, as follows:

LCP-6-P.24 Require a coastal development permit for the removal or harvesting of major vegetation other than for agricultural purposes. Major vegetation includes, but is not limited to, environmentally sensitive habitat, trees that provide colonial nesting and roosting for birds and monarch butterflies, and multiple mature trees. Only those proposals found to be consistent with all applicable policies of this Land Use Plan may be approved.

6-15. Add new LUP Policy LCP-6-P.25, as follows:

LCP-6-P.25 Prohibit development on coastal dunes other than restoration activities.

6-16. Add new LUP Policy LCP-6-P.26, as follows:

LCP-6-P.26 Prohibit development of wetlands and riparian areas other than restoration activities and flood control projects, where no other method for protecting existing structures in the floodplain is feasible, and where such protection is necessary for public safety or to protect existing development.

6-17. Add new LUP Policy LCP-6-P.27, as follows:

LCP-6-P. 27 Setbacks from active bird nesting and roosting habitats shall be determined based on a site-specific avian analysis. This setback shall be maintained during all proposed development construction activities.

6-18. Revise the title for Chapter 6, as follows:

~~Environmentally Sensitive Habitat Areas and Water Quality~~ Natural Resource Protection

6-19. Revise Section 6.2 – Sensitive Plant and Animal Species

A total of 56 sensitive plant and animal species with the potential to occur in Carlsbad were evaluated for coverage by the Carlsbad Habitat Management Plan. ~~have been recorded as occurring or potentially occurring in Carlsbad.~~ Of these, ~~2431~~ 243 species are covered by the Carlsbad Habitat Management Plan, which means the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife consider that the species are adequately protected within the Carlsbad Habitat Management Plan preserve system. An additional ~~1249~~ 124 species could be considered for coverage by the Habitat Management Plan if additional funding becomes available for management in Carlsbad, or if other cities in north San Diego County have similar habitat management plans approved. Refer to the Carlsbad Habitat Management Plan for more information about sensitive species in Carlsbad.

6-20. Revise Section 6.2 – Habitat Conservation and Management Plans, as follows:

Habitat Management Plan for Natural Communities in the City of Carlsbad
The City of Carlsbad prepared a subarea plan as a part of the MHCP, called the Habitat Management Plan for Natural Communities in the City of Carlsbad (Habitat Management Plan). The Habitat Management Plan was approved by the Coastal Commission in June 2003 and is a component of the City's Local Coastal Program. The Habitat Management Plan and the policies of this chapter specify the requirements for ESHA protection in the Coastal Zone.

6-21. Revise Section 6.2 – Environmentally Sensitive Habitat Area (ESHA), as follows:

Coastal Act Section 30240(a) requires that “environmentally sensitive habitat areas be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.”

“Environmentally sensitive habitat area” is defined by Coastal Act Section 30107.5, as shown in Section 6.1.”

Figure 6-1 shows the proposed and existing hardline areas and standards areas that are identified in the Habitat Management Plan. However, Figure 6-1 does not identify all habitat areas that meet the definition of ESHA under the Coastal Act. Per the policies of this chapter, a biological study and habitat protection may be required for development proposed on any site that may contain sensitive habitat.

- 6-22. Revise Section 6-3 Marine Resources and Water Quality to include the following at the beginning of the section:

Marine Resources

Coastal Act Sections 30230 to 30236 specify requirements for the maintenance, enhancement and restoration of the biological productivity and quality of coastal waters, streams, wetlands, estuaries and lakes for long-term commercial, recreational, scientific, and educational purposes.

In Carlsbad, wetland habitats include southern coastal salt marsh, freshwater marsh, cismontane alkali marsh, the unvegetated mud flats and open water areas of estuaries, and several other aquatic habitat types. See Section 6.2 of this chapter for a description of riparian habitat. For purposes of Coastal Act Section 30240, riparian habitat is considered ESHA, which is addressed by Section 6.2 of this chapter. While wetlands may rise to the level of ESHA on the basis of rarity or qualifying as especially valuable habitat based on their special nature or special role, they are not universally considered ESHA.

The City’s Habitat Management Plan specifies the requirements for protection of wetlands.

Southern Coastal Salt Marsh

Southern coastal salt marsh is a wetland community that develops in low, flat estuaries at the mouths of rivers and streams. Tidal inundation or excessive evaporation results in highly saline conditions around the margins of lagoons, and it is under these conditions that salt marshes develop. This community is characterized by low-growing succulents such as pickleweed (*Salicornia* spp.), salty Susan (*Jaumea carnosa*), salt-cedar (*Monanthochloe littoralis*), and other halophytic (salt-tolerant) species.

Within Carlsbad, salt marsh habitat is present surrounding portions of Batiquitos Lagoon and Agua Hedionda Lagoon. The habitat type also occurs in limited amounts around Buena Vista Lagoon.

Freshwater Marsh

Freshwater marsh occurs in drainages, seepages, and other perennially moist low places. This community is characterized by perennial, emergent monocots 2-3 m (6-10 feet) tall, such as cattails (*Typha* spp.) and bulrushes. Understory species

include curly dock (*Rumex crispus*), Salt Marsh fleabane (*Pluchea odorata*), and a variety of hydrophytic grasses and herbs. Sensitive plants frequently encountered in the vicinity of this community are Southwestern spiny rush (*Juncus acutus leopoldii*) and San Diego marsh-elder (*Iva hayesiana*).

Patches of this habitat are present at the upper ends of Buena Vista, Agua Hedionda, and Batiquitos lagoons, where a mixture of plants of salt and freshwater habitats is encountered. Smaller freshwater marshes grow around the perimeter of Lake Calavera and within riparian scrub communities.

Cismontane Alkali Marsh

Areas in Carlsbad classified as cismontane or alkali marsh are typically disturbed riparian freshwater marsh that have changed in vegetative character due to agriculture or other disturbance. Plant species found in these locations are often those associated with saltmarsh, as well as exotic or weedy species. Areas of cismontane alkali marsh are located in Local Facilities Management Zone 11 along portions of Encinitas Creek and in Local Facilities Management Zone 15 in the vicinity of natural springs and seeps.

Estuaries

Estuarine habitat consists of a semi-enclosed body of water that has a free connection with the open ocean and within which seawater is measurably diluted with fresh water derived from land drainage, such as Agua Hedionda Lagoon and Batiquitos Lagoon.

Eelgrass

Eelgrass is a native seagrass species that grows in soft sediment areas of shallow coastal waters with high water clarity. Eelgrass forms underwater meadows that are crucial for supporting various marine life and maintaining healthy coastal ecosystems. It provides essential nursery and refuge habitat for fish and invertebrates by sheltering them from predators, supplying food and supporting stable conditions for growth. As a rooted plant, eelgrass also plays a vital role in stabilizing shorelines, filtering water, and sequestering carbon, making it an important component of coastal resilience.

In Carlsbad, eelgrass is primarily found in estuarine environments, such as Agua Hedionda Lagoon and Batiquitos Lagoon, where freshwater from rivers or streams mix with saltwater from the ocean. Human activities, such as development, boating, aquaculture, and fishing, threaten its persistence. It is also vulnerable to natural threats, such as rising sea temperatures and intense storm events.

Vernal Pools

Vernal pools are a highly restricted, unique wetland habitat type that contains high numbers of endangered, sensitive, and endemic plant and animal species. This type occurs in several scattered locations throughout the City on marine terraces. The most prominent occurrences of vernal pools are in Local Facilities Management Zone 22 along the railroad tracks and in Local Facilities Management Zone 21.

Freshwater/Open Water

This aquatic habitat lacks vascular vegetation and includes lakes, ponds, and reservoirs. The area surrounding the open water is almost always characterized by freshwater marsh, salt marsh, or riparian habitats. Excluding the three major coastal lagoons (Batiquitos, Agua Hedionda, and Buena Vista), the largest open water area in the City is Lake Calavera. There also are a number of smaller natural or artificial ponds throughout the City.

Disturbed Wetland

Disturbed wetland typically has a combination of native and non-native plants, but non-natives dominate such that the vegetation cannot be classified to another wetland community. It typically occurs where the natural wetland vegetation has been degraded by mechanical activities or invaded by weedy, nonnative species. This habitat is characterized by open and patchy vegetation that includes both native and introduced species. The dominant shrubs include mule fat, broom baccharis, and scattered willow trees. Other species present in varying density include coastal goldenbush (*Isocoma menziesii*), curly dock, castor-bean (*Ricinus communis*), cockle-bur (*Xanthium strumarium*), spiny rush, and pampas grass (*Cortaderia* spp.).

6-23. Revise Section 6.4 Other considerations to include the following:

Invasive Species

Invasive non-native plant and algae species contribute to the degradation of coastal and marine resources statewide and locally. The City's Habitat Management Plan lists the invasive non-native plant species occurring or potentially occurring in Carlsbad. Some of the most invasive non-native plants in the City include pampas grass, Ward's weed, black mustard, brome grasses, fennel, Russian thistle, artichoke thistle, tocalote, arundo, cape-ivy, ice plant, tamarisk, and fountain grass. Their control and removal is important to the persistence of Carlsbad's natural communities.

Invasive non-native algae, such as *Caulerpa* spp., can have devastating effects on the marine environment. *Caulerpa taxifolia* was discovered in Agua Hedionda Lagoon in June 2000. It is extremely fast-growing and, if allowed to become permanently established, can destroy and replace coastal marine life such as kelp forests, which are home to a wide variety of fish, marine mammals, and seabirds. In an emergency response to this major threat to the health of the lagoon, the Southern California *Caulerpa* Action Team (SCCAT) was formed and took appropriate action to kill the *Caulerpa taxifolia* in Agua Hedionda Lagoon and other waters in the region. The algae was declared eradicated from Agua Hedionda Lagoon in July 2006.

The Habitat Management Plan includes measures to control invasive non-native plant species, such as prohibiting the use of all non-native species in landscaping adjacent to habitat preserve areas, requiring the treatment or removal of invasive non-native plant species to protect sensitive habitat, working with owners of

property adjacent to habitat preserves to prevent runoff into preserve areas, and educating residents and visitors about invasive non-native species.

Artificial Lighting

Many nocturnal species use the cover of natural darkness to carry out important activities, such as breeding, foraging, and migrating. Artificial light can disrupt their behaviors and negatively affect their health. In sensitive habitat areas, bright lighting can cause adverse impacts to sensitive species if light is allowed to “leak” beyond the intended area or path.

The Habitat Management Plan protects wildlife in the City’s habitat preserve areas by not allowing artificial lighting in the preserves, except for roadways, facility use and safety. The Habitat Management Plan also requires any lighting adjacent to preserves to be within a specific wavelength of lighting and shielded down and away from preserved habitat.

Noise

The California Coastal Commission Local Coastal Program Update Guide Part 1 (2013) states that, while not well understood, significant noise levels may affect animals in a number of ways. Much of the information regarding impacts of noise on birds has been extrapolated from studies involving the influence of noise on humans. Studies on humans have demonstrated that 60 decibels (dB) is a volume above which humans display avoidance behavior, aggravation, irritability, and distraction. The 60 dB decibel range is widely accepted and employed for projects involving potential noise impacts upon birds, but consideration should be given to the ambient environment noise levels when assessing the decibel thresholds for development.

The Habitat Management Plan includes measures that minimize noise impacts to sensitive bird species, including requirements to keep noise from construction and other activities at levels no greater than 60 dB during the bird breeding season.

Tree Trimming and Removal

Tree trimming and removal can impact the breeding, roosting, and nesting habitat of birds protected by the Migratory Bird Treaty Act and species listed or candidate species by the Federal or California Endangered Species Act, such as monarch butterflies, and California bird species of special concern, as well as common species such as raptors. Therefore, the policies of this chapter require minimizing impacts to these protected species by avoiding tree trimming or removal during the breeding and nesting season, requiring a buffer between construction activity and a tree with an active nest, and requiring the replacement of trees used for nesting, if removed.

6-24. Revise Additional Consideration - Tree Habitat for Protected Species, to include the following:

Tree Habitat for Protected Species

Most birds nest in trees. While not all trees in Carlsbad are considered ESHA, they may provide important breeding and nesting habitat for a sensitive/protected bird species. The policies of chapter 6 protect breeding, roosting, and nesting habitat for birds protected by the Migratory Bird Treaty Act and bird species listed by the federal or California Endangered Species Acts, California bird species of special concern, as well as owls and raptors, which have a valuable role in the overall coastal ecosystem, including a minimum 300-foot buffer requirement from nests of state or federally listed species during breeding season and a minimum 500-foot buffer for raptor species. Buffer width of other species is to be determined by a qualified biologist, in consultation with the City and other agencies, based on species biology.

6-25. Revise Figure 6-1 to include the following:

~~This figure is not an exhaustive compilation of the habitat areas that meet the ESHA definition.~~ This figure does not identify all habitat areas in Carlsbad that meet the definition of ESHA per the Coastal Act.

6-26. Update Figure 6-1 to include updated hardline boundaries, reflecting all changes to time of LUP certification.

6-27. Update Figure 6-1 to reflect the 0.201 acres of hardline boundary removed at east side of El Camino Real, north of La Costa Ave and south of Arenal Road and replaced at the Crossings Municipal Golf Course.

6-28. Revise Section 6-2 - Impacts of Beach Grooming on Beach Ecosystem, second paragraph, as follows:

Beach grooming can negatively impact sensitive shorebird species, such as the western snowy plover and the California least tern, that forage and nest on the open beach. The western snowy plover establishes nests just above the wrack line in the upper beach and coastal strand zone. These nests are very exposed and vulnerable to disturbance and predation. The California least tern breeds on exposed tidal flats, beaches and bays of the Pacific Ocean and is vulnerable to predators, natural disasters and human disturbance. Beach grooming not only removes potential plover and tern nest material, but can also flatten the subtle topographic depressions that these birds use to nest in, as well as impact macroinvertebrate species that burrow in the sand within the intertidal zone. These impacts are generally regulated under 30230 and 30231 of the Coastal Act.

6-29. Revise the title of section 6.3 as follows:

6.3 Marine Resources and Coastal Water Quality""

6-30. Revise Section 6.3 – Surface Water Quality, Batiquitos Lagoon, as follows:

Batiquitos Lagoon was originally open to the ocean, but the construction of transportation corridors and other development resulted in sediment closing off the lagoon over time. In the mid-1990s, the Batiquitos Lagoon Enhancement Project restored the lagoon to regular tidal influence, as it exists today (2017). The California Department of Fish and Wildlife is responsible for ongoing maintenance and monitoring of the lagoon, as required by Section 10 of the 1987 ~~“Memorandum of Agreement for the Enhancement of Batiquitos Lagoon,”~~ which is an agreement between the City of Los Angeles, City of Carlsbad, ~~U.S. Fish and Wildlife Service~~, California Department of Fish and Game (as it was known in 1987), California State Lands Commission, National Marine Fisheries Service, and the U.S. Fish and Wildlife Service ~~City of Los Angeles~~. The agreement’s intent is to enhance marine habitat at Batiquitos Lagoon as mitigation for marine habitat losses incurred by port development landfills within the harbor district of the City of Los Angeles. The agreement sets forth the roles and responsibilities for the restoration of Batiquitos Lagoon.

Water Quality

6-31. Revise existing LUP Policy LCP-6-P.14, as follows:

LCP-6-P.~~14~~28 Maintain, enhance, protect, and, where feasible, restore the quality and biological productivity of coastal waters consistent with Coastal Act Sections 30230 and 30231. Coastal waters include the ocean, rivers, streams, wetlands, estuaries, lakes, and groundwater. Special protection shall be given to areas and species of special biological or economic significance.

6-32. Revise proposed LUP Policy No. LCP-6-P.16, as follows:

LCP-6-P.~~16~~30 Ensure that all development occurs in accordance with the requirements of the City’s Grading and Erosion Control Ordinance, and Stormwater Management and Discharge Control Ordinance. ~~Drainage Master Plan, Engineering Standards Volume 4 SWPPP Manual and Volume 5 BMP Design Manual, Jurisdictional Runoff Management Program (JRMP), and the additional requirements contained herein.~~

6-33. Revise proposed LUP Policy No. LCP-6-P.19, as follows:

LCP-6-P.~~19~~33 Require the use of pollutant source control BMPs, which can be operational actions or structural or nonstructural features, in all development to minimize the transport of pollutants in runoff from the development. The design and location of BMPs shall avoid to the extent feasible or minimize and mitigate for impacts to coastal resources.

6-34. Revise proposed LUP Policy No. LCP-6-P.24, as follows:

LCP-6-P.24 Minimize water quality impacts during construction by minimizing the project footprint, minimizing grading activities, implementing soil stabilization and

pollution prevention measures, preventing unnecessary soil compaction, or implementing other BMPS to minimize runoff and pollutant discharge.

6-35. Remove proposed LUP Policy No. LCP-6-P.28, as follows:

~~LCP 6 P.28 Determine that no Local Coastal Program amendment is required for the following minor revisions to the City's Engineering Standards Volume 4 SWPPP Manual and Volume 5 BMP Design Manual:~~

- ~~A. Addition of new BMPs found to be more protective of water quality than current BMPs~~
- ~~B. Removal of BMPs found to be ineffective (this does not include removal of BMPs on the basis that they are infeasible)~~
- ~~C. Addition of new development categories as PDPs~~
- ~~D. Addition of new coastal waters considered to be "environmentally sensitive areas"~~
- ~~E. Reductions in the area of impervious surfaces used to designate a specific category of PDP~~

~~The minor changes listed above may be made, provided the City finds that the changes will better protect coastal water quality. The City shall notify the Executive Director of the Coastal Commission in writing of any of the above-listed changes.~~

6-36. Add new LUP Policy No. LCP-6-P.32, as follows:

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

6-37. Add new LUP Policy No. LCP-6-P.33, as follows:

Protect slopes and areas remaining undisturbed as a result of the hillside development permit process with 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 permitted firebreaks or planting other fire-retardant native vegetation, and to protect visual resources of importance to the entire community.

6-38. Revise Section 6-3 Local Surface Waters, as follows:

The San Diego region is divided into 11 hydrologic units, which flow from elevated regions in the east toward coastal lagoons, estuaries, bays, and the Pacific Ocean in the west. As shown in Figure 6-2, the Carlsbad hydrologic unit is approximately 210 square miles in area, extending from the headwaters above Lake Wohlford in the east to the Pacific Ocean in the west and from Vista and Oceanside in the north to Solana Beach, Escondido, and the community of Rancho Santa Fe to the south. The cities of Carlsbad, San Marcos, and Encinitas are entirely within this hydrologic unit. There are numerous important surface hydrologic features within the Carlsbad

hydrologic unit, including three four unique coastal lagoons, ~~three~~ four major creeks, and two large water storage reservoirs.

Chapter 7 – Coastal Hazards:

7-1. Revise LUP Policy LCP-7-P.1, as follows:

LCP-7-P.1 Regulate development, including additions, redevelopment, or new structures remodeling or structural rehabilitation, to minimize safety hazards on sites having a history or a newly identified threat of flooding, erosion, subsidence, or seismic dangers.

7-2. Revise LUP Policy LCP-7-P.3, as follows:

~~Enforce the California Subdivision Map Act by denying subdivision maps if a project site is not physically suitable for either the type or density of a proposed development because of geologic, seismic, or other hazards. Limit land divisions, including lot line adjustments, in areas vulnerable to coastal hazards, including flood, geologic, fire and sea level rise hazards. Prohibit the creation of new lots (including adjusted lots) in such areas, unless it is demonstrated either that: 1) the new lot(s) would be permanently protected for open space, public access, or other similar purposes consistent with the Local Coastal Program, or 2) resultant parcels contain a buildable area in which development would remain located on private property despite the foreseeable migration of the public trust boundary, would assure stability and structural integrity despite foreseeable erosion or other coastal hazards, would not require the future construction or augmentation of a shoreline protective device, would be adequately served by public services (e.g., water, sewer, and safe, legal, all-weather access as applicable), and would otherwise be consistent with all Local Coastal Program policies.~~

7-3. Revise LUP Policy LCP-7-P.4, as follows:

Issue emergency coastal development permits in the event of an emergency (i.e., a sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential services). Emergency coastal development permits shall only be issued if:

- A. An emergency exists that requires action more quickly than permitted by the procedures for a regular coastal development permit;
- B. The work can and will be completed within 30 days unless otherwise specified by the emergency permit;
- C. The work is consistent with applicable Local Coastal Program policies;
- D. The nature of the work is temporary and fully removable with minimal impact to the affected area;
- E. The work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging short- and long-term manner;

Requests for emergency coastal development permits for any work to be conducted within the Coastal Commission's permit jurisdiction (tidelands, submerged lands, areas of deferred certification, and public trust lands) shall be referred to the Coastal Commission.

7-4. Add new LUP policy following existing policy LCP-7-P.6, as follows:

LCP-7-P.7 Foster adaptation to sea level rise by protecting the community from sea level rise impacts, integrating adaptation measures into development projects and City operations and infrastructure projects that are vulnerable to sea level rise impacts, and consider adaptation alternatives that enhance natural systems to prevent damage to both public and private properties from coastal hazards.

7-5. Add new LUP policy following new policy LCP-7-P.7, as follows:

LCP-7-P.8 Ensure that the Local Coastal Program and other relevant planning documents, such as public works plans, capital improvement plans, local hazard mitigation plans, and climate action plans, and other relevant plans provide a coordinated, cohesive, and mutually supportive approach to adaptation.

7-6. Add new LUP policy following new policy LCP-7-P.8, as follows:

LCP-7-P.9 Support sea level rise modeling, vulnerability identification, and adaptation planning efforts, as well as efforts to monitor sea level rise impacts to recreational resources (e.g. beaches), natural resources, and sensitive habitat.

7-7. Add new LUP policy following new policy LCP-7-P.9, as follows:

LCP-7-P.10 Monitor, assess, and inform the public and City decision-makers about the effects of sea level rise on coastal resources, coastal access, public infrastructure and facilities, and existing development in order to make informed recommendations on adaptation to sea level rise hazards. Sea level rise monitoring, assessing, and informing shall occur, at a minimum, as part of sea level rise vulnerability assessments, adaptation plans, and site-specific sea level rise hazard reports.

7-8. Add new LUP policy following new policy LCP-7-P.10, as follows:

LCP-7-P.11 Amend the Local Coastal Program, as appropriate, to reflect information resulting from sea level rise vulnerability assessments, adaptation plans, and site-specific sea level rise hazard reports.

7-9. Revise existing LUP Policy LCP-7-P.7, as follows:

LCP-7-P.7¹² Incorporate the "City of Carlsbad Sea Level Rise Vulnerability Assessment" as Appendix B of this Local Coastal Program Land Use Plan. The assessment, including sea level rise hazard maps, shall be updated approximately every 10 years; the update shall utilize the best available science and state

guidance applicable at the time of the update. All updates to the City of Carlsbad Sea Level Rise Vulnerability Assessment require a Local Coastal Program amendment.

7-10. Revise existing LUP Policy LCP-7-P.8, as follows:

LCP-7-P.8¹³ Require a site-specific sea level rise hazard report(s) for all development that requires a coastal development permit and is proposed on property that is 1) wholly or partially in a sea level rise hazard zone (as shown on the sea level rise hazard maps for year 2100 – see Appendix B Exhibits B1-B7), or 2) an oceanfront parcel outside the boundary of a sea level rise hazard zone. The report shall be prepared pursuant to the requirements specified in the zoning ordinance and shall:

- A. Be based on the best available sea level rise science and state guidance applicable at the time of the report.
- B. Demonstrate that the development will not create new, or increase the degree of, risks from sea level rise hazards ~~to~~ on the property, will avoid or minimize impacts from sea level rise hazards (inundation, bluff erosion, flood, increased groundwater elevation) for the anticipated duration of the development per Policy LCP-7-P.9.
- C. For sites with existing shoreline protective devices, the analysis shall assume that the protective device does not exist, such that the site would erode in a manner similar to unarmored sites in the same vicinity with similar geologic attributes. (This subsection does not apply to existing shoreline protective devices that are part of a development that includes an existing lagoon marina/boat dock).
- D. Demonstrate that the development will not encroach on public trust lands or a wetland boundary or required buffer during the anticipated duration of the development per Policy LCP-7-P.9

7-11. Revise existing LUP Policy LCP-7-P.11, as follows:

LCP-7-P.11¹⁴ Ensure that all new development and redevelopment that requires a coastal development permit and is located in a sea level rise hazard zone is consistent with the following:

- A. Locate and design development to ensure stability and structural integrity for the anticipated duration of the development, without creating or contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area, or require construction of shoreline protective devices that, in combination with sea level rise hazards, will substantially alter natural landforms.
- B. Provide adequate drainage and erosion control facilities that are consistent with the water quality protection policies of Chapter 6 and convey site drainage in a non-erosive manner to minimize hazards resulting from increased runoff and erosion. Blufftop runoff shall not be channelized or directed to the beach or the ocean.
- C. Development shall not encroach on a wetland boundary or required ~~a~~ habitat buffer and will remain on private land during the anticipated duration of the

development. ~~The location of n~~New development and redevelopment (during its anticipated duration) shall be located such that the development will, according to the current best available science, remain consistent with all Local Coastal Program policies and the Coastal Act during its anticipated duration, as the mean high tide line/public trust boundary migrates inland.

7-12. Revise existing LUP Policy LCP-7-P.12 as follows:

LCP-7-P. 4215~~If~~ Permit development and ~~or~~ redevelopment that has been determined to be approvable but that cannot be located and designed to avoid impacts from sea level rise hazards, only if the development meets all the following criteria:

A. The proposed development is the least environmentally damaging feasible alternative and is sited and designed to protect coastal resources and minimize hazards, ~~to the extent feasible~~ including through the use of adaptive designs such as constructing smaller structures, increasing finished floor elevations, modifying lower levels to be capable of withstanding periodic flooding, and installing wall flood vents, or through the use of foundation designs that can accommodate flooding.

B. Approval of the development includes a condition that requires removal or other adaptation measures when specific triggers are met, including, but not limited to, those described in Policy LCP-7-P.27, to ensure that the development does not: 1) impact coastal resources, 2) substantially impair public trust resources, 3) become structurally unstable, or 4) pose unacceptable risks to life or property. The condition shall be recorded as part of a notice of restriction per Policy LCP-7-P.17.

C. The proposed development is consistent with the public access and recreation policies of the Coastal Act and this Local Coastal Program and will not impact existing or planned future accessways.

7-13. Revise existing LUP Policy LCP-7-P.14, as follows:

LCP-7-P.4417 Ensure that new development and redevelopment on blufftop lots along the ocean and lagoon shorelines is set back from the blufftop edge. The setback line shall be the greater of the following distances:

- A. The “stringline” distance, as required by the Scenic and Visual Resources Policies in Chapter 5 of this Land Use Plan. ~~which is a line measured between structures on adjacent blufftop lots; the adjacent structures to measure from shall be the enclosed portion of the structure on the adjacent site that is: a) nearest to the ocean or lagoon, and b) nearest to the project site. No decks or other accessory structures shall be permitted closer to the ocean or lagoon than those on adjacent blufftop properties.~~
- B. The geologic setback ~~is~~ the location on the blufftop inland of which stability can be reasonably assured for the anticipated duration of the development without need for shoreline protective devices. The geologic setback line shall

account for the erosion, including erosion due to sea level rise, anticipated during the duration of the development.

7-14. Revise existing LCP Policy LCP-7-P.17 as follows:

~~LCP-7-P.17~~ Require recordation of a notice of restriction on property as a condition of approval of a coastal development permit for new development and redevelopment Require recordation of a notice of restriction as a condition of approval of a coastal development permit for new development and redevelopment within the Coastal Commission's appeals jurisdiction in a sea level rise hazard zone. As specified in the zoning ordinance, the notice of restriction shall identify existing and potential future sea level rise hazards and the associated limitations on land use and property rights. The notice of restriction shall include:

1) that the development is located in a hazardous area, or an area that may become hazardous in the future;

2) that the applicant assumes the risks of injury and damage from such hazards in connection with the permitted development;

3) that the applicant unconditionally waives any claim of damage or liability against the City of Carlsbad, and the Coastal Commission if the permit is appealed, their officers, agents, and employees for injury or damage from such hazards;

4) that the applicant indemnifies, defends, and holds harmless the City of Carlsbad, and the Coastal Commission if the permit is appealed, their officers, agents, and employees with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards;

5) that, except for coastal-dependent structures, existing legally permitted shoreline armoring, and armoring allowed under the law including but not limited to Coastal Act Section 30235, the property cannot be protected by shoreline armoring in the future;

6) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it inoperable or uninhabitable;

7) approval does not permit any development to be located on lands impressed with a public trust interest, and any development that comes to be located on such lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines, pursuant to a permit amendment, that the development may remain pursuant to the Coastal Act. If the development comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the

applicant would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval; and

8) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe for occupancy or use due to coastal hazards or if removal is required pursuant to Policy No. LCP-7-P.27.

7-15. Add new LUP policy LCP-7-P.22, as follows:

LCP-7-P.22 Require that, within the Coastal Commission's appeals jurisdiction, redevelopment of nonconforming structures comply with the City's regulations applicable to nonconforming lots, structures and uses; also, the nonconforming structure shall be brought into conformity with all coastal resource protection standards contained in the City's Local Coastal Program (e.g., standards that protect geological stability; public access to the coast; the marine environment; environmentally sensitive habitat; agriculture; recreation; visitor serving uses; cultural and scenic resources; and standards that address sea level rise, flood and fire hazards, as applicable).

7-16. Revise existing LUP Policy LCP-7-P.23, as follows:

LCP-7-P.23 Require that new shoreline protective devices, when permitted pursuant to Policy LCP-7-P.20, are sited and designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to avoid impacts to other coastal resources and public access to the maximum extent feasible. If such impacts cannot be avoided, they shall be mitigated through options such as providing equivalent new public access or recreational facilities, contributing fair-share sand replenishment fees to agencies with sand replenishment programs, or undertaking restoration of nearby beach habitat. Mitigation of impacts to coastal resources and public coastal access shall ensure equitable public access to and benefits from coastal resources.

7-17. Revise existing LUP Policy LCP-7-P.24, as follows:

LCP-7-P.24 Permit repair and maintenance of existing, legally permitted shoreline protective devices only if the activities do not result in an enlargement (increased height, width, footprint, importation of new material) or extension of armoring. Repair and maintenance activities shall not result in a seaward encroachment of the shoreline protective device or encroach upon ~~substantially impair~~ public trust lands or resources. Repair and maintenance projects shall include measures to address and mitigate all coastal resource impacts that the repair and maintenance activities may cause. Replacement of 50 percent or more of a shoreline protective device shall not be considered repair and maintenance, but instead constitutes a replacement structure subject to provisions applicable to new shoreline protective devices.

7-18. Add new LUP Policy after LCP-7-P.26, as follows:

LCP-7-P.27. Require, as a condition of approval of any shoreline protective devices, including hard devices and soft alternatives, a plan to mitigate all unavoidable impacts to shoreline sand supply, public access and recreation, and any other relevant coastal resources. The mitigation and monitoring plan shall be phased in 20-year increments and shall, at a minimum, address the following:

- a. Impacts on local shoreline sand supply including sand and beach area that are lost through the shoreline protective device's physical encroachment on a beach, fixing of the back beach, prevention of new beach formation in areas where the bluff or shoreline would have otherwise naturally eroded, reflected wave energy up and down coast from the device, and the loss of sand-generating bluff or shoreline materials that would have entered the sand supply system absent the device;
- b. Impacts to public access and recreation resulting from loss of beach area;
- c. Impacts to any other relevant coastal resources; and
- d. Forms of mitigation and preliminary plans as applicable (e.g. sand replenishment, mitigation banking, on- or off-site restoration, construction of new public access and recreation opportunities, or payment of fees to fund such projects). Mitigation measures shall be planned for long-term resiliency with sufficient setbacks such that sea level rise will not impair their efficacy over time.
- e. A plan for the periodic monitoring for structural damage, excessive scour, or other impacts to the device from shoreline hazards and sea level rise, as well as for impacts to shoreline processes and beach width both at the project site and the broader area and littoral cell as feasible. Monitoring reports shall include an analysis of any changed site conditions (e.g. periodic Mean High Tide Line surveys) and the need for additional mitigation.

Prior to expiration of each 20-year mitigation and monitoring period, a coastal development permit amendment shall be required for retention of the shoreline protective device beyond the preceding 20-year period. Such application shall include analysis of potential modifications to the shoreline protective device that would lessen its impacts on coastal resources, including potential removal, as well as any proposed modifications to the previously approved mitigation measures and monitoring program.

7-19. Revise existing LUP Policy LCP-7-P.27, as follows:

LCP-7-P.27~~8~~ Require removal or relocation of structures or portions of structures and restoration of the impacted property in the following circumstances (note: new and/or augmented shoreline protective devices shall not be permitted to protect the structure(s) unless otherwise permitted by this Local Coastal Program):

- A. Any government agency with relevant authority and jurisdiction has issued a final order, not overturned through any appeal or writ proceedings, determining that the structures are currently and permanently unsafe for

occupancy or use due to damage or destruction from waves, flooding, erosion, bluff retreat, landslides, or other hazards related to coastal processes, and that there are no feasible measures that could make the structures suitable for habitation or use without the use of bluff or shoreline protective devices ~~has ordered that the structures are not to be occupied or are to be removed due to hazards that negatively affect public health and safety.~~

B. Essential services (e.g., utilities, roads) to the site can no longer feasibly be maintained due to coastal hazards, including those listed above ~~(e.g., utilities, roads).~~

C. The structures are no longer located on private property due to the migration of the public trust boundary, and, in consultation with the property owner, the California Coastal Commission and, where applicable, the California State Lands Commission (CSLC), it has been determined that the development significantly impairs public trust resources. Any development that comes to be located on public trust lands due to the movement of the mean high tide line must be removed unless the Coastal Commission determines, pursuant to a coastal development permit or permit amendment, that the development may remain pursuant to the Coastal Act. If the development comes to be located on lands impressed with a public trust interest due to the movement of the mean high tide line, the applicant would also be subject to the State Lands Commission's (or other designated trustee agency's) discretionary leasing approval...

7-20. Revise existing LUP Policy LCP-7-P.28, as follows:

LCP-7-P.28~~9~~9 Develop and implement sea level rise hazard – shoreline development standards, as part of the Zoning Ordinance, for areas that are vulnerable to sea level rise hazards. The development standards shall minimize risks to life and property associated with sea level rise and promote natural processes along ~~ensure protection of the migrating shoreline.~~

7-21. Revise existing LUP Policy LCP-7-P.28, as follows:

LCP-7-P.28~~9~~9 Develop a sea level rise adaptation plan(s) that identifies how development, resources, and other vulnerable assets can adapt to the impacts of sea level rise. The adaptation plan should provide a framework to manage risks and take actions based on sea level rise monitoring and specific scenarios related to sea level rise impacts. Elements of an adaptation plan include, but are not limited to:

A. Examination of priorities for adaptation, timelines, options, specific projects to be implemented, phasing, and action triggers.

B. Identification of methods and standards to address repetitive property damage.

C. Identification of methods and standards to maintain public lateral and vertical beach access.

D. Assessment of seasonal and long-term shoreline changes and the potential for flooding or damage from erosion, sea level rise, waves, storm surge, or seiches.

E. Consideration of the landward migration of coastal lands, habitats and buffers over time as the mean high tide line and public trust boundary moves inland.

F. Evaluation of impacts of sea level rise, including saltwater intrusion, on agricultural lands.

G. Evaluation of the impacts of sea level rise on cultural resources.

H. Evaluation of the impacts of sea level rise on public recreation areas and public access to the beach.

I. Evaluation of the feasibility of hazard avoidance, retreat, rolling easements, restoration of the sand supply, and beach nourishment in appropriate areas.

J. Consideration of the associated secondary impacts (e.g., loss of beach resulting from the use of seawalls) and trade-offs (i.e., who/what will benefit and who/what will be adversely impacted?) of adaptation strategies.

K. Recommendations for adapting existing development, public improvements, coastal access, recreational areas, and other coastal resources.

L. Evaluation of the feasibility of a program related to transfer of development rights

M. Evaluation of the feasibility to form a geologic hazard abatement district to help fund sea level rise adaptation

7-22. Add new LUP Policy after revised Policy LCP-7-P.29, as follows:

LCP-7-P.30 The City shall complete the Vulnerability Assessment described in LCP-7-P.29 by Jan. 1, 2034.

7-23. Revise Chapter 7 - Coastal Hazards, LCP-7-P.32 as follows:

LCP-7-P.32 Continue to build community awareness about sea level rise hazards and future vulnerabilities, through such means as workshops and information on the City website. Ensure that all members of the community, including coastal visitors, have the opportunity to be informed, including those who may have barriers to information such as non-English speakers.

7-24. Add new LUP Policy after existing Policy LCP-7-P.35, as follows:

LCP-7-P.36 Require sand nourishment projects to: a) use beach-quality sand to enhance the use, safety, and appearance of the City's beaches, b) minimize adverse impacts to the beach, intertidal, offshore resources, and surf, c) avoid significant disruption to marine and wildlife habitats and water circulation, d) protect water quality, and e) minimize and mitigate potential adverse biological and recreational resource impacts by considering the method, location, and timing of placement.

7-25. Revise existing LUP Policy LCP-7-P.46, as follows:

LCP-7-P.46 Require a site-specific geotechnical analysis and report of all sites proposed for development in areas where geologic conditions or soil types are susceptible to geologic hazards, such as coastal bluffs, steep slopes (25-percent inclination or greater), landslides, and liquefaction. The geotechnical analysis and report shall demonstrate ~~Also require demonstration~~ that the project site is suitable for the proposed development, the development will be safe from geologic hazards for the anticipated duration of the development (per Table 7.2), and the project conforms to all mitigation measures recommended in the geotechnical report prior to City approval of the proposed development. On sites vulnerable to sea level rise (as shown on the sea level rise hazard maps for 2100 – see Appendix B), the geotechnical analysis shall evaluate potential sea level rise impacts on the project site and development, including, but not limited to erosion, liquefaction and groundwater levels.

7-26. Revise existing LUP Policy LCP-7-P.47, as follows:

LCP-7-P. 47 Require the following when development is permitted on property with a bluff that faces an ocean or lagoon shoreline:

- A. Compliance with all applicable Local Coastal Program policies,
- ~~B.~~ A. Where necessary and feasible, sub-drainage systems to remove groundwater from the bluff
- ~~C.~~ B. Drought-resistant vegetation in landscaping
- ~~D.~~ C. A waiver of public liability for hazards related to bluff stability

7-27. Add new LUP Policy at the end of the Fire Hazards section, as follows:

LCP-7-P.XX Ensure access for emergency services.

New development shall be reviewed to ensure availability of adequate water supply and pressure, fire hydrants, and access to structures by firefighting equipment and personnel. Structures shall be designed to facilitate rapid emergency response.

7-28. Add new LUP Policy at the end of the Fire Hazards section, as follows:

LCP-7-P.XX Fire-Smart Landscaping.

Within required fuel modification zones, landscaping with native, non-invasive, fire-resistant plant species is preferred. The location of vegetation should not impede emergency access to structures and water supplies.

7-29. Add new LUP Policy at the end of the Fire Hazards section, as follows:

LCP-7-P.XX Consultation with Fire Authorities

Work with the fire authority having jurisdiction to identify areas of high fire fuel loads and take advantage of opportunities to reduce those fuel loads, particularly in Very High or High Fire Hazard Severity Zones.

7-30. Revise Chapter 7, Section 7.2 - Adapting to Sea Level Rise, as follows:

Adaptation to sea level rise involves taking appropriate actions to prevent or minimize the adverse effects of sea level rise. This Local Coastal Program includes a range of policies that guide City decision making and actions to improve community resilience to the impacts of sea level rise.

Adaptation strategies generally fall into four main categories: do nothing, protect, accommodate, and retreat. These strategies are generally described in Table 7-3. When considering which strategy (or combination of strategies) is most appropriate to address a particular hazard, it is important to consider the associated secondary and cumulative effects (e.g., loss of beach resulting from the use of seawalls) and trade-offs (i.e., who/what will benefit and who/what will be adversely impacted?). Additionally, sea level rise often can disproportionately impact vulnerable communities throughout the state, who may be unable to recover from sea level rise events in the same capacity and speed as other groups. Planning for adaptation and coastal resilience can help minimize impacts to these communities. The “City of Carlsbad Sea Level Rise Vulnerability Assessment” provides more information about the general strategies and secondary impacts.

7-31. Revise Chapter 7, Section 7.2 – Rising Seas in California: An updated Sea Level Rise Science (2017) as follows:

~~Rising Seas in California: An Updated Sea Level Rise Science (2017)~~

~~The CoSMoS 3.0 sea level rise projections are also within the range of sea level rise probability identified in the Ocean Protection Council's 2017 report titled “Rising Seas in California: An update on Sea Level Science.” Table 7.1 shows the report's range of probable sea level rise projections, as well as a set of extreme sea level rise projections (no associated probability) that represent the highest sea level rise amount physically plausible according to best available science at the time of the report.~~

California Sea Level Rise guidance (2024)

The CoSMoS 3.0 sea level rise projections are within the range of sea level rise probability identified in the Ocean Protection Council's Sea Level Rise Guidance

(2024). Table 7.1 shows the sea level rise projection scenarios identified in the 2024 guidance report, as well as the recommended applicability of each sea level rise scenario. The sea level rise scenarios identified in Table 7.1 do not include two scenarios identified in the 2024 guidance report (low and intermediate-low scenarios), which are less probable based on sea level rise observations and, therefore, not appropriate for sea level rise planning and development decisions.

7-32. Replace existing Table 7-1 Ocean Protection Council 2017 Sea Level Rise Projections and Recommended Applicability, as follows:

Table 7-1, Ocean Protection Council 2024 Sea Level Rise Projections and Recommended Applicability		
Sea Level Rise Projection		Recommended Applicability
Intermediate Scenario	0.8 foot in 2050 3.1 feet in 2100	Inform development with low risk aversion, such as development that is adaptive, has a short lifespan (i.e., 2050-2075), and lower consequence situations that are fairly risk tolerant, for instance a public bench or recreational trail.
Intermediate-High Scenario	1.0 foot in 2050 4.9 feet in 2100	Inform development with medium-high risk aversion, such as development that is less adaptive, has a long lifespan (i.e., 2075 and beyond), and more vulnerable projects that will experience medium to high consequences if impacted because of underestimating sea level rise. Most commercial and residential development will be medium-high or extreme risk averse, depending on the size and scale of the development.
High Scenario	1.2 feet in 2050 6.6 feet in 2100	Inform development with extreme risk aversion, such as development that has little to no adaptive capacity, has very long lifespan (i.e., beyond 2100), and will experience high consequences if impacted because of underestimating sea level rise. Critical infrastructure, such as railroads, roads, and public utilities, should be considered as extremely risk averse.

7-33. Revise Chapter 7, Section 7.2 – Important Considerations about Sea Level Rise, Siting Development to Avoid Sea Level Rise Hazards, as follows:

Siting Development and Redevelopment to avoid Sea Level Ris Hazards

New development, including the redevelopment of existing structures, and redevelopment within sea level rise hazard areas is vulnerable to erosion and flood hazards and may result in impacts to coastal resources, such as loss of sandy beaches, impacts to bluff stability, and impacts to natural shoreline migration. The policies of this chapter require development to be located and designed to minimize risks from hazards, ensure structural stability, and ensure the protection of coastal resources, as required by the Coastal Act.

7-34. Revise Chapter 7, Section 7.2 – Important Considerations about Sea Level Rise, Shoreline Protective Devices (Armoring), second and third paragraphs, as follows:

Coastal Act Section 30235 allows armoring that alters natural shoreline processes when it is needed to protect coastal dependent uses, existing structures, or public beaches in danger from erosion. However, shoreline armoring is only to be permitted if it is necessary (i.e., if the existing structure is in fact in danger) and if the proposed shoreline protection is the least environmentally damaging alternative to abate the danger. Also, when shoreline armoring is permitted, it must be designed to eliminate or mitigate adverse impacts on beach area and local shoreline sand supply; Impacts to sand supply and therefore, public access and recreation, include ~~(e.g., losing sand and beach area through the device's physical encroachment on a beach, fixing of the back beach, preventing new beach formation in areas where the bluff/shoreline would have otherwise naturally eroded, and losing sand-generating bluff/shoreline materials that would have entered the sand supply system absent the shoreline protective device).~~

Although coastal armoring generally has significant adverse impacts on coastal resources, there are situations, as described in the policies of this chapter, where armoring may be allowed and may represent a reasonable short- to mid-term adaptation strategy. This may be especially true in urbanized areas where existing residential development and/or critical infrastructure exist, where development is already protected by armoring, where the impacts of armoring on natural shoreline processes will be minimal due to the geology of the area, and where the armoring is the least environmentally damaging alternative for adaptation. However, to the extent that this Local Coastal Program allows for shoreline armoring, new development must safeguard coastal access, avoid impacts to public trust resources, mitigate for all impacts to coastal resources and public coastal access affected by armoring, and ensure equitable public access to and benefits from coastal resources.

- 7-35. Revise Chapter 7, Section 7.4 – Geologic Hazards, Seismic Risks, third paragraph, as follows:

Development in a liquefaction hazard zone requires adherence to the guidelines for evaluating and mitigating seismic hazards as required by California Public Resources Code Section 2695(a). Before a development permit can be granted for a site in a seismic hazard zone, a geotechnical ~~investigation~~ analysis of the site must be conducted and appropriate mitigation measures incorporated into the project design. Mitigation of liquefaction hazards can include edge containment structures (e.g., berms, dikes, retaining walls), driving piles, removal or treatment of liquefiable soils, or modification of site geometry. The impacts sea level rise will have on groundwater levels and liquefaction risks in low-lying coastal areas with shallow, ocean connected groundwater should be evaluated.

- 7-36. Revise Table 7-3, “General Sea Level Rise Adaptation Strategies,” as follows:

Table 7-3, General Sea Level Rise Adaptation Strategies

General Adaptation Strategy	Description
Do Nothing	One option is to “do nothing” or follow a policy of “non-intervention.” Doing nothing results in the need to react when sea level rise impacts occur. The reactive approach involves emergency response, attempts to maintain the status-quo, and respond to impacts caused by episodic storm events and other sea level rise impacts. This approach will likely fail to anticipate and prevent or mitigate long-term consequences of sea level rise and may result in significant financial costs, as well as adverse impacts to coastal resources, development, and the city’s economy, <u>as demonstrated in the City of Carlsbad Sea Level Rise Vulnerability Assessment (Appendix B).</u>
Protect	Protection strategies employ some sort of engineered structure or other measure to protect or floodproof development (or other coastal resources) in its current location without changes to the development or resources themselves. Protection strategies can be further divided into “hard” and “soft” defensive measures. Examples of a hard approach would be to construct a seawall or revetment, while a soft approach may be to nourish beaches with sand or build sand dunes. <u>Although the California Coastal Act allows for potential protection strategies for existing development under certain limited circumstances, however it also directs that new development be sited and designed to avoid hazards and not require future protection that may alter a natural shoreline.</u>
Accommodate	Accommodation strategies employ methods that modify existing or design new developments or infrastructure in a manner that decreases hazard risks and, therefore, increases the resiliency of the development/infrastructure to the impacts of sea level rise. These accommodation strategies include actions such as elevating structures, retrofitting or using materials to increase the strength of development/infrastructure such as: the ability to handle additional wave impacts; building structures that can easily be moved and relocated; using additional setback distances to account for acceleration of erosion; and clustering development in less vulnerable areas.
Retreat	Retreat strategies relocate or remove existing development out of hazard areas and limit the construction of new development in vulnerable areas. In most cases, retreat is a single “In most cases, retreat is a single Retreat may be a component of a long-term adaptation plan that relies on a combination of strategies, many of which are including protect or accommodate actions. Examples of this include siting new development further away from hazards, or designing structures easily capable of being moved as hazards increase.

7-37. Revise Chapter 7, Section 7.2 – City of Carlsbad Vulnerability Assessment, as follows:

For the “City of Carlsbad Sea Level Rise Vulnerability Assessment,” the U.S. Geological Survey Coastal Storm Modeling System (CoSMoS) version 3.0 (released for use in November 2015) was used to identify areas and assets vulnerable to sea level rise. CoSMoS 3.0 makes detailed predictions of coastal flooding and erosion based on existing and future sea level scenarios in southern California.

For the year 2050, the City’s vulnerability assessment used the CoSMoS 3.0–utilized a sea level rise scenario of 1.6 feet; for the year 2100, a sea level rise scenario of 6.6 feet was utilized. These sea level rise scenarios (1.6 feet and 6.6 feet) roughly aligned with the National Research Council’s 2012 sea level rise projections (2 feet in the year 2050 and 5.5 feet in the year 2100), which was considered best available science at the time.

7-38. Revise Chapter 7, Section 7.2 – Important Considerations about Sea Level Rise, Migration of Public Trust Lands, third paragraph, as follows:

As the sea level rises over time, the mean high tide line/public trust land moves inland. An important consideration when planning for sea level rise is recognizing that the public trust boundary will migrate inland in some locations as sea levels rise. As this occurs, shorefront development might come to be located on public trust property during its lifespan. Development that encroaches on public trust land may cause new coastal resource and public trust impacts. The policies of this chapter will help ensure that development does not interfere with the protection and use of public trust land as it migrates inland.

7-39. Revise Chapter 7, Section 7.3 - Flood Hazards, Flood Prone Areas, as follows:

Flood Prone Areas

Flood prone areas are lands susceptible to being inundated by water from any source (e.g., the ocean, lagoons, creeks, surface water runoff, etc.). Flooding occurs when normally dry lands are partially or completely inundated by water on a temporary basis. Flooding may occur when there is:

- Overflow of floodwaters;
- Emergence of groundwater
- Unusual and rapid accumulation or runoff of surface waters from any source; and/or
- Collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event.

7-40. Revise Chapter 7, Section 7.4 – Geologic Hazards, Soil Erosion, as follows:
Erosion occurs when materials on the earth’s surface are loosened, dissolved, or worn away and relocated by natural processes (e.g., rainfall, flowing water, wind, ice, temperature change, gravity, as well as coastal erosion from storms, wave attack, and rising sea levels in combination with those annual forces) or by human-driven activities (e.g., agriculture, construction). Sea level rise will increase the erosive force of waves, both through tides and storm events. Section 7.2 provides more information about erosion impacts related to sea level rise.

7-41. Update Figure 701 – Flood Hazard Zone using the 2019 FEMA FIRM maps.

7-42. Update the tsunami runup maps to be consistent California Geological Survey maps

Chapter 8 – Definitions:

8-1. Revise 0.2-percent Annual Chance Flood, as follows:

0.2-percent (Zero-point 2 percent) Annual Chance Flood: a flood event with a 0.2-percent chance of being equaled or exceeded in any given year. The 0.2-percent annual chance flood is also referred to as 500-year flood.

8-2. Revise 1-percent Annual Chance Flood, as follows:

1-percent (One percent) Annual Chance Flood, as follows a flood event with a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

8-3. Add, Accessory structures, as follows:

Accessory structures (for stringline setback purposes): non-habitable structures such as garages, workshops, tool sheds, decks, patio covers, tennis courts, playhouses, pools, cabanas, gazebos, barbeque islands, and firepits.

8-4. Revise Accommodations (visitor), as follows:

Accommodations (visitor): overnight visitor lodging, such as hotels, motels, hostels, campgrounds, and similar structures. etc.

8-5. Add Beach Quality Sand, as follows:

Beach-Quality Sand: sand that meets these criteria: a) grain sizes are within the range of the natural grain sizes at the receiver beach, b) the color will reasonably matches the sand color at the receiver beach after natural color changes occur, c) it will not form a hardpan after placement, d) does not contain hazardous chemicals, e) is free of trash and debris, and f) other criteria that may be specified in a sand fill program applicable to Carlsbad.

8-6. Revise Buildout, as follows:

Buildout: that level of permitted development characterized by full occupancy of all developable sites in accordance with the Local Coastal Program Land Use Plan and General Plan; or the maximum probable level of development envisioned by the Local Coastal Program

8-7. Revise Campground, as follows:

Campground: ~~a plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.~~

8-8. Revise Class I Bikeway (bike path), as follows:

Class I Bikeway (bike path): a separated bicycle corridor that is not served by streets and highways and is not affected by ~~away from the influence of~~ parallel streets. Class I bikeways are for non-vehicle use only with opportunities for direct access and recreational benefits, right-of-way for the exclusive use of bicycles and pedestrians, and where cross flow conflicts are minimized.

8-9. Revise Clustered (development), as follows:

Clustered (development): a development pattern that groups or “clusters” structures or uses rather than spreading them evenly across a development site.

8-10. Revise Coastal Zone, as follows:

Coastal Zone: the land and water of the state area of California as defined by described ~~in~~ California Coastal Act Section 30103, including ~~and~~ the portion of that area that is within Carlsbad’s City boundary.

8-11. Revise Dedicate/Dedicated/Dedication, as follows

Dedicate/Dedicated/Dedication: the commitment by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency, or by another approved entity such as a land trust, having jurisdiction over the public function for which it will be used. Dedications for roads, open space, parks, school sites, or other public uses often are required by the City as conditions of approval on a development.

8-12. Revise Developer, as follows:

Developer: an individual who, or business ~~that~~which, prepares raw land for the construction of buildings or builds or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

8-13. Revise, Development, as follows:

Development: on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous,

liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the California Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, ~~and kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511).~~ As used in this definition, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line (California Coastal Act Section 30106).

8-14. Revise Economy Scale, as follows:

Economy Scale: means accommodations identified by Smith Travel Research or successor as part of the "economy" hotel segment in a hotel market area.

8-15. Revise Endangered (species; California), as follows:

Endangered (species; California): a native species or sub-species of a bird, mammal, fish, amphibian, reptile, or plant, which is in serious danger of becoming extinct throughout all or a significant portion of its range, due to one or more factors, including loss in habitat, change in habitat, over-exploitation, predation, competition, or disease. ~~The~~An endangered status is determined by the California Department of Fish and Wildlife together with the California Fish and Game Commission.

8-16. Revise Endangered (species; federal), as follows:

Endangered (species; federal): a species which is in danger of extinction throughout all or a significant portion of its range, other than the species of the Class Insect determined to constitute a pest whose protection under the provisions of the 1973 Endangered Species Act, as amended, would present an overwhelming and overriding risk to humans. ~~The~~An endangered status is determined by the US Fish and Wildlife Service and the Department of the Interior.

8-17. Add new definition, Enhancement, as follows:

Enhancement

Enhancement (mitigation): Restoration that 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.

8-18. Add new definitions for Environmental Justice, as follows:

Environmental Justice: per Coastal Act Section 30107.3:

- (a) “Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
- (b) “Environmental justice” includes, but is not limited to, all of the following:
 - (1) The availability of a healthy environment for all people.
 - (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
 - (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.
 - (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

8-19. Add new definition for Estuary, as follows:

Estuary

Estuarine habitat consists of a semi-enclosed body of water that has a free connection with the open ocean and within which seawater is measurably diluted with fresh water derived from land drainage, such as Agua Hedionda Lagoon and Batiquitos Lagoon.

8-20. Revise definition for Existing Structure, as follows:

Existing Structure: a structure that existed prior to January 1, 1977. ~~Coastal Commission certification of this Local Coastal Program Land Use Plan ([insert date after certification])~~. This definition is applicable only in the context of Coastal Act Section 30235; otherwise, common use of the term “existing” shall apply.

8-21. Revise the definition for Implementation Plan (IP), as follows:

Implementation Plan (IP): a component of the City’s Local Coastal Program consisting of zoning ordinances and other ordinances, and regulations, and maps that implement the policies of the Local Coastal Program Land Use Plan.

8-22. Revise definition for Lateral Pedestrian Access, as follows:

~~Lateral Pedestrian~~ Access: an accessway that provides public ~~pedestrian~~ access along and parallel to the shoreline.

8-23. Add new definition for Meaningful Engagement, as follows:

Meaningful Engagement: Means that to the extent allowed by law 1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment or health; 2) the public's contribution can influence an agency's decision; 3) the concerns of all participants involved will be considered in the decision-making process; and 4) the decision-makers seek out and facilitate the involvement of those potentially affected.

8-24. Add new definition for permanent impacts, as follows:

Permanent Impacts: A permanent direct loss of biological resources as an area is converted to another condition (e.g., developed, ornamental landscaping, agriculture, etc.), or an indirect impact (e.g., edge effects) that will persist and is permanent. Impacts from development that involve significant ground disturbance, or would be frequently disturbed in order to maintain development, or would include areas or key ecological functions that would be lost to development, or necessitate greater than 12 months for vegetation to recover to comparable age classes or size structure distributions shall be considered permanent.

8-25. Add new definition for preservation, as follows:

Preservation

Preservation (mitigation): A mitigation strategy involving a passive management approach where no active effort is made to improve the existing condition of the habitat – it is simply placed under some form of permanent protection.

8-26. Revise definition for Redevelopment, as follows:

Redevelopment: outside the Coastal Commission's Appeals Jurisdiction: alterations to a structure including (1) additions to an existing structure, (2) exterior and/or interior renovations and/or (3) demolition or replacement of an existing principal structure, or portions thereof, which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area. Alterations are not additive between individual major structural components.

8-27. Add new definition for Redevelopment within the Commission's appeals Jurisdiction, as follows:

Redevelopment: within the Coastal Commission's Appeals Jurisdiction: alterations to a structure including (1) additions to an existing structure, (2) exterior and/or interior renovations and/or (3) demolition or replacement of an existing principal structure, or portions thereof, which results in replacement (including demolition, renovation or alteration) of 50 percent or more of major structural components including exterior walls, floor, roof structure or foundation, or a 50 percent increase in gross floor area; or where the proposed development would result in cumulative alterations exceeding 50 percent or more of that major structural component or a cumulative increase in gross floor area exceeding 50 percent or more, taking into consideration previous alterations undertaken on or after certification of the City of Carlsbad Local Coastal Program Implementation Plan (Oct. 9, 1996) or the date of the earliest alteration documented in the City of Carlsbad or Coastal Commission permit records or for which other substantial evidence exists.

8-28. Revise the definition for Shoreline Protective Device, as follows:

Shoreline Protective Device: a hard structure, such as a bluff retaining wall, breakwater, groin, revetment or seawall, that alters natural coastal processes (e.g., erosion, littoral sand movement, tidal action) and protects property, development and coastal resources from the impacts (erosion, flooding and inundation) of wave action, storm surge and currents.

8-29. Revise the definition for Soft Shoreline Protection, as follows:

Soft Shoreline Protection: a soft or natural method, such as beach/sand nourishment, dune restoration, horizontal levees, and living shoreline, that utilizes natural materials such as sand or native vegetation and protects property, development and coastal resources from the impacts (erosion, flooding and inundation) of wave action, storm surge and currents.

8-30. Revise the definition for Submerged Lands, as follows:

Submerged Lands: lands which lie below the line of mean low tide (California Code of Regulations, title 14, Section 13577(d)).

8-31. Add new definition for Substantial Restoration, as follows:

Substantial Restoration

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.

8-32. Add new definition for Temporary Impacts, as follows:

Temporary Impacts

Impacts from development that involve no significant ground disturbance and where vegetation recovers to comparable age classes or size structure distributions within 12 months of the initial point of disturbance.

8-33. Revise the definition for Tidelands, as follows:

Tidelands: lands which are located between the lines of mean high tide and mean low tide (California Code of Regulations, title 14, Section 13577(d)).

8-34 Revise the definition for Vertical Access, as follows:

Vertical ~~Pedestrian~~ Access: an accessway that provides public ~~pedestrian~~ access to the shoreline from an inland public accessway, such as a public street.

8-35. Add new definition for Vulnerable Community, as follows:

Vulnerable Community: Climate vulnerability describes the degree to which natural, built, and human systems are at risk of exposure to climate change impacts. Vulnerable communities experience heightened risk and increased sensitivity to climate change and have less capacity and fewer resources to cope with, adapt to, or recover from climate impacts. These disproportionate effects are caused by physical (built and environmental), social, political, or economic factors, which are exacerbated by climate impacts. These factors include, but are not limited to, race, class, sexual orientation and identification, national origin, and income inequality.

8-36. Revise the definition for Wetland, as follows:

~~Wetland: 1) lands that 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 (California Coastal Act Section 30121); and 2) 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. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats (California Code of Regulations Section 13577(b)(1)).~~

Wetland Habitat

Coastal Act Section 30121 defines wetlands as “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.”

In Carlsbad, wetland habitats include southern coastal salt marsh, freshwater marsh, cismontane alkali marsh, the unvegetated mud flats and open water areas of estuaries, and several other aquatic habitat types. While riparian habitat may be considered a type of wetland to some extent, for the purposes of Coastal Act Section 30240, riparian habitat is considered ESHA. This has to do with its especially valuable functions within the landscape, including the provision of refuge, access to water, and support as a corridor for wildlife movement. Wetlands are otherwise not generally considered ESHA, unless they meet the rarity or function criterion for ESHA.

Suggested Modifications for the Poinsettia Shores Master Plan:

1. Revise proposed Carlsbad Local Coastal Program Land Use Plan, Chapter 2 Land Use, Policy LCP-2-P.21.A, as follows:

LCP-2-P.21 Ensure that development of the area titled “Ponto/Southern Waterfront-B” on Figure 2-2C is consistent with the requirements of the Poinsettia Shores Master Plan and all other applicable requirements of the Local Coastal Program, including the following:

E. Area 1, as shown on Figure 2-2C:

1. This area is divided into three districts, as shown in Poinsettia Shores Master Plan. District 1 is intended for general commercial uses, as specified in the Poinsettia Shores Master Plan. District 2 is limited to removable at-grade structures, including pavers, fire pits, and visitor-serving kiosks (e.g., food/beverage carts, surfboard-rental stands) and similar retail or publicly accessibly recreational uses and structures. District 3 shall be protected as open space through an easement, deed restriction, offer of dedication, or similar protection.
- ~~2. If the site is developed as a mixed-use site:
 - ~~i. Residential dwellings are allowed as a secondary use at a minimum density of 15 dwelling units per acre (based on 25 percent of developable acreage).~~
 - ~~ii. Vertical mixed-use (commercial, office, and residential in the same multi-story building) ground floor uses shall be limited to retail and commercial service uses and upper floor uses may include uses allowed on the ground floor, as well as office and residential uses.~~
 - ~~iii. Horizontal mixed-use (commercial, office, and residential in separate buildings) commercial uses shall be primary use located along primary street frontages.~~~~
- ~~3. A 40-foot landscape setback shall be provided along the west side of the planning area/east side of Carlsbad Boulevard; the width of the landscape setback may be reduced due to site constraints or protection of environmental resources. A meandering multi-use public path shall be provided within the landscape setback.~~
- ~~4. A multi-level above and below ground parking garage may be considered along Avenida Encinas. If a parking garage is provided, shops and services should line the first story of the~~

- ~~garage's north and west sides to maintain pedestrian activity along and to the planning area.~~
- ~~5. Development of the site shall include internal public gathering plazas and walkways that provide pedestrian access to surrounding sites and Carlsbad Boulevard.~~

2. Revise Poinsettia Shores Master Plan Exhibit 9, as follows:

Planning Area	General Plan Land Use Designation	Development Type and Review Process	Acres (1)		Residential (Units)			Non-Residential (Sq. Ft.)
			Gross	Net	Growth Management Control Point	General Plan Maximum Units	Poinsettia Shores Master Plan (2)	Poinsettia Shores Master Plan
J	RM	SFD PD	13.8	13.6	Existing-75	Existing-75	Existing-75	
SUBTOTAL EXISTING			13.8	13.6	Existing-75	Existing-75	Existing-75	
A-1	RM	SFD PD	9.8	8.4	50	67	41	
A-2	RM	SFD PD	13.5	11	66	88	50	
A-3	RM	SFD PD	10.2	8.6	51	68	51	
A-4	RM	SFD PD/SDP	14.7	14.7	88	117	62	
B-1	RM	SFD PD/SDP	20.9	20.2	121	161	161	
B-2	RM	SFD PD/SDP	2.9	2.6	15	20	16	
C	RM	SFD PD/SDP	11.2	9.6	57	76	70	
D	RM	SFD PD/SDP	4.4	4.0	24(3)	32(3)	90(4)	
E	RM	SFD PD/SDP	0.9	0.5	3	4	0	
Residential Subtotal Future (3)			88.5	79.6	451		451	
Market Rate Density Bonus Units (5)							23	
F	R-23NRR	Residential 15-23 du/ac Unplanned (6) SDP	7.21	6.28	1190	1440	1190	
F	GC	General Commercial SDP	3.83	3.07	12	NA	12	(6) 4,000 sq. ft.
G	VC7S/C	Visitor Commercial Travel Service/Commercial SDP	8.4	7.8	0	0	0	58,600 square feet Plus 220 hotel/Timeshare Units
H	VC7S/C	Visitor Commercial Travel Service/Commercial SDP	3.7	3.7	0	0	0	Total – 120,000 square feet Including 150 Hotel Rooms and 25,000 sq. ft. for a Conference Center
I	OS	Open Space	11.9	11.9	0	0	0	
K	OS	Open Space	18.3	18.3	0	0	0	
L	OS	Open Space	4.6	4.6	0	0	0	
M	OS	Recreation Center SDP	2.3	2.0	0	0	0	
Total Master Plan (3)			162.8	152.2	657526		657526	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)
Total With Affordable Housing And Density Bonus			162.8	152.2	729598		770639	178,600 sq. ft. & 220 Hotel/Timeshare Units (6)

- (1) The Planning Area acreage was determined by planimeter. Upon preparation of the Tentative Map, exact acreages will be determined.
- (2) Units are permitted to be transferred between the Planning Areas, however the number of units within any Planning Area may not be above or below the General Plan density range, except as allowed for utilization of density bonus unit per the affordable housing chapter of this Master Plan.
- (3) Since Planning Area D is reserved as a potential affordable housing site and the units will be provided via a density bonus, the units shown in Planning Area D are not included in the subtotal of future residential.
- (4) Under Section 21.86.060(g) of the Density Bonus Ordinance, these units may be permitted to exceed the General Plan density range.
- (5) The Market Rate Density Bonus Units are additional units allowed under Section 21.86.030 of the Density Bonus Ordinance
The figure is derived by multiplying the maximum future dwelling units (451) by 25% to arrive at a 113 unit density bonus and subtracting the amount of required affordable units (90).
The equation: 451 Maximum Future Dwelling Units x .25 = 113 Density Bonus Units; 113 Density Bonus Units - 90 Affordable Units = 23 Market Rate Units.
These units will either be utilized in Planning Area D or transferred into other Planning Areas. (See Chapter VII for more detailed information.)
- ~~(6) – A Major Master Plan Amendment is required prior to any development in this Planning Area. For purposes of public facility planning, 5.6 acres of Travel Service/Commercial use was assigned for this Planning Area. The total amount of General Commercial development will be determined during city review of a development proposal.~~
- NOTE: The number of units in Planning Areas B-1, B-2 and C exceed the Growth Control Point, however they are within the General Plan density range.
The total number of dwelling units within the Poinsettia Shores Master Plan will not exceed the total number of units allowed by Growth Management

3. Revise Poinsettia Shores Master Plan Exhibit 9, note (6), as follows:

- (1) The Planning Area acreage was determined by planimeter. Upon preparation of the Tentative Map, exact acreages will be determined.
- (2) Units are permitted to be transferred between planning Areas, however the number of units within any Planning Area may not be above or below the general plan density range, except as allowed for utilization of density bonus unit per the affordable housing chapter of this Master Plan
- [...]
- (6) The portion of Planning Area F zoned General Commercial is divided into three districts depicted by Exhibit 43 A: Uses allowed in each district are specified in

Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards for Planning Area F.

4. Revise Section III.C.2 – General Commercial- as follows:

2. GENERAL COMMERCIAL

The General Commercial area is located in Planning Area F at the southeast corner of Avenida Encinas and Carlsbad Boulevard. The permitted uses will consist of those permitted by Poinsettia Shores Master Plan Section XI.C Planning Area Development Standards for Planning Area F.

5. Revise Section XI.C Planning Area Development Standards [for Planning Area F], as follows:

PLANNING AREA F

1. Description:

Planning Area F is located at the far northwest corner of the Master Plan area west of the ~~AT&SF~~ NCTD Railroadway right-of-way. This Planning Area ~~has a gross area of 11.3 acres and a net developable area of 10.7 acres.~~ is split into two sites by Ponto Drive. The eastern residential site has a gross area of 7.21 acres and a net area of 6.28 acres. The western commercial site has a gross area of 3.83 acres and a net area of 3.07, which is divided into three districts depicted by Exhibit 43 A.

6. Revise Section XI.C Planning Area Development Standards [for Planning Area F], as follows:

2. Land Use Allocation:

Local Coastal Program and General Plan Land Use: NRR (Non-Residential Reserve)

- East of Ponto Drive: R-23 (Residential 15-23 dwellings per acre)
- West of Ponto Drive: GC (General Commercial)

Residential and commercial development shall comply with all applicable policies of the Carlsbad Local Coastal Program Land Use Plan and the Carlsbad General Plan, including the special development standards identified below.

7. Revise Section XI.C Planning Area Development Standards [for Planning Area F], as follows:

3. Special Development Standards

[...]

GC Commercial Area:

This area is divided into three districts depicted by Exhibit 43 A, which are subject to the following standards:

- District 1

Development shall comply with the standards of Carlsbad Municipal Code Chapter 2.28 – C-2 General Commercial Zone, and all other zoning standards not otherwise addressed by this master plan. However, the permitted uses shall be limited to the following, and the building area limited to a maximum of 4,000 square feet of enclosed area:

Permitted Uses

- The uses permitted by conditional use permit shall be subject to the provisions of Carlsbad Municipal Code Chapter 21.42.
- A use similar to those below may be permitted if the City Planner determines such similar use falls within the intent and purpose of this site and is substantially similar to the specified permitted uses.

P = use is permitted

CUP = use is permitted with approval of a conditional use permit

1 – administrative hearing

2 – Planning Commission hearing

3 – City Council hearing

Acc = use is permitted as an accessory use. Accessory uses shall be developed as an integral part of a permitted use within or on the same structure or parcel of land.

<u>Use</u>	<u>P</u>	<u>CUP</u>	<u>Acc</u>
<u>Art galleries</u>	<u>X</u>		
<u>ATM Kiosk</u>			<u>X</u>
<u>Bars, cocktail lounges (defined in Carlsbad Municipal Code Section 21.04.140)</u>		<u>2^A</u>	
<u>Biological habitat preserve (defined in Carlsbad Municipal Code Section 21.04.140)</u>		<u>2^B</u>	
<u>Botanical gardens</u>	<u>X</u>		
<u>Commercial artisan studios/retail (e.g., jewelry arts, painting, pottery, etc.)</u>	<u>X</u>		
<u>Cultural activities and facilities</u>		<u>2</u>	
<u>Delicatessen (defined in Carlsbad Municipal Code Section 21.04.140)</u>	<u>X</u>		
<u>Entertainment activities and facilities</u>		<u>2</u>	
<u>Farmers markets</u>		<u>2</u>	
<u>Florists</u>	<u>X</u>		
<u>Food stores – specialty (e.g., ice cream, candy, bakery, pastry shop, etc.)</u>	<u>X</u>		
<u>Grocery/produce, convenience stores</u>			

<u>News/magazine stand</u>			<u>X</u>
<u>Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound</u>		<u>2</u>	
<u>Outdoor dining (incidental), subject to Carlsbad Municipal Code Section 21.26.013</u>			
<u>Parking facilities (primary use) (i.e. day use, short-term, no storage)</u>		<u>2</u>	
<u>Personal services, limited to drycleaners, laundromats, and personal grooming (e.g., barbershops, beauty salons, day spas)</u>			
<u>Produce stands</u>		<u>1</u>	
<u>Public meeting halls, exhibit halls, and museums</u>		<u>2</u>	
<u>Recreation facilities</u>		<u>2</u>	
<u>Restaurants, cafes, coffee shops, including take-out only (no drive-thru)</u>	<u>X</u>		
<u>Retail (specialty - catering to tourists) (e.g., antique stores, bookstores, souvenir/gift/novelty shops, specialty apparel shops)</u>	<u>X</u>		
<u>Satellite TV antennas (subject to Carlsbad Municipal Code Sections 21.04.500 and 21.53.130 – 21.53.150)</u>			<u>X</u>
<u>Sporting equipment/apparel sales/rental</u>	<u>X</u>		
<u>Tourist information centers</u>	<u>X</u>		
<u>Travel agency office</u>	<u>X</u>		
<u>Vacation rental office</u>	<u>X</u>		
<u>Wireless communication facilities</u>		<u>1/2^D</u>	

- A. Subject to Carlsbad Municipal Code Section 21.42.140(B)(20)
- B. Subject to Carlsbad Municipal Code Section 21.42.140(B)(30)
- C. Subject to Carlsbad Municipal Code Section 21.42.140(B)(40)
- D. Subject to Carlsbad Municipal Code Section 21.42.140(B)(165)

Parking for proposed development will be assessed pursuant to Carlsbad Municipal Code Chapter 21.44, including the provisions for a waiver or modification to parking standards.

- District 2

Development shall comply with the standards of Carlsbad Municipal Code Chapter 2.28 – C-2 General Commercial Zone, and all other zoning standards not otherwise addressed by this master plan. However, the permitted uses shall be limited to removable at-grade structures, including pavers, fire pits, and visitor-serving kiosks (e.g., food/beverage carts, surfboard-rental stands) and similar retail or publicly accessibly recreational uses and structures.

Parking for proposed development will be assessed pursuant to Carlsbad Municipal Code Chapter 21.44, including the provisions for a waiver or modification to parking standards.

- District 3

District 3 shall be protected through an open space restriction (deed restriction, open space easement, offer to dedicate, or similar protection). Permitted uses are limited to habitat restoration and public trails as permitted by the Carlsbad Habitat Management Plan.

8. Revise Section XI.C Planning Area Development Standards [for Planning Area F], Approval Process, as follows:

4. Approval Process:

A Site Development Plan (processed per Carlsbad Municipal Code Chapter 21.06), Coastal Development Permit (per Carlsbad Municipal Code Chapter 21.201), and any other required permit associated with the development application, shall be submitted and approved prior to the development of this planning area.

If Planning Area F is subdivided to separate the east side from the west side of Ponto Drive, then separate development applications may be processed for the east side and west side.

9. Add new Exhibit No. 43 A to the Poinsettia Shores Master Plan.

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

A. AMENDMENT BACKGROUND & DESCRIPTION

The City of Carlsbad's Local Coastal Program (LCP) Land Use Plan (LUP) was certified by the Commission in 1996. Currently the Carlsbad Coastal Zone is separated into six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Area, with each segment having its own chapter in the Land Use Plan. Five of community segments are fully certified. The Agua Hedionda segment has only a certified LUP and remains as an area of deferred certification. Each community is regulated as a separate chapter of the LUP.

Since originally certified, the City has processed several changes to the LUP, however only two amendments - Habitat Management Plan (LCP 1-03B) and Stormwater/Water Quality Update (LCP-3-04B) were considered major updates. The Carlsbad HMP was prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP replaced restrictions placed by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game [Wildlife] (CDFW) on impacts to coastal sage scrub and gnatcatchers within that geographical area, and allowed the incidental take of the gnatcatcher and other covered species as specified in the plan. In its action on City of Carlsbad LCP Amendment No. 1-03B in July 2003, the Commission certified the HMP as part of the LCP and found that HMP was consistent with the requirements of Sections 30240 and 30250 of the Coastal Act, despite some impacts to Environmentally Sensitive Habitat Areas (ESHA). The Commission used conflict resolution, (pursuant to Sections 30007.5 and 30200(b), to find that certification of the HMP with suggested modifications was the alternative most protective of significant coastal resources.

The second major amendment, Stormwater/Water Quality Update (LCP-3-04B), brought the City's Local Coastal Program into compliance with the California Regional Water Quality Control Board's National Pollution Discharge Elimination System (NPDES) municipal stormwater permit for San Diego County, including the City of Carlsbad. The NPDES permit mandates the implementation of new/revised storm water protection policies, procedures, requirements, standards and ordinances to reduce discharges of pollutants and runoff flow resulting from existing and new development. Key policies include grading, drainage and erosion control policy revisions. No other major updates have been proposed or adopted. The City has now developed a comprehensive update to the LUP to be consistent with its General Plan, updated in 2015, and to address new land use and environmental challenges such as sea level rise.

In 2014, the Commission awarded the City of Carlsbad a \$48,000 grant, with an additional grant being awarded by the California Ocean Protection Council (OPC) of \$180,000 to update its LCP to 1) establish policies and adaptation measures for sea level rise based on current data, analyses of existing conditions and trends in the Coastal Zone that include components of public access, recreation, marine environment, land resources, coastal-appropriate development and industrial development; 2) certify any areas of deferred certification; and 3) to comprehensively update Carlsbad's existing LCP to ensure consistency with the California Coastal Act, as well as Carlsbad's updated General Plan. The City completed its Vulnerability Assessment (VA) in 2017, which maps SLR hazards for 2050 and 2100 planning horizons, identified at-risk assets, developed adaptation strategies and engaged community stakeholders through public workshops and public hearings. Information from the VA informed the subject draft LUP update, which was completed in 2020 and approved by City Council in 2021. The companion Implementation Plan update will be drafted by the City in the future.

The updated LUP consolidates coastal planning for all six of the previous segments into a single unified plan covering all of Carlsbad's Coastal Zone. Policies related to specific geographic or resource areas are clearly identified in each chapter.

Chapter 1 – **Introduction**. Provides background on the City, the history of the LCP, an overview of the LUP, a community vision, the structure of the LUP, and administrative procedures.

Chapter 2 - **Land Use**. Identifies permitted land uses within the Coastal Zone, including Open Space, Residential, Commercial, Industrial, Office, Visitor-Accommodations, Coastal Dependent Uses (e.g. fishing, marinas, boating, desalination), Transportation, Utilities, Education, and Undeveloped Land. Key policies address Preservation of open space; density considerations; designation of priority uses, such as visitor-commercial; and encouragement of sustainable energy sources.

Chapter 3 - **Recreation and Visitor-Serving Uses**. Describes the City's existing public recreational resources and visitor-serving uses and community attractions. Policies ensure continued public access to coastal recreation opportunities and visitor accommodations. Key provisions define "lower-cost" overnight accommodations; protect and encourage lower-cost visitor accommodations; preserve existing South Carlsbad State Beach camping facilities; protect fishing areas from City fees; and limit time-share development.

Chapter 4 - **Coastal Access**. Establishes policies to maximize public access, identifies existing and future accessways and potential barriers including those associated with sea level rise (SLR). Key policies require adequate vertical and lateral access, trails, bikeways, and streets; require new development along the shorefront to dedicate or provide vertical and lateral public access where feasible; identify opportunities to expand access along the City's coastal lagoons; prohibits public access restrictions such as signage and curfews on beaches and parking lots and promote connected, walkable streets.

Chapter 5 - **Agricultural, Cultural and Scenic Resources**. Provides policies to protect remaining agricultural uses, cultural resources, and improve scenic views. Key policy language protect the existing flower fields; encourages protection of the strawberry fields adjacent to Cannon Road; supports reducing farming's reliance upon imported water; protects certain paleontological and archeological resources through Open Space designations; requires tribal consultation and monitoring and mitigation of cultural resources for new development proposals; protect views along hillsides, bluffs, and surrounding lagoon waters; and restricts certain signage types in the Coastal Zone.

Chapter 6 – **Environmentally Sensitive Habitat Areas and Water Quality**. Provides policies to protect Carlsbad's extensive habitat areas, including coastal sage scrub, the ocean, coastal lagoons, and waterways. The chapter describes coastal resources and includes policies that align with and supplement the City's Habitat Management Plan (HMP), certified by the Commission in 2006. Key policies protect ESHA, including allowable uses, avoid, minimize and mitigate unavoidable habitat impacts; protect wetlands and vernal pools; establish biological buffers; requires site -specific biological assessments; limit tree and beach wrack removal; and updates water quality protection standards.

Chapter 7 – **Hazards**. Identifies areas vulnerable to sea level rise hazards, such as flooding, inundation and bluff erosion, and includes policies guiding development

within vulnerable areas. Following completion of the Carlsbad Sea Level Rise Vulnerability Assessment, new hazard policies were developed and a map for hazards areas are included. The chapter also addresses flood, geologic, and fire hazards. Key policies establish sea level rise projections; require the use of best available science, require geotechnical reports for projects at risk of erosion; establish goals for future Vulnerability Assessment (VA) and continued adaptation planning; prohibit shoreline protection for new structures; outline emergency CDP procedures; require site-specific sea level rise hazard assessment; prohibit development on coastal bluffs except for restoration or public access improvements; require recordation of a notice of restriction on properties located within the identified sea level rise hazard zone; require shoreline protection (where permitted) be designed to eliminate or mitigate impacts to shoreline sand supply, require a waiver of rights to future shoreline protection; and define the date of an “existing structure” as the date of Commission certification of the subject LUP update.

Chapter 8 – **Definitions**. Provides definitions of technical or specialized terms used throughout the LUP, including terms such as existing structure, redevelopment, low-cost overnight accommodations, climate change, environmentally sensitive habitat area (ESHA), public trust lands, tribal cultural resources, and wetlands.

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 regards to Natural Resource Protection, including sensitive wetland and upland habitats and water quality; protection of public views and access; hazards, including shoreline protection, Environmental Justice; recreational and visitor-serving uses; cultural resources and land uses.

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

1. FINDINGS FOR DENIAL

The City is proposing a complete repeal of the existing Land Use Plan (LUP) with replacement with a new and modernized LUP. When the City's LUP was first certified in 1996, land use in the Coastal Zone was still largely undeveloped, and; therefore, it largely included visions for development within six different land use segments. Since then, most vacant lands have either been developed or preserved as open space. In 2015 the City pursued a major update to its General Plan, with an LUP update to follow. As proposed, the LUP provides several major policy updates affecting a broad spectrum of coastal issues including climate change and sea level rise, current water quality policy, tribal consultation, updated goals and policy language for scenic and access improvements already constructed in the largely built-out community. However, there are several instances where the policies require additional specificity, detail, or are presented as recommendations rather than requirements. These policies can be grouped into nine categories, spanning eight of the nine LUP chapters, and include 1) Land Use, 2) Recreation and Visitor-serving uses, 3) Agricultural Uses, 4) Culture and Archeological Resources, 5) Coastal Access; 6) ESHA and wetlands; 7) water quality; 8) hazards; and 9) Environmental Justice. In addition to policy revisions, the LUP update contains several modern definitions including "existing structure," "redevelopment," and "wetlands" that fail to address the full scope of coastal resources protection required to be consistent with the Coastal Act. Each policy category is reviewed in its own section, with associated definitions discussed in the relevant policy categories. Relevant Coastal Act policies are included within the applicable policy categories.

Land Use

Section 30250

(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. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the areas have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (...)

The City of Carlsbad began the LUP update shortly after the City's 2015 General Plan Update. The proposed LUP was finalized by the City in 2021. Since that time, two of land use designations within the Land Use chapter have changed and require updating. The first is the decommissioned Encina Power Plant, which was reviewed by the Commission and approved in several different actions including CDP No. 6-07-074 (demolition of existing surplus fuel oil tanks), CDP No. 6-21-0843 (subdivision of a 95.12 acre property into four parcels), E-06-013 (construction and operation of a 50 million gallon per day seawater desalination facility), and the well-documented removal of the 400-foot-tall smokestack in 2021. The second site, South Ponto Planning Area F, is also described in the Land Use chapter and is a part of the Implementation Plan portion of this amendment request. Since 2019, a specific development has been proposed, and this chapter needs to be updated to reflect the new land uses permitted on the South Ponto Planning Area F site.

The LUP also includes the requirement for the development of another undeveloped site to be developed in the future, with the inclusion of a new specific plan identifying the priority uses for the 45-acre site, which has a land use designation for Visitor-Commercial Uses. The policy does not include how this process will be certified by the Commission. The Commission review for future development of the site is critically important given the size, location and Land Use designation of the site.

The Chapter also includes a jurisdictional map that identifies the location of the Coastal Zone, the Commission's appeal jurisdiction and the Commission's retained permitting jurisdictions. While the City does have a certified post-certification map, and that adopted map portrays the various jurisdiction boundaries as accurately as possible, it remains only a depiction, i.e. a cartographic representation and not a definition of the jurisdiction, and should not be used on its own without field determination procedures to establish a precise boundary location. Conditions on the ground may change, and thus conditions on the ground control permit and appeal jurisdiction boundary locations, regardless of the mapped boundaries at any given time. In fact, changes to conditions on the ground may justify revisions to an adopted map.

Additionally, the chapter includes references about Open Space zoning designations and the City's Habitat Management Plan that need to be revised, and are discussed in further detail in the sensitive habitat portion of this section. Finally, as proposed, the City's LUP does not include Environmental Justice definitions or policies, including an introduction within this section, which; again, are discussed in greater detail below and within the Environmental Justice section.

Recreation and Visitor-Serving Uses

Section 30210

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 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222

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 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Coastal Act requires protection, encouragement, and provision of lower-cost visitor and recreational facilities. As the cost of land in California's Coastal Zone is extremely high, hotel accommodations are often higher priced to be profitable, and lower cost accommodations are becoming increasingly rare. However, it is the Commission's responsibility to maximize public access and recreational opportunities at California's coast for all the people. While the City of Carlsbad has a large inventory of hotel rooms in the Coastal Zone, a small portion of these can be considered affordable.

Section 30213 of the Coastal Act requires the Commission and a local jurisdiction with a certified LCP to ensure that a range of affordable facilities be provided in new development along the coastline. The expectation of the Commission is that developers of sites suitable for overnight accommodations will provide facilities which serve people with a range of incomes. A critical aspect of the Coastal Act's public access policies is the protection and provision of lower-cost overnight visitor accommodations. Although spending a day at the beach, viewing wildlife, or walking the coastal trail is inherently a low- or no-cost venture, the inability to stay overnight at a reasonable cost is a barrier for the vast majority of the public, particularly families, who do not live near the coast. This is particularly critical for lower-income families that do not have equal access to recreational opportunities along

California's coast in this respect. Generally, there is a significant lack of lower-cost overnight accommodations along the coast, particularly hotel rooms, and new overnight accommodations projects are often higher cost.

As defined by the proposed LUP, "lower-cost" overnight accommodations are accommodations available at an annual average daily rate that is equal to or less than the annual average daily rate provided by Smith Travel Research for the "economy" hotel segment within the hotel market area. In 2022, the City of Carlsbad submitted a report that of the 2,481 hotel rooms in the coastal zone, 367 or approximately 14% of these rooms can be considered lower-cost, which is more than 10% short the supply of lower-cost units deemed necessary by the previously cited Commission actions. While the City has indicated that an additional 220 lower-cost units are provided at the South Carlsbad State Beach campground, this land is owned and managed by California State Parks. Even when including the campsites at South Carlsbad beach, the total percentage of units provided as lower-cost is 21.7% and still less than typically certified in Local Coastal Programs throughout the state. Thus, while Carlsbad is unique in that the City includes several lower-cost accommodations options, including South Carlsbad State Beach Campground, as well as a number of hotel and motel developments, protection of these existing lower-cost options is critical in order for the City's LUP to be found consistent with the aforementioned policies of the Coastal Act. Further, while Carlsbad may have a large supply of overnight accommodations currently, including when compared to other San Diego County jurisdictions, recent development trends towards luxury hotel construction and the demolition of older lower-cost motels, demonstrate a growing need for policies that maintain affordability within the Coastal Zone.

Additionally, public access and the supply of lower-cost overnight accommodations in the coastal zone are statewide environmental justice issues of concern. The Commission's Environmental Justice Policy, adopted in March 2019,¹ states "The Commission will strive for a no-net-loss of lower-cost facilities in the coastal zone, while implementing a longer-term strategy to increase the number and variety of new lower-cost opportunities" and recognizes that even nominal costs can be barriers to access. In light of the trend in the market to provide luxury hotels, as well as the demolition of existing lower-cost hotels and motels along the coast, it is becoming increasingly important to protect and provide lower-cost overnight accommodations in the coastal zone, as required by Section 30213 of the Coastal Act.

Finally, the City already provides several coastal recreational opportunities along the ocean shoreline and within and around lagoons. While the LUP encourages the expansion of new recreational opportunities, it does not protect the existing uses, inconsistent with 30220 of the Coastal Act.

Coastal Access

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and

¹ Available at <https://www.coastal.ca.gov/env-justice/>.

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 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation

Section 30212

(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 accessways 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 30252

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.

As detailed above, the Coastal Act mandates the protection of public access and recreation along the coast, coastal habitats, and other coastal resources, as well as providing priority for visitor-serving and coastal-dependent or coastal-related development. Accordingly, the Coastal Act places a strong emphasis on protecting natural landforms and shoreline/beach access and related resources. Traditionally, access and recreation along the coast can be provided in several ways, through actual beach area, dedicated lateral and vertical accessways, trails, and parking. While the LUP includes provisions that generally promote and protect these access options, the LUP lacks the detail necessary in order to adequately require and protect lateral and vertical accessways, maintain existing and promotion of new coastal trails, and ensure that parking is provided at no- or loss-cost fees, that signage is provided to help the public find access routes, and maintain adequate circulation on major coastal access roadways.

The Act also recognizes that shoreline-altering development, such as armoring, can cause significant adverse impacts to coastal resources such as sand supply and ecology, public

access, coastal views, natural landforms, and shoreline processes, and thus requires approvable armoring to avoid or minimize coastal resource impacts, and to commensurately mitigate for allowed impacts that are unavoidable. More recently, the Coastal Act was also amended to explicitly require the Commission to consider the effects of SLR in coastal resource planning and management policies and activities to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of SLR. Again, as proposed, the City's LUP does include introductory policy language requiring these protections are made but lacks the detail necessary to ensure the policies are applied consistent with the requirements of the Act.

Agricultural and Cultural Resources

Section 30250 [cited above]

Section 30242

All other [nonprime] lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30244

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

While the LUP contains policies that require tribal consultation to take place early in the discretionary review process, and comply with the requirements of CEQA, it does not require that alternatives be considered that would avoid or reduce adverse impacts to archaeological and paleontological resources, such as the conserving resources in situ. The LUP also does not include consideration for interpretive signage for areas containing important cultural or paleontological resources or provide consideration for cultural resources access agreements for areas identified as a tribal resource or areas of tribal significance. Additionally, there are several areas with Carlsbad's Coastal Zone that are still used for agriculture, some of which also include a visitor-serving component. While the City's LUP includes provisions for protection of prime agricultural, it does not protect non-prime inconsistent with Section 30242 of the Coastal Act.

Scenic Resources

Section 30251

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. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Carlsbad Coastal Zone has a wide range of significant coastal views, in part because there are three coastal lagoons (Buena Vista, Agua Hedionda, and Batiquitos Lagoon). While some development is permitted along Buena Vista and Agua Hedionda Lagoon, a significant portion of Batiquitos Lagoon is managed by California State Parks and provides expansive scenic opportunities within the viewsheds. Additionally, approximately 75% of the City's shorefront is publicly held and undeveloped, and views from Carlsbad Boulevard, the City's primary north/south coastal access route, remain unobstructed. As proposed, the LUP will provide protection of existing significant viewsheds as identified by Exhibit 5-3. These include the areas around the lagoons and along certain portions of Carlsbad Boulevard. However, there is limited protection provided for existing views that are not identified by Exhibit 5-3. These include streets with a western terminus, views from newly constructed public spaces (ex. Veterans Park), or between existing shorefront development. The proposed policies also fail to allow for new viewsheds to be protected as development/redevelopment of the City continues. As an example, the existing "Shoppes at Carlsbad" is a three-story, 548,000 sq. ft. structure located directly inland of Buena Vista Lagoon. The demolition of this commercial space has been considered several times in the past and should the removal of the shopping center be completed in the future, there is the potential for new, historically obstructed views of Buena Vista Lagoon to be created, which will not be provided or protected as proposed.

City The City's scenic resource policies focus largely on protecting views experienced by pedestrians and from designated public vantage points. However, coastal views are also available from other public travel corridors, including the rail line, regional bicycle routes, and roadways. These multimodal corridors function as important public view opportunities within the coastal zone and should be considered when evaluating potential visual impacts. In particular, segments of the Coaster rail line and the Coastal Rail Trail provide continuous public access along the shoreline and offer broad coastal views that contribute to the overall scenic quality of the area.

Finally, the proposed limitations on lighting and signage do not provide enough specificity to adequately protect scenic views, including limiting the location and intensity of lighting, and clearly prohibiting the use of digital signage, new billboard signage, tall freestanding, and roof signs.

Marine Resources/Water Quality

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will

maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

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

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(6) Restoration purposes.

(7) Nature study, aquaculture, or similar resource dependent activities.

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge

spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.[...]

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

Section 30236

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

The Commission is mandated to protect and improve water quality to help the environment flourish and to protect human health. The City recognizes the importance of the City's shorefront, including the three coastal lagoons, and policy language has been included providing current water quality regulations. However, the City's Coastal Zone also includes large areas of agricultural use, a municipal golf course, and thousands of residential units, all of which may leech fertilizers, pesticides, herbicides, and other pollutants, which can significantly impact water quality.

Additionally, the Commission, and local jurisdictions with certified LCPs, are charged directly with concern for landform alteration through Section 30251 of the Coastal Act. The alteration of natural landforms can occur through small projects, such as clearing a small area for a driveway, or large amounts of alteration through subdivisions, lagoon restoration projects, etc. Since landform alteration often can lead to or result in sedimentation and

degradation of water quality, and disturbance of sensitive habitats, minimizing landform alteration can result in minimizing a broad range of environmental impacts consistent with 30251 of the Act.

Sensitive Habitats

Section 30240

(a) Environmentally sensitive habitat 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.

The City of Carlsbad's LCP includes a Habitat Management Plan (HMP), a portion of the City's LUP certified by the Commission in 2006. The full history of this action is provided in the introduction. In summary, the Commission found on balance that allowing the removal of smaller, and geographically separate areas of habitat could be found consistent with the Coastal Act, given that the loss of that habitat would allow for a creation of a larger and better-connected habitat reserve through development of City's HMP preserve system. In addition to protecting larger and more biologically diverse habitat systems, the HMP also identifies and provides critical habitat linkages, development standards for properties located adjacent to the preserves, and is designed and funded to maintain the habitat within the preserves. The plan is part of the Multiple Habitat Conservation Program (MHCP) for seven North County cities. In 2004, Carlsbad received a 50-year incidental take permit from the U.S. Fish & Wildlife Service to allow limited take of certain species during development and management activities, recognizing conservation benefits to listed and unlisted species. This 50-year term was agreed to by both the California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. Given this, the LUP does not provide policy language regarding the protection of sensitive habitat and instead references the HMP in several sections of the chapter, potentially making the standards for development unclear. The regulations also have some shortfalls and gaps, particularly with regard to how proposed changes in the preserve boundaries are reviewed by the Commission, determining appropriate development envelopes on sites containing sensitive habitat, and uses permitted on lands zoned for open space. Additionally, new resource protection topics have emerged since approval of the HMP in 2006 and are not addressed in the LUP. These include protection measures for monarch butterfly roosting sites, vernal pools, and regulating removal of kelp wrack.

Regarding protection for monarch butterflies, the City of Carlsbad has at least one overwintering monarch site, in Hosp Grove, which is located along the south side of Buena Vista Creek and immediately inland of Buena Vista Lagoon. This migratory species aggregates in large numbers in favored, sheltered trees, locally known as "butterfly trees." These are often, but not necessarily, mature eucalyptus trees and are generally considered to be ESHA and should be protected consistent with Section 30240 of the Coastal Act.

Regarding vernal pools, seasonal wetlands often occur under Mediterranean climate conditions of the west coast. Seasonal wetlands have a natural lining of bedrock or a lining of hard clay that prevents water from infiltrating into the soil. Seasonal wetlands may or may not support plants or animals found in vernal pools, but they do meet one or more of the three wetland parameters required by the Coastal Act regulations to qualify as a wetland: hydrology, hydrophytic vegetation, and/or hydric soils parameters. Vernal pools are shallow, depressional wetlands that fill with rain water in the winter and spring and may be sustained by seasonal groundwater. Despite this inundation, vernal pools are dry at other points of the year. Vernal pools often house endemic species that are adapted to this unique seasonal hydrologic regime. San Diego fairy shrimp (*Branchinecta sandiegonensis*) and San Diego button celery (*Eryngium artistulatum parishii*) are examples of species endemic to vernal pools and are also protected under the federal Endangered Species Act. If the seasonal wetlands contain species that are endemic to that habitat (such as ostracods “seed shrimp” or fairy shrimp), they are called “vernal pools” and may rise to the level of ESHA. The City has at least one known vernal pool site in the coastal zone, located within the Poinsettia Coaster Station. The Commission has previously reviewed the vernal pools on this site and made the determination that they constitute ESHA (ref. CDP Nos. 6-93-207, A-6-CII-10-044).

Beach grooming includes the removal of kelp wrack or other aquatic vegetation brought to beaches through tidal action. Currently, the City has no established protocol for kelp removal and does not have its own wrack removal program. However, beach grooming is a common practice undertaken by various stakeholders, including hotels located adjacent to the beach. This activity can have impacts to sensitive resources and water quality, as kelp wrack serves as food and shelter for small invertebrates that beach fauna, such as shorebirds, consume. Kelp wrack removal is considered development to be reviewed against the applicable policies of the Coastal Act or the City’s LCP through the Coastal Development Permit process. This requirement is not included in the LUP as proposed.

Finally, land use plan amendments, particularly comprehensive updates, must adopt policies for protecting ESHA consistent with Section 30240, both as currently identified and providing for future determinations to be made as resources and conditions change over time. Example policies protecting biological resources include requirements for determining and protecting adequate buffers to ESHA based on scientific evaluation; policies to ensure compatibility between ESHAs and adjacent land uses, including trails; measures to address landscaping and vegetation clearance for fire protection purposes to avoid and minimize impacts to ESHA; mitigation measures for any resource-dependent or other allowed uses in ESHA; and standards for erecting birdsafe buildings, among others. Additionally, lighting installed for new development can impact biological resources if the lighting contains high blue light frequencies or spills over into the night sky or habitat areas. The LUP does not contain any of the above requirements, and will not sufficiently protect sensitive habitat in the coastal zone of Carlsbad as proposed.

Coastal Hazards

Section 30236 [cited above]

Section 30253

New development shall do all of the following:

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

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

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

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Section 30270

The commission shall take into account the effects of sea level rise in coastal resources planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.

The Commission's LUP update guidance² provides local jurisdictions direction for the development of hazard policies and includes the following:

The responses to coastal hazards in a Land Use Plan (LUP) should provide for solutions that have the least impacts on coastal resources, taking into account future changes that will be associated with climate change and sea level rise.

LCPs require that safety and stability be assured for the life of a development. In updating your LCP, keep in mind that one of the primary approaches to minimize hazards is to avoid locating new development in hazardous areas, whenever feasible. If development could not occur without resulting in a significant risk to the public or property owners from hazards, it should not be allowed. This can be accomplished through policies related to appropriate land uses adjacent to hazardous areas, subdivision prohibitions, siting and design (e.g. setbacks), and redevelopment standards. You can also consider providing incentives for locating

² Available at <https://www.coastal.ca.gov/rflg/lcp-planning.html>

development away from hazardous coastal areas. The response will also depend on the hazard being addressed, whether shoreline erosion, fire or seismic risk, etc.

If it is not feasible to completely avoid a hazardous area, risk can be minimized by avoiding development in the hazardous area to the maximum extent feasible (for example through setbacks) and by designing the development to ensure it will be protected against the consequences of unavoidable hazards (for example through non-armoring features such as elevation or by requiring the new structure to be removed when it becomes threatened). For shoreline hazards, neither shoreline armoring nor bluff retaining devices should be allowed as an option to protect new development. In fact, the LCP should include policies and regulations that require that all new development be conditioned to prohibit the use of shoreline armoring in most cases.

Additionally, Coastal Act Sections 30235 and 30253 acknowledge that seawalls, revetments, cliff retaining walls, groins, and other such structural or “hard” methods designed to forestall erosion also alter natural landforms and natural shoreline processes. Accordingly, under Section 30235 shoreline armoring may be approved only to serve a coastal-dependent use, or to protect existing (not new or redeveloped) structures or public beaches in danger of erosion (subject to the requirement that adverse impacts to local shoreline sand supply are mitigated or eliminated, and per other Coastal Act sections that other coastal resource impacts are also addressed). In other words, new or redeveloped non-coastal-dependent developments cannot rely on shoreline armoring in their proposed siting and design, and instead must be located safely away coastal hazard threats without reliance on such devices. This is true even as to new development that may not include a proposal for new shoreline armoring where sited in locations already protected by existing (and possibly legally permitted) shoreline armoring; as Section 30253(b) states, new development shall not “in any way require the construction of protective devices that would substantially alter natural landforms...” This is an important concern in the City of Carlsbad in particular, where most of the residentially developed shoreline is already armored.

In short, the Coastal Act requires new development to minimize risks to life and property while ensuring stability and structural integrity without contributing significantly to erosion, geologic instability, or destruction of the site or surrounding area. It also provides that new development or redevelopment that would rely on shoreline armoring is prohibited and that adverse impacts of shoreline armoring to coastal resources such as sand supply be avoided, lessened, and mitigated for where unavoidable. As such, for consistency with the above Coastal Act policies, an updated LUP must, at a minimum, include the following: policies that require new development to be safe from coastal hazards risk, including as these hazards may be exacerbated in the future due to climate change and sea level rise; policies that specify which uses are potentially allowed shoreline protective devices, namely coastal-dependent development and other “existing” development that is considered as such because it was built prior to the Coastal Act’s effective date (i.e., January 1, 1977) and not redeveloped since; and, for such development allowed shoreline protection, specify the requirements and mitigation measures needed to ensure resultant coastal resource impacts are mitigated, including with respect to impacts on sand supply, as well as public access and recreation, public views, beach ecology, and other coastal resources.

The City of Carlsbad completed a sea level rise vulnerability assessment, which included findings indicating that by the year 2050, 27 acres of beaches, 26 beach accessways, six state park parcels, 564 privately owned parcels, 1.6 miles of transportation and 1,164-acres of environmentally sensitive habitat areas will be impacted by SLR.

The proposed LUP update includes some appropriate hazards policies, including directly incorporating Coastal Act Sections 30235 and 30253; requiring planning and development reviews to use best available science regarding projected sea level rise and other climate-change related issues when addressing coastal hazards; requiring updates to its Coastal Vulnerability Zone maps as dictated by best available science, and requiring site-specific hazard mapping and assessment in some circumstances; specifying that some development in Coastal Vulnerability Zones must be sited and designed to avoid, and where unavoidable, to minimize coastal hazards and impacts to coastal resources and mitigate for any such unavoidable impacts; and requiring that some new development be sited and designed to be safe from erosion, bluff failure, wave run-up, flooding, and other coastal hazards; requiring property owners to record an acknowledgement that some development does not qualify as an existing structure entitled to shoreline protection, to sign a waiver of rights to new shoreline protection devices, and requiring removal and restoration plans where necessary; encouraging soft shoreline protection; and requiring monitoring for new shoreline protection structures. While the LCP include some proactive policies, the proposed LUP update also includes provisions that are not consistent with sections 30235 and 30253 of the Coastal Act, such as not including appropriate definitions for “existing structure”, “redevelopment” – specifically along the shorefront or adjacent to lagoons, not requiring mitigation for impacts from occupation of public beach by a shoreline protection device, and not prohibiting subdivision of property in hazardous areas.

Environmental Justice

Section 30013

The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.

Section 30107.3.(a)

“Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, and incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws,

regulations, and policies. (b) “Environmental justice” includes, but is not limited to, all of the following:

- (1) The availability of a healthy environment for all people.
- (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities.
- (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their meaningful participation in all phases of the environmental and land use decision making process.
- (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

Section 30604(h)

When acting on a coastal development permit, the issuing agency, or the Commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.

Coastal Act Section 30604(h) gives the Commission, or the issuing agency, the authority to explicitly consider environmental justice, or the equitable distribution of environmental benefits throughout the state, in its permit decisions. In March 2019, the Commission adopted an environmental justice policy (EJ Policy)³ to guide and inform its implementation of section 30604(h) in a manner that is fully consistent with the standards in, and furthers the goals of, the Coastal Act and certified LCPs. Thus, the Commission’s EJ Policy underscores the importance of both substance (i.e., evaluating whether projects do or do not disproportionately distribute environmental benefits and burdens) and process (i.e., ensuring that those potentially affected by proposed development have an equitable opportunity to participate in a transparent public process). In 2024, the Commission released a “Resources for Addressing Environmental Justice through Local Coastal Programs,”⁴ that provides direction to local jurisdictions on why considering environmental justice is important, how to integrate environmental justice into a Local Coastal Program, what policies to include to address any environmental justice issues, and integrating community feedback. However, the proposed LUP does not include any measures to address Environmental Justice, including definitions, communities of concern, or policies to address environmental justice issues.

³ Available at https://documents.coastal.ca.gov/assets/env-justice/CCC_EJ_Policy_FINAL.pdf.

⁴ Available at https://documents.coastal.ca.gov/assets/lcp/LUPUpdate/EJandLCPRResources_CoastalCommission.pdf.

Additionally, the elimination of affordable residential neighborhoods can result in many underserved communities, including low-income communities, communities of color, and other historically marginalized communities, living farther from the coast. The Commission's EJ Policy calls for the Commission to increase efforts to encourage affordable housing and "work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional / supportive housing, homeless shelters...in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act." The LUP does not include provisions to encourage housing opportunities for persons of low and moderate income.

2. FINDINGS FOR APPROVAL IF MODIFIED

As detailed above, the City's LUP update significantly advances coastal resource protection policies, including the introduction of sea level rise, among others. However, several areas require additional or more specific policy language in order to be found consistent with all applicable policies of the Coastal Act. The Commission's Suggested Modifications address 1) appropriate land uses; 2) protection and provisions for low-cost visitor accommodations and recreational uses; 3) protection of existing agriculture; 4) protection of cultural and tribal resources; 5) coastal access; 6) scenic resources 7) protection of Environmentally Sensitive Habitat Areas (ESHA) and wetlands; 8) water quality; 9) hazards; and 10) Environmental Justice.

1. Land Use

The LUP identifies several types of land uses that are either no longer correct, or do not encourage the highest-priority uses (such as coastal-dependent, or visitor-serving) before other uses. In addition, Exhibit Nos. 1-4 A-C in the LUP separate permitting and appeals jurisdictions but fail to acknowledge that jurisdictional boundaries may be different from those reflected by these maps and instead are determined through Coastal Act Sections 30603 and 30519. To address this a total of thirteen modifications are suggested for inclusion in Chapter 2.

The LUP includes provisions for future redevelopment of a 45-acre parcel located on the south shore of Agua Hedionda Lagoon. The site is currently owned by SDGE but is used as strawberry fields open to the public. If the site is sold in the future, the uses of the site will likely change, and future use of the site should take into consideration the current priority-use of the site, as well as its proximity to a coastal lagoon. As proposed, development of the site must be accompanied by the Specific Plan. Suggested Modification No. 2-8 adds that the specific plan must also be certified by the Commission through an LCP amendment.

After the Commission certifies a local government's LCP, permit authority within that jurisdiction is delegated to that local government. However, pursuant to Section 30519(b) of the Coastal Act, the Commission retains permit authority after LCP certification over developments occurring on tidelands, submerged lands, and public trust lands, whether filled or unfilled, and which are located within the Coastal Zone. Additionally, since one basis for appeal is impacts to public access where development is located between the sea and the first public road. Over time, as this location may change, the Commission requires standard language to be added to any jurisdictional map included in the City's

LCP that clarifies that jurisdictional boundaries must be confirmed on a case-by-case basis, consistent with Coastal Act Sections 30603 and 30519. Suggested Modification No. 8-10 revises the definition of the Coastal Zone to be consistent with 30103 of the Coastal Act.

Additional Modifications include Suggested Modification No. 2-1 provides clarification for what land uses should be given priority on lands designated as visitor commercial, Suggested Modification Nos. 2-2 and 2-3 introduce and define Environmental Justice and require that the City consider environmental justice as part of any coastal development permit or local coastal program amendment, Suggested Modification No. 2-4 encourages the City to provide housing opportunities for person of low and moderate incomes, and Suggested Modification No. 2-7 clarifies that if the policies, requirements, etc., of the Village & Barrio Master Plan conflict with the Local Coastal Program (LCP), the policies of the LCP shall prevail. Suggested Modification No. 8-13 completes the Coastal Act definition of “development” to include timber operations.

2. Visitor-Serving Uses and Overnight Accommodations

The Commission has recently reviewed community plan updates for the City of Oceanside (LCP-6-OCN-23-0035-1), and the City of San Diego communities Barrio Logan (LCP-6-BRL-22-0022-1), Otay-Mesa Nestor (LCP-6-OMN-23-0053-4) and Mira Mesa (LCP-6-NOC-23-0015-1). In all of these areas, the Commission evaluated how to best ensure that existing lower-cost overnight accommodations are protected, and that future development provides a range of affordability in order to serve all incomes, and determined that policy language should be added to the plans requiring 1) no net loss of lower cost overnight accommodations; 2) that new visitor-serving accommodation developments provide a range of affordability; and 3) that new high-cost accommodation developments provide at least 25% of the number of proposed units as lower cost or, if this cannot feasibly be provided on-site, require mitigation off-site by contributing to the construction or funding of a new lower-cost accommodation development equal to 25% of the proposed high cost units.

In order to ensure that any future lower-cost overnight accommodations are protected, Suggested Modification No. 3-6 requires that lower-cost units shall not be removed unless replaced at a 1:1 mitigation ratio within the Coastal Zone. Thus, if it becomes necessary to redevelop a motel, or any other future lower-cost overnight accommodations, adequate replacement will be ensured, including that the replacement units will be in proximity to coastal resources.

To ensure that future development continues to provide a range of affordability that serves all incomes, Suggested Modification No. 3-6 also requires that new development of overnight accommodations include at least 25% of the proposed units as lower-cost. If the provision of the lower-cost units on-site is determined to be infeasible pursuant to a feasibility analysis, then Suggested Modification No. 3-6 further requires that the new development shall provide lower-cost units elsewhere within the City’s Coastal Zone. If it is determined that the project cannot provide lower-cost units on or offsite, in-lieu mitigation fees shall be required.

In 2014, following Commissioner questions regarding the adequacy of the in-lieu fee for lower-cost accommodations, Hosteling International provided an updated report representing the true construction costs of a new hostel, which stated that new construction costs approximately \$42,120 per hostel bed, without the cost of land acquisition.⁵ In order to verify this information, the Commission consulted Maurice Robinson & Associates. Robinson concurred with the figures and stated:

This lends itself to a two-tiered Index for a representative cost to develop low-cost lodging statewide. The \$42,120 per bed estimate for the structure can be indexed on an annual basis, either by CPI (Consumer Price Index) or, alternatively, with a more construction industry-specific index such as the Turner Building Cost Index.

The Turner Building Cost Index⁶ is used widely by federal and state governments to measure costs in the non-residential building construction market in the United States. Robinson further expanded on the cost of providing motel or hotel rooms rather than hostel beds and estimated:

These new motel rooms would likely cost nearly \$100,000 per room to develop (excluding land), which is more than twice the cost of a hostel bed, mostly due to the fact that motels require approximately twice the gross square footage per person than hostels.

A standard hotel or motel room (250 sq. ft. average) represents a much larger space than a single hostel bed. The cost of constructing new lower-cost hotel rooms is significantly higher than replacing them with hostel beds. Following this information and suggestion, the Commission began requiring new high-cost hotel projects and projects that eliminated existing lower-cost overnight accommodations to pay an in-lieu mitigation fee of \$100,000 per required lower-cost room not provided onsite.⁷ This requirement was based on information provided in 2015. However, when considering the approximate 27% increase in the Turner Building Cost Index in the last seven years (likely related to inflation and other factors), the estimated cost of constructing a lower-cost hotel or motel room has increased from \$100,000 per room to \$137,00 per room, as of December 2022.⁸

In addition, while some visitors may be willing to stay in the type of shared accommodation provided by hostels, many prefer to stay in more traditional rooms. The replacement of lower cost hotel or motel rooms with hostel beds polarizes the overnight visitor-serving accommodation types remaining into two options: high-cost hotel rooms or hostel beds in shared rooms, which may inhibit some members of the public from receiving overnight access to coastal resources. The mid-range affordable overnight options are effectively eliminated by this replacement method. The same principle is true for mitigating the loss of lower-cost hotel rooms solely with RV parks or campgrounds.

⁵ <https://documents.coastal.ca.gov/reports/2014/12/W3-12-2014.pdf>

⁶ Ref. <http://www.turnerconstruction.com/cost-index>

⁷ Ref. CDP 5-18-0872 (Sunshine Enterprises, LP), CDP 5-20-0181 (B&J Capital Group Investments)

⁸ The Turner Building Cost Index was 943 for 2015 and 1295 for 2022. The figures are $1295 - 943 = 352 / 943 = 0.37 * 100\%$, which results in a 37% increase since 2015.

In June 2023 when the Commission approved the Barrio Logan Community Plan Update, suggested modifications added by the Commission required that if construction of new lower-cost rooms is not feasible on- or offsite, an-lieu mitigation fee shall be required, and that it shall be adjusted over time using the Turner Building Cost Index. Specifically, the policy as approved by the Commission, and since adopted by the City, identifies the in-lieu mitigation fee of \$137,000 per room, to be adjusted for inflation using the Turner Building Cost Index plus land cost square footage.

However, in more recent reviews of San Diego County LUP updates (i.e. City of San Diego Mira Mesa Community Plan/LCP-6-NOC-23-0015-1, September 2024; Otay Mesa Nestor Community Plan/ LCP-6-OMN-23-0053-4, July 2024), the Commission approved suggested modifications to allow more flexibility than identifying a specific dollar amount, and instead outline the process by which the mitigation fee must be determined. Specifically, the fee must be based on approximate construction costs per room, adjusted for inflation using a building cost index as needed, plus land cost square footage shall be required. Construction costs shall be based on approximate hard and soft costs of building at least 25% of the proposed units as lower-cost accommodations on-site or shall be based on a comparable per-room construction cost estimate. Land cost calculations shall be based on the average square footage of commercial land sales in the City over the past five years. This broader policy language allows the City some flexibility in determining the exact fee amount through additional studies. This language has been incorporated into Suggested Modification No. 3-6.

As with the requirements adopted for Otay-Mesa Nestor, Barrio Logan, and Mira Mesa, Suggested Modification No. 3-6 requires that the fee be used for construction of new lower-cost hotel rooms or other inherently lower-cost accommodations within the coastal zone in the surrounding area. All in-lieu fee payments shall be deposited into a fund to be established and managed by the State Coastal Conservancy, or a similar entity approved by the Executive Director of the California Coastal Commission, which shall be in an interest-bearing account and shall only be used for the provision of new lower-cost overnight accommodations. Funds may be used for activities including land acquisition, construction, permitting, or renovation, in order to provide additional lower-cost overnight visitor accommodations.

In summary, these suggested modifications will ensure that existing lower-cost accommodations are protected from conversion to other uses or to high-cost accommodations and will ensure that new development prioritizes and provides lower-cost accommodations, consistent with Section 30213 of the Coastal Act. If lower-cost accommodations are found to be infeasible both on- and off-site, in-lieu fees will be required.

Additional modifications have been included to protect existing and future visitor-serving and recreational uses other than lower-cost visitor serving uses. Specifically, Suggested Modification Nos. 3-1 and 3-2 mirror 30220 and 30234 respectively and encourage water-oriented recreation and fishing activities in the coastal zone, the proposed language does not include protection of existing uses. The City's Coastal Zone has several high-priority recreational uses, including Agua Hedionda Lagoon Sports, a free kayak and SUP launch, and fishing along Agua Hedionda Lagoon, all of which warrant protection, where feasible.

Modification 3-3 ensures that new development adjacent to recreational facilities does not discourage access to such facilities. Suggested Modification No. 3-4 clarifies that development located above the mean high tide line such as docks, boat storage and launching facilities will still require approval by the Coastal Commission in areas of deferred certification, such as Agua Hedionda Lagoon. Suggested Modification No. 3-5, which includes the City's definition for lower-cost overnight accommodations has been removed, and replaced by a definition within Suggested Modification No. 3-6 as detailed above. Finally, Suggested Modification No. 3-7 adds Coastal Act section 30234.5 (importance of fishing) to the list of relevant policies within Chapter 3.

3) Agriculture

While the majority of the City's Coastal Zone is either developed or protected as open space, there are several areas where agriculture still exists. Some of these areas are important for the use alone, however, many of these also include a visitor-serving component. As examples, the City's iconic "Flower Fields" a 55-acre ranunculus (Persian buttercups) farm, is highly visited by the public, and the Carlsbad Strawberry Company, a 40-acre farm that includes strawberries, seasonal pumpkins and sunflowers, games, and other recreational uses open to the public. The City's LUP does include several provisions that encourage the continued agricultural uses, but revisions are necessary to ensure the long-term protection of these priority uses. To address this, Suggested Modification No. 5-1 requires conversion of non-prime agriculture only as consistent with 30242 of the Coastal Act. Suggested Modification No. 5-3 further requires that conversion of non-prime agricultural lands to non-agricultural uses must be authorized by the Commission through certification of a Specific Plan to be included in the City's LCP.

4) Cultural and Tribal Resources

The proposed update does include several policies to protect designated historic and cultural sites. These include ensuring that development analyzes and avoids impacts to historic, cultural, archeological, or paleontological resources and requires mitigation where unavoidable. The proposed policies also require that projects conduct tribal consultation, a records review, pre-construction surveys and monitoring, and implementation of appropriate measures, such as avoidance, preservation in place, and excavation, as a condition of approval. Additionally, proposed policies requires that the City work with local tribes to protect recorded and unrecorded cultural and sacred sites and educate the community and developers about the connections between tribal history and environmental features that characterize the land; however, the consideration of tribal cultural resources, alongside archaeological resources, is required in planning and permitting decisions at the Commission. Tribal cultural resources may include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe. As part of the Commission's Tribal Consultation Policy,⁹ one of the guiding principles is to communicate with and engage with Tribes at the earliest possible stage in the review and decision-making processes. Therefore, the Commission recognizes the value of building in avoidance and mitigation measures in land use plans as well as in ordinances and in permitting conditions. Revised policies will provide clearer procedural direction than what is required by CEQA alone. CEQA establishes baseline

⁹ Available at <https://www.coastal.ca.gov/env-justice/tribal-consultation/>.

requirements, but the Coastal Act requires impacts to be avoided and minimized to the maximum extent feasible, which often demands more specificity than CEQA provides.

To ensure that impacts to archaeological and paleontological resources are avoided or reduced, Suggested Modification No. 5-4 Adds a new policy that provides guidelines for project specific investigations for sites that may have significant cultural, tribal or paleontological resources, including avoidance of potential impacts through alternatives analysis, ensuring adequate data measures are included in the investigation and appropriate mitigation measures are identified and implemented. Modification No. 5-6 requires the City, through consultation with local native tribes, to identify if signage in public areas that contain cultural resources should be included, where it has been agreed to as appropriate. Suggested Modification No. 5-6 also requires the City to include access agreements for areas that include development but also retain important cultural resources. These modifications are consistent with the requirements approved by the Commission in the recently adopted LUP updates within San Diego County.

5) Coastal Access

The draft LUP includes policies that prioritize access facilities, including protection of existing and provisions for new vertical/lateral public access easements, trails, bikeways, and parking. Specific requirements include new development on the shorefront to include public accessways, where feasible, that these accessways have clear signage and are well-maintained, limits development on the beach to coastal dependent uses, ensures that development does not interfere with the public's right to access the sea, and formalizes prescriptive rights.

However, a few modifications are necessary to bolster these policies to ensure maximization of public access, consistent with the Coastal Act.

Parking fees in coastal areas can have a detrimental impact on public access, depending on the amount of the increase, availability of lower-cost parking options nearby, and availability of alternative transportation methods (e.g., shuttles, buses, etc.) that provide access to the beach. Other parking changes (such as changes to hours of operations, time limits for length of stay, etc.) can similarly negatively impact public coastal access. As such, the Commission has carefully considered public parking provisions in Carlsbad, including parking rates and the effect of such rates on coastal visitors, particularly coastal visitors for which parking fees can limit their ability to access and enjoy the coast. Suggested Modification No. 4-6 requires that parking is maintained at no- or low-cost and that changes to parking through timing or increased fees is considered development and subject to the review and approval via a coastal development permit.

In addition to parking, access to shoreline amenities and recreation can be severely impacted if adequate circulation to these resources cannot be provided. In order to ensure that any significant impacts to circulation and therefore public access are reviewed, Suggested Modification No. 4-8 requires all modes of transportation are provided where feasible and that prior to modifying any major access route, design options and mitigation measures are included to reduce traffic and impacts to access.

Other changes include Suggested Modification No. 4-2, which specifies requirements for dedications for access; 4-3, which clarifies how the 25-feet of lateral access for new development on the shoreline shall be measured to ensure that the access is useable and available to the public; 4-4, which limits access when such access would impacts sensitive coastal resources. Suggested Modification No. 4-5 ensures that all people have the same access to access areas by including signage in other languages. Suggested Modification No. 4-12 provides updated parking information based on a study completed since the City approved the LUP update. Finally, Suggested Modification No. 8-11 revises the definition of dedication to allow for access easements to the held by either the City or any approved entity such as a land trust, and Suggested Modification Nos. 8-22 and 8-34 revise the definition for lateral and vertical access to remove the limitation for these to be used by pedestrians only.

6) Scenic Resources

Suggested Modification No. 5-8 Ensures that development (new and redevelopment) is sited and designed to protect public views, minimize alteration of landforms, and is visually compatible with the surrounding community. As described in the findings for denial, public coastal views exist from the North County Transit District (train) and the Coastal Rail Trail (bicycle) but are not protected by the LUP. Suggested Modification No. 5-9 ensures the public vantages are protected not just from pedestrian views, but also from bike trails and public transit, and prioritizes protection of new viewsheds in the future. Roadside signs and billboards can create visual clutter, especially outside of urban areas. Suggested Modification No. 5-12 prohibits the construction of digital, new billboard, tall freestanding and roof signage in the Coastal Zone.

Suggested Modification No. 5-14 carries over the City's existing "stringline setback" policy, which limits development of structure or accessory structure on the shorefront to be located no further seaward than surrounding development. The goal of limiting new development from extending beyond the stringline is to restrict encroachment onto the shoreline/coastal bluffs and to preserve public views along the shoreline. Suggested Modification No. 8-3 provides a clear definition for accessory structure, as it relates to the stringline requirement.

Suggested Modification Nos. 5-15 and 5-16 require fences, walls and landscaping when located along the shorefront be 75% open to protect views within side-yard setbacks and limits lights to downward facing and maximum Kelvin temperature of 2,700 kelvins respectively, both are intended to reduce cumulative impacts on coastal views. Modification No. 5-17 requires that any proposed improvements to public streets consider protection of public views as a part of the project design.

Taken collectively, the above modifications will ensure that existing public coastal views are protected, and additional public vantages in the future are considered and prioritized consistent with Section 30251 of the Coastal Act.

7) Environmentally Sensitive Habitat

As previously discussed, the City's Habitat Management Plan (HMP) remains a certified component of the City's certified LCP and contains policies that pertain to sensitive habitat,

including native upland and wetland species, and the City's position is that natural resources are primarily govern through policies of the HMP and thus are not included in the LUP as proposed. However, the HMP is a large planning document that's primary function is to permit the take of coastal California gnatcatcher habitat, spanning a large area, including well outside the Coastal Zone. Additionally, while there are policies that apply in the Coastal Zone specifically, they are not found until Page 118 of the HMP. Given this, the Commission does not agree that simply referencing the HMP will provide sufficient protection of coastal resources consistent with 30240 and 30233 of the Coastal Act.

To address this, the Commission suggests thirty-eight (38) modifications and added six (6) definitions to Chapter 6 (Natural Resource Protection) of the LUP. These modifications fall into four categories: Natural Resource Protection Policies carried over from the City's Habitat Management Plan, Natural Resource Protection policies not addressed by the HMP, critical natural resources definitions, and other policy revisions.

Policy Language from the City's HMP

Suggested Modification 6-1 carries over the HMP requirement to ensure there is no net loss for sensitive upland habitat in the Coastal Zone. Bringing this policy into the LUP is important because it is one of the HMP policies that apply exclusively in the Coastal Zone.

Suggested Modification No. 6-2 similarly carries over policy language from the HMP, and prioritizes mitigating for impacts in the Coastal Zone within the Coastal Zone, and within the same watershed where feasible. Suggested Modification No. 6-2 further requires that when compensatory mitigation is moved offsite, it is critical to provide an ecological rationale to support the site selection and that any landscaping proposed adjacent to sensitive habitat is limited to non-invasive plant types. Taken collectively, Suggested Modification No. 6-2 ensures that the LUP clearly explains how habitat mitigation should be applied when development results in temporary and permanent impacts. The added provisions reinforce, and do not conflict with, principles already found in the City's Habitat Management Plan and the Coastal Act, including a strong preference for on-site mitigation, maintaining no net loss of wetlands in the Coastal Zone, securing mitigation areas under conservation easements, and ensuring that restored or created habitat is ecologically appropriate. These measures help make sure mitigation is meaningful, enforceable, and tied directly to the resources affected. Including these details also provides clarity and consistency when reviewing projects in the Coastal Zone. Clear standards for on-site versus off-site mitigation, the types of habitat restoration that qualify, requirements for management plans, and the need for mitigation within the Coastal Zone all help ensure habitat functions are maintained over time and that projects conform to the resource-protection requirements of Section 30240.

Additional policies protecting sensitive update habitat are included as Suggested Modification Nos. 6-3, 6-19, 6-20, and 6-21. Critical policy language regarding wetlands have been included as Suggested Modification Nos. 6-22 and 6-23. The added provisions reinforce, and do not conflict with, principles already found in the City's HMP and the Coastal Act, including a strong preference for on-site mitigation, maintaining no net loss of wetlands in the Coastal Zone, securing mitigation areas under conservation easements, and ensuring that restored or created habitat is ecologically appropriate. These measures

help make sure mitigation is meaningful, enforceable, and tied directly to the resources affected.

Sensitive Habitat/Species Not Addressed in the LUP

a. Kelp Wrack

Recently, the Commission has become concerned by the ecological impacts of removing kelp wrack^{10,11}. This vegetation has been shown to be a critical influence of diversity and abundance of invertebrates, plants, and birds, and is present on the sandy beaches and intertidal areas of the site. The washed-up kelp, surfgrass, driftwood, and other organic matter comprising beach wrack shelters a variety of invertebrate species, including kelp flies, amphipods, isopods and rove beetles. These invertebrates are a significant food source for foraging beach fauna. Thus, wrack plays a significant role in the sandy beach ecosystem as both a shelter for invertebrates and a food source for larger animals.¹² Additionally, the development activities often used in the removal of beach wrack have the potential to negatively impact the California grunion (*Leuresthes tenuis*), a small fish that spawns on the sandy beaches, including the beaches of Carlsbad, immediately following high tides from March to August. Project activities within the intertidal zone may disturb adult grunion during the run period and/or may bury incubating grunion eggs. To address this, Suggested Modification Nos. 6-8, 6-28 requires that any beach grooming activity is reviewed through the issuance of a coastal development permit, and adds frequency limitations and other restrictions to beach grooming

b. Monarch Butterfly

The Commission has recently acknowledged the Monarch butterfly (*Danaus plexippus*) a rare and vulnerable species¹³, and determined their overwintering sites as ESHA consistent with 30240^{14,15}. Further, Monarch butterfly is currently a candidate Threatened species under the Federal Endangered Species Act. Monarchs that migrate to overwintering sites live there for approximately six to nine months through the winter. While monarch caterpillars feed exclusively on milkweed, monarch butterflies feed on a wide variety of plant species for nectar. More than the types of trees, it is the physical conditions, or micro-climate, created by and within a grove, which determine successful monarch butterfly overwintering sites. Aggregation sites are chosen for their protection from wind and weather extremes. The important characteristics of a grove are protection from wind and storms, absence of freezing temperatures, exposure to dappled sunlight, presence of high humidity, and water and nectar sources.¹⁶

¹⁰ <https://documents.coastal.ca.gov/reports/2026/5/Th12/Th12-5-2026-report.pdf> and <https://documents.coastal.ca.gov/reports/2026/5/Th12/Th12-5-2026-addenda.pdf>

¹¹ <https://documents.coastal.ca.gov/reports/2018/9/Th24a/Th24a-9-2018-report.pdf>

¹² <https://explorebeaches.msi.ucsb.edu/sandy-beach-life/wrack-community>

¹³ *Executive Director's Report*, June 8, 2026

¹⁴ <https://documents.coastal.ca.gov/reports/2024/5/F12a/F12a-5-2024-report.pdf>

¹⁵ <https://documents.coastal.ca.gov/reports/2026/9/W18b/W18b-9-2026-report.pdf>

¹⁶ The Xerces Society. 2017. Protecting California's Butterfly Groves: Management Guidelines for Monarch Butterfly Overwintering Habitat. 32+vipp. Portland, OR: The Xerces Society for Invertebrate Conservation.

Monarchs adjust their distribution among trees and branches as winds and sunlight shift, and will completely abandon sites if the microclimate exceeds their tolerance, especially in regard to wind intensity. When weather is mild, monarchs will use a wide variety of sites and have an expansive micro-distribution. When storms approach, monarchs concentrate in the most wind-sheltered spots. As the front passes, monarchs may readjust their cluster sites when they can fly again. Successful aggregation sites typically are found in the center of a grove of trees with an interior canopy gap, and consist of a mature stand of trees with a well-developed canopy that are surrounded by trees and vegetation of various heights and foliage characteristics that block wind and ameliorate temperature extremes.

The City of Carlsbad has at least one known Monarch overwintering site, located in Hosp Grove (ref. [Map of Overwintering Sites - Western Monarch Count](#)). Because monarch roosting behavior depends on specific tree species and structural characteristics, simply requiring a native replacement tree could result in plantings that fail to support Monarchs and would result in the reduction of roosting habitat. Suggested Modification Nos. 6-13 & 14 provide additional protection for trees that provide roosting and overwintering habitat for Monarch butterflies.

c. Coastal Dunes

Another habitat type the Commission has recognized as ESHA is coastal dunes (Ref. CDP/LCPA Nos. CDO CCC-17-CD-02/CEMEX Sand Mining; 3-14-1613/Fort Ord Dunes State Park; City of Oxnard LCP Amendment 1-05/Oxnard Shores; City of Malibu LCP Amendment 1-07/Malibu Bay; A-3-MCO-17-0068/ Monterey Bay Aquarium Research Institute). Carlsbad has historically had minimal dune systems (<1 km²), but Southern California has lost approximately 95% of its historical dune systems over the last 160 years¹⁷. Should dunes recur within the City, they would likely be considered ESHA and protected under 30240.

Other Resource Protection Concerns

a. Biological Technical Reports

The City's LUP does require that new development prepare and provide Biological Technical Reports (BTR) where there is the possibility that the proposed development could have impacts to natural resources. However, the requirements proposed do not include the specificity necessary to ensure that these prepared reports will give the City or the Commission enough information to adequately analyze the potential impacts. The changes included as Suggested Modification No. 6-6 are necessary to ensure that biological reports provide the level of detail needed to fully assess how proposed development may affect sensitive habitats and species. Information on the timing of vegetation mapping and timing of construction and mitigation are necessary in order to accurately document the presence of seasonal plants and wildlife and to address seasonal hazards. Sensitive annual herbaceous plants, such as Nuttall's acmispon (*Acmispon prostratus*), a California Rare Plant Rank 1B.1 (rare or endangered) plant and Orcutt's

¹⁷ Baxter, T.I., et al. 2026. Significant coastal dune loss challenges California's climate resilience and biodiversity goals. *Earth's Future*, 14, e2025EF007790. <https://doi.org/10.1029/2025EF007790>.

spineflower (*Chorizanthe orcuttiana*), also ranked 1B.1 and a federally and state listed endangered species, are both only present seasonally. It is possible that a seedbank is present, monitoring was completed at the wrong time of year or in a year where the seedbank did not express due to drought, etc., and the presence would be overlooked. Additionally, certain development and mitigation activities should consider seasonal conditions to improve the likelihood of success, including planting of young vegetation used for mitigation at the beginning of the rainy season rather than in the middle of summer. Other considerations may include seasonal wildlife such as grunion spawning and Monarch butterfly overwintering habitat use.

Additionally, when impacts are identified by the biological report, the inclusion of a draft mitigation and monitoring plan, along with any other relevant site-specific information, ensures early clarity on how impacts will be addressed and how long-term resource protection will be maintained.

b. Wildlife Corridors

Wildlife movement and connectivity are important components of protecting and maintaining the biological productivity of coastal resources. Development located immediately adjacent to habitat has the potential to create physical barriers, increase wildlife mortality, and impair connectivity between preserved habitat areas. The restriction of wildlife movement has been demonstrated to negatively impact wildlife populations by fragmenting existing habitat areas and isolating local populations.¹⁸ Many of the roads in Carlsbad that bisect habitat, are wide (two to four or more lanes in each direction) with dense, fast-moving traffic many hours per day. Mortality risks are high for wildlife that travel across roads. Traveling under roads through culverts and over roads via bridges that have an adequate configuration is much safer for both wildlife and drivers.

Additionally, a key objective of the HMP is to maintain functional wildlife corridors and habitat linkages within the city and to the region. Wildlife including mule deer, bobcat, coyote, etc. are known to use the HMP's habitat preserve system to move within the Coastal Zone. In 2018, the City completed a Summary of Wildlife Movement Activities within the City of Carlsbad and identified several pinch points, or restrictions in wildlife movement.¹⁹ Several pinch points are located in or adjacent to the Coastal Zone. Suggested Modification 6-9 supports an effort to minimize pinch points and requires the city to evaluate wildlife crossing for any large-scale roadway projects located adjacent to open spaces areas.

To address this Suggested Modification 6-9 is included and requires the city/applicant to evaluate the need to new wildlife crossing when there is potential for development to impact wildlife through pinch points or physical separate of habitat. Evaluating the feasibility and benefits of wildlife crossings is a reasonable requirement to help avoid or minimize impacts to wildlife movement, consistent with Coastal Act requirements to protect

¹⁸ Wilcox, B. and D. Murphy. 1985. Conservation Strategy: the effects of fragmentation on extinction. *American Naturalist* 125:879-887.

¹⁹ City of Carlsbad, Center for Natural Lands Management (CNLM), and Environmental Science Associates (ESA). 2013. City of Carlsbad Wildlife Movement Analysis Report. Submitted to California Department of Fish and Wildlife Service in fulfillment of Local Assistance Grant No. P1282107.

ESHA, and to site and design new development to avoid significant disruption of habitat values. The policy does not mandate construction of wildlife crossings in all cases; rather, it ensures that projects capable of substantially affecting connectivity consider design options to avoid or reduce impacts. Limiting the requirement to development adjacent to the habitat identified in the HMP as well as other open space designated lands preserves establishes a clear and targeted applicability threshold, ensuring that only projects with a meaningful potential to affect wildlife movement are subject to the policy.

c. Bird-Safe Design Standards

Suggested Modification No. 6-12 addresses bird-safe design measures that are critical for reducing preventable bird mortality, especially in coastal areas where migratory and resident bird species are abundant. Reflective and transparent glass, excessive nighttime lighting, and landscape disturbances are well-known causes of bird strikes and disorientation. Encouraging bird-safe designs and materials significantly lowers these risks without substantially affecting project design flexibility. As such, the Commission has consistently supported encouraging such measures including but not limited to permanent window or glass glazing treatments (e.g., fritting, nettings, exterior screens, ultraviolet patterns, etc.) and buildings with design elements that reduce bird strike. These considerations are frequently required by the Commission when glass is proposed on a parcel adjacent to waterways or other open space areas,²⁰ or when buildings have courtyards or other designs that could trap birds if glass is not properly treated.²¹ Several other LUPs have policies that address bird strike.²² The City of Carlsbad and its multiple lagoons and canyons constitute important habitat area for avian fauna, both resident and migratory. Coastal wetlands and uplands provide stopover habitat of critical importance for migratory birds using the Pacific Flyway.

d. Defining Temporary and Permanent Impacts

Two critical definitions have been added address the ecological difference between temporary and permanent impacts to natural resources. Suggested Modification No. 8-32 defines temporary impacts, as follows:

Temporary Impacts: Impacts from development that involve no significant ground disturbance and where vegetation recovers to comparable age classes or size structure distributions within 12 months of the initial point of disturbance.

Additionally, Suggested Modification No. 8-24 defines Permanent Impacts as the following:

Permanent Impacts: A permanent direct loss of biological resources as an area is converted to another condition (e.g., developed, ornamental landscaping, agriculture, etc.), or an indirect impact (e.g., edge effects) that will persist and is permanent. Impacts from development that involve significant ground disturbance, or would be frequently disturbed in order to maintain development, or would include areas or key ecological functions that would be lost to development, or necessitate

²⁰ See <https://documents.coastal.ca.gov/reports/2025/6/Th13b/Th13b-6-2025-report.pdf>

²¹ See <https://documents.coastal.ca.gov/reports/2025/11/w16c/w16c-11-2025-report.pdf>

²² E.g., City of San Clemente LUP 2018, City of Half Moon Bay LUP 2020. County of Ventura LUP 2026.

greater than 12 months for vegetation to recover to comparable age classes or size structure distributions shall be considered permanent.

In the past, the Commission has generally considered two categories of impacts: temporary and permanent. Permanent impacts are interpreted as where areas or key ecological functions would be lost to development, frequently disturbed in order to maintain development, involve significant ground disturbance, or necessitate more than 12 months for recovery to a pre-disturbance condition following the initial point of disturbance. By contrast, temporary impacts are interpreted as those that would not significantly disturb the ground and resources are able to recover to pre-disturbance conditions within 12 months.²³ These definitions recognize that ecology is more than a function of space and allows for accounting of temporal losses to ecological functions. Successional processes, plant maturity, seed banks, and soil development are all examples of functions that may require years to recover, even from abbreviated or limited-term disturbances. Other functions, like drainage patterns, may be permanently altered or lost in the course of nearby development.

Mitigation ratios are higher for permanent impacts than temporary impacts, and they account for a number of uncertainties related to foundational ecological processes in existing versus restored habitat. As discussed above, the time lag between initial impacts and complete ecological recovery represents a sustained loss of ecosystem function between the direct, indirect, or cumulative impacts to, or removal of, the respective habitat. Additionally, in some cases, even habitats left to recover in-place may never completely achieve a comparable pre-impact condition. In Carlsbad, this may be especially true for habitats with woody vegetation, in later successional stages, subject to altered drainage patterns as a result of development, or other conditions. Lastly, increased ratios account for the uncertainty in long-term performance (beyond a five-year monitoring period) of any recovered habitat.

Without clearly distinguishing between “temporary” and “permanent” impacts using policy language that reflects ecological principles, mitigation requirements may be inadequate and therefore inconsistent with 30240 of the Coastal Act. Given this, Suggested Modification Nos. 24 and 32 apply definitions for temporary and permanent impacts supported by the Commission through several past Commission actions (notably CDP Nos. 2-20-0282/Gleason’s Beach Highway & 5-21-0641/Laguna Beach Fire Department; 2-23-0862/Vista Grande Drainage Improvements Project).

Additional definitions added or revised include Suggested Modification No. 8-17 which defines restoration activities categorized as “enhancement,” Suggested Modification No. 8-31, which defines “substantial restoration,” Suggested Modification No. 8-25 defining “preservation,” Suggested Modification No. 8-19 defining estuary habitat, and Suggested Modification No. 8-36, which defines wetlands consistent with 30121 of the Coastal Act.

Additional revisions include Suggested Modification No. 6-4 which prevents trail materials from leaching unwanted chemicals into waterways or surrounding habitat. Suggested Modification No. 6-5 clarifies that in cases where no habitat is present on a site, if the vegetation was removed without a valid permit, the presence of habitat will be based off

²³ See L. Garske-Garcia, *Mitigation Framework for the Vista Grande Drainage Improvements Project*, Memo. California Coastal Commission, May 28, 2024.

the potential for the site to have contained habitat based off of surrounding areas. This policy prohibits development of sites that should still be vegetated with sensitive habitat. Suggested Modification No. 6-11 encourages removal of invasive vegetation as a part of a new development proposal. Suggested Modification No. 6-14 requires a CDP for removal of major vegetation as required by Public Resources Code Section 30106. Suggested Modification No. 6-16 limits the uses permitted in wetlands consistent with Section 30233 of the Coastal Act. Suggested Modification Nos. 6-17 and 6-24 requires development adjacent to sensitive birds to include adequate setbacks and buffering from construction and noise. Suggested Modification Nos. 2-5 and 2-6 require future redevelopment of the Encina Power Plant to provide adequate wetland buffers along the south shore of Agua Hedionda Lagoon.

While the City's Implementation Plan (zoning code) is not currently before the Commission, the currently certified Open Space zone allows for development including City playgrounds, greenhouses, and farmworker housing. These types of uses should not be allowed in OS designations that are meant for habitat preservation. Suggested Modification No 2-9 requires that in the future companion IP update, the City develop an additional OS designation for habitat preservation and limit the uses to those permitted by 30240 and 30233 of the Coastal Act.

Suggested Modification No. 6-31 adds a requirement that special protection for areas and species of special biological or economic significance consistent with Coastal Act Section 30230. Finally, Suggested Modification Nos. 6-25, -26, and -27 update Exhibit 6-1 to include a statement that not all habitat areas are shown on the map, and ESHA will be determined on site by site basis through the application of the Coastal Act and the LCP; will provide updated maps that include changes to the City's hardline preserve boundaries since the time the LUP was drafted, and change the preserve areas on a property located on the east side of El Camino Real that was just approved by the City respectively.

These modifications were developed by the Commission's ecology staff as necessary to ensure consistency with Section 30240 of the Coastal Act.

8) Water Quality

Suggested Modification No. 6-22 adds language to the introduction for Marine Resources and Water Quality with references to Coastal Act Sections 30230 and 30236, and identifies wetlands habitat types present in Carlsbad. Suggested Modification No. 6-31 mirrors Coastal Act Section 30230 and requires special consideration for species of special biological or economic significance. Suggested Modification No. 6-33 requires that any BMPs required through permitting of a project are designed and located to avoid impacts to coastal resources. Suggested Modification Nos. 5-10, 6-34, 6-36, and 6-37 require grading, which has the potential to negatively impact water quality, to be minimized and adequate BMPs implemented. Suggested Modification No. 5-2 supports education of residents on the proper use of fertilizers and pesticides. These modifications were developed by the Commission's water quality staff as necessary to ensure consistency with Section 30231 of the Coastal Act.

9) Hazards

Broadly, communities planning for sea level rise will need to embark on a process to learn about 1) the increasing hazards that threaten their communities and their coastal resources, 2) what options exist for protecting their threatened built and natural assets, and 3) what adaptation pathway choices are suitable given social, economic, legal, coastal resource, and environmental justice concerns. This planning process includes identifying how and where to apply different adaptation mechanisms based on Coastal Act requirements, other relevant laws and policies, acceptable levels of risk, and community priorities.

Similar to most other coastal communities, the City of Carlsbad's coastal zone is subject to hazards, including flooding, fire, and geologic instability, all of which will likely be exacerbated by climate change and sea level rise. The City's shorefront is unique for southern California in that 75% of it is publicly held and remains undeveloped. The developed portions of the shorefront include three residential areas (Ocean Street, Shore Drive and Tierra Del Oro) and most of these homes are already constructed with shoreline protective devices, predominantly in the form of rock revetment. Other vulnerable and shorefront areas within the City's Coastal Zone include Carlsbad Boulevard, Tamarack Beach parking lot, and South Carlsbad State Beach, all of which are also protected, at least in part, by rock revetment. The shorefront is further separated by three coastal lagoons, which may provide opportunities for inland retreat of habitat in the future. The City's shorefront is already experiencing impacts from coastal hazards, including recent storm and high tide events that resulted in emergency permits issued by the City for placement of additional rock on the beach below Carlsbad Boulevard and the complete removal of sand from Tamarack State Beach, removal significant enough to require closure of the Tamarack parking lot.

As proposed, the hazard section of the City land use plan includes well thought out policies that identify the City's vulnerability to hazards that will be exacerbated by sea level rise including flooding, inundation, and bluff erosion; guide development within vulnerable areas, establish sea level rise projections; require the use of best available science, require geotechnical reports for projects at risk of erosion; establish goals for future Vulnerability Assessment (VA) and adaptation planning; prohibit shoreline protection for new structures; outline emergency CDP procedures; require site-specific sea level rise hazard assessment; and prohibit development on coastal bluffs.

As proposed, and with the suggested modifications, the City's work and proposed LUP partially meets the requirements of Senate Bill (SB) 272 (Laird, 2023), which requires local governments to develop a sea level rise plan²⁴ as part of a certified LCP.²⁵

Future Vulnerability Assessments & Adaptation Planning

While the Land Use Plan requires the City to complete an Adaptation Plan, as proposed, critical components of the plan are not included. Suggested Modification No. 7-21 revises the policy to include consideration of the landward migration of coastal lands, habitats, and buffers over time, evaluation of saltwater intrusion on agricultural lands, impacts of sea level rise on cultural resources, and impacts of sea level rise on public recreation areas and public access to the beach. Additionally, Suggested Modification No. 7-21 requires the City to complete the adaptation plan by Jan 1., 2034, consistent with the requirements of SB 272 (Laird, 2023).

Suggested Modification No. 7-5 adds a new policy that planning documents outside of the LCP that nevertheless have coastal resource relevancy provide a mutually supportive approach to adaptation. Suggested Modification Nos. 7-6 and 7-7 add two new policies supporting SLR modeling, monitoring and adaptation planning efforts, and Suggested Modification 7-8 requires any new vulnerability assessments or adaptation plans to be certified by the Commission through the LCP amendment process.

Existing Structures

Section 30235 allows the Commission to approve protective devices under very limited circumstances, namely when required to serve coastal-dependent uses or to protect public beaches or existing structures²⁶ in danger from erosion, and only when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

²⁴ Per SB 272, the sea level rise plan shall include, at a minimum, the following components: 1) use of best available science, 2) a vulnerability assessment that includes efforts to ensure equity for at-risk communities, 3) SLR adaptation strategies and recommended projects, 4) identification of lead planning and implementation agencies, 5) an economic analysis of, at a minimum, costs to critical public infrastructure, and 6) a timeline for updates, as needed, based on SLR projections, local conditions, identified adaptation strategies/projects, and other locally relevant factors. The proposed LCP is supported by an initial vulnerability assessment, and policies within the proposed LCP call for use of best available science and identify timelines for updates based on continued vulnerability assessment and adaptation planning, all consistent with SB 272. Future adaptation planning work called for in the proposed LCP (to be completed by 2034) should fulfill the other requirements of SB 272.

²⁵ It should be noted that SB 272 is not the standard of review for certifying the LCP amendment, and the Commission is not required to make SB 272 consistency findings. However, describing consistency with SB 272 requirements is helpful for ensuring good sea level rise planning and for the City to demonstrate the progress being made towards complying with that law.

²⁶ The issue of what constitutes an "existing structure" for Section 30235 purposes was debated for many years but was recently resolved by a court of appeal in the *Casa Mira Homeowners Assn. v. California Coastal Com.* (2024) 107 Cal.App.5th 370)). There, the court agreed with the Commission's position, namely holding that "the phrase 'existing structures' in Section 30235 refers to structures that existed prior to January 1, 1977, the Coastal Act's effective date" (*Id.* at p. 388). Thus, as it relates to existing structures, the Section 30235 requirement to allow armoring despite its coastal resource impacts or its inconsistencies with other Coastal Act resource protective provisions only applies to

The Commission’s adopted Sea Level Rise guidance,²⁷ as well as recent case law, support the Commission’s interpretation of “existing structure” in Section 30235 as a structure in existence as of January 1, 1977, the effective date of the Coastal Act. Before the Coastal Act was effective, development may not have been built to meet Section 30253 standards that require that new development be built safely without reliance on armoring. Put another way, the Section 30235 requirement that the Commission shall allow armoring for existing structures is interpreted to apply to only to pre-Coastal Act development. In addition, such pre-Coastal Act structures lose their “existing” status under Section 30235 if they are modified in such a way that they are no longer the same structure, but rather a replacement structure (often referred to by the Commission as a “redeveloped” structure). Thus, the only type of structure that qualifies as an “existing structure” supporting armoring under Section 30235 is one that existed before January 1, 1977, and has not been redeveloped since. As proposed, the City’s LUP defines an existing structure as a structure that existed prior to the Coastal Commission certification of this Local Coastal Program Land Use Plan. Suggested Modification No. 8-20 revises this definition to existing structure as in place before January 1, 1977. Further, Suggested Modification No. 7-15 requires redevelopment of a structure to conform to any necessary geological setbacks, consistent with other policies of the LCP and the Coastal Act.

Defining Redevelopment

While the Coastal Act provides some protection for existing structures, as discussed above, the safe siting of development and the retention of shoreline protection must be reviewed when a building is redeveloped. The Coastal Act requires a newly constructed or reconstructed building to be located in a safe location that does not require shoreline protection. Historically, the phrase “redevelopment” was used to categorize large-scale construction that resulted the change or addition of 50% or more of the existing structure. The standard that replacement of 50% or more of a structure constitutes new development derives from Commission regulation section 13252(b), which provides that replacement of 50% or more of a structure, unless destroyed by natural disaster, constitutes a new structure. Likewise, the requirement that redevelopment definitions address cumulative improvements derives, in part, from regulation sections 13250(b)(4) and 13253(b)(4), both of which articulate the principle that separate individual improvements made over time should be considered cumulatively for the purpose of determining whether additional improvements to the structure are exempt from permitting requirements.²⁸

While the Coastal Act provides some protection for existing structures, as discussed above, the safe siting of development and the retention of shoreline protection must be reviewed when a building is redeveloped. The Coastal Act requires for a newly constructed or reconstructed building to be located in a safe location that does not require shoreline protection. Historically, the phrase “redevelopment” was used to categorize large-scale

pre-Coastal Act structures (structures lawfully existing prior to January 1, 1977, that have not been redeveloped since).

²⁷ Available at <https://www.coastal.ca.gov/climate/slr/>, See 2024 Update, pp. 228-230 [discussion of Commission’s interpretation of Sections 30235 and 30253 and their relationship].

²⁸ See https://documents.coastal.ca.gov/assets/climate/slr/vulnerability/residential/CCC_FAQ.pdf

Failing to define redevelopment, and thereby allowing unlimited, cumulative repair and improvements over time could eventually result in complete redevelopment of a non-conforming structure in a hazardous location – a result directly at odds with Coastal Act policies that require new development to minimize risks and protect coastal resources, including public trust resources. Depending on the facts of the situation, piecemealing of improvements over time—especially if undertaken in an attempt to avoid otherwise applicable permitting standards—could also violate the requirement that functionally related development performed by the same applicant shall be the subject of a single permit application, to the maximum extent feasible. (14 Cal. Code Regs., § 13053.4.)

The City’s proposed definition for redevelopment does include a cumulative component, however, the date for which development would be considered cumulatively is proposed as the date of the certification of the subject LUP update and will not capture smaller and incremental changes over time. Omitting these incremental changes would make it possible for a single-family home to be reconstructed over time, while averting the requirements for “new development”. Suggested Modification No. 8-27 revises the definition of Redevelopment.” As modified, redevelopment is triggered when proposed work—including additions, interior or exterior renovations, demolition, or replacement—results in the removal or replacement of 50 percent or more of major structural components, including exterior walls, floors, roof structure, or foundation, or increases the building’s gross floor area by 50 percent or more. It also applies when cumulative alterations since the certification of Carlsbad’s Local Coastal Program Implementation Plan in 1996 (or since the earliest documented alteration) exceed these same thresholds. In essence, any project that individually or cumulatively replaces or enlarges significant portions of a structure by 50 percent or more is considered redevelopment and must be evaluated accordingly. As revised, the policy will capture not only work permitted in the past, but also unpermitted work if there is substantial evidence, such as aerial photos or other documentation that such work occurred. While this will require a case-by-case review, is it critical for properties located in hazardous locations are appropriately reviewed, documented, and sited consistent with 30253 of the Coastal Act. Given that the concern for siting development safely is most critical in areas adjacent to beaches, bluffs, or other coastal waters, Suggested Modification No. 8-27 limits the application for cumulative redevelopment to those areas within the Commission’s appeals jurisdiction.

Requirements for Development in Hazardous Locations

Suggested Modification No. 7-14 requires a property owner to record of notice of restriction on sites located in hazardous locations that acknowledges the property is located in a hazardous location, indemnifies the City of Carlsbad and the Coastal Commission, limits shoreline protection consistent with 30235, provides notice that SLR may render the structure uninhabitable, does not permit development to be located on public trust lands, and allows for removal of structure if they become unsafe.

Additionally, Suggested Modification No. 7-18 Requires, as a condition of approval of any shoreline protective devices, including hard devices and soft alternatives, a plan to mitigate all unavoidable impacts to shoreline sand supply, public access and recreation, and any

other relevant coastal resources. The mitigation and monitoring plan shall be phased in 20-year increments.

Other recommended changes include Suggested Modification No. 7-1, which requires development, including additions, redevelopment, or new structures, to minimize safety hazards on sites, Suggested Modification No. 7-2 limits land divisions on hazardous sites, Suggested Modification No. 7-4 adds a new policy that requires adaptation measures in development projects, and City operations and infrastructure projects that are vulnerable to sea level rise. Suggested Modification No. 7-11 incorporates best available science as a policy when reviewing new development in hazardous locations. Suggested Modification No. 7-12 adds the adaptation measures of constructing smaller structures, increasing finished floor elevations, modifying lower levels to be capable of withstanding periodic flooding, installing wall flood vents, and foundation designs that can accommodate flooding for new development. Suggested Modification No. 7-15 requires redevelopment of non-conforming structures within the Commission's appeals jurisdiction to be brought into conformity with all coastal resource protection standards of the LCP. Suggested Modification No. 7-16 requires that construction of any permissible shoreline protection device contribute its proportional share of sand replenishment fees. Suggested Modification No. 7-23 modifies how the City will continue to raise community awareness on SLR to include workshops, and information on the City website, to ensure that all members of the community, including coastal visitors, have the opportunity to be informed, including those who may have barriers to information such as non-English speakers. Suggested Modification No. provides regulations for beach nourishment projects. Suggested Modification No 7-25 revises a proposed policy regarding geotechnical reports to add evaluation for potential SLR impacts including erosion, liquefaction, and ground water intrusion.

Suggested Modification Nos. 7-27, 7-28, and 7-29 add new policies regarding fire protection consistent with the Commission's public review draft LUP update guide on Fire Hazards.²⁹ Finally, Suggested Modification Nos. 7-30 through 7-37 and 7-39-7-42 provide updated SLR projections, information and tables within the introductory section of Chapter 7.

Other critical definitions include hard and soft shoreline protection, both of which have been revised through Suggested Modification Nos. 8-28 and 8-29. Suggested Modification No. 8-5 adds a definition for "beach quality sand" so that use of sand for beach restoration is limited to the size and chemical composition that will not impact coastal resources.

10) Environmental Justice

The Coastal Act requires that environmental justice be considered in terms of all coastal resource areas, requires that coastal development does not unduly burden any particular segment of the population with adverse coastal resource impacts, especially those communities that historically have been overburdened by such impacts, and reflects a focus on explicitly requiring fair treatment to all people in the application of the Coastal Act and LCP. However, the LUP does not include nor address any Environmental Justice

²⁹ [LUPUpdateGuideRevisedSectionsAugust2026.pdf](#). The draft Fire Hazards section provides examples of LUP policies certified by the Commission for local government staff updating LCPs.

concerns or policy language. As revised, Suggested Modification No. 2-2 adds the Coastal Act provisions regarding Environmental Justice into the City's LUP. Suggested Modification No. 2-3 requires that through any approval process, Environmental Justice impacts shall be considered, including that the proposal has allowed for meaningful engagement, provided translation and interpretation services where warranted, ensures the project will not disproportionately impact coastal access for any community, or expose any community disproportionately the coastal hazards.

Additionally, recognizing that the elimination of affordable residential neighborhoods has resulted in many environmental justice communities, that is to say, low-income communities, communities of color, and other historically marginalized communities living farther from the coast, the EJ Policy calls for the Commission to increase efforts to encourage affordable housing and "work with local governments to adopt local coastal program policies that allow for a broad range of housing types, including affordable housing, ADUs, transitional/supportive housing, homeless shelters...in a manner that protects coastal resources consistent with Chapter 3 of the Coastal Act." Suggested Modification No. 2-4 encourages housing opportunities for persons of low and moderate income. Suggested Modification Nos. 8-18, 8-23, and 8-35 provide definitions for Environmental Justice, meaningful engagement and vulnerable communities, respectively.

Other Changes/Corrections

Finally, in addition to the substantive changes discussed above, numerous suggested modifications are simple corrections, or revisions requested by the City that do not have any potential to impact coastal resources. These include Suggested Modification Nos. 2-12, 2-13, 4-1, 4-7, 4-10, 4-11, 5-5, 5-13, 5-18, 5-19, 6-18, 6-19, 6-29, 6-30, 6-32, 6-35, 6-38, 7-3, 7-10, 7-13, 7-17, 7-20, 7-26, and 7-38. Definitions that needed to be updated are also included as Suggested Modification Nos. 8-1, 8-2, 8-4, 8-6, 8-7, 8-8, 8-9, 8-12, 8-14, 8-15, 8-16, 8-21, 8-26, 8-30, and 8-33.

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

A. AMENDMENT BACKGROUND & DESCRIPTION

Poinsettia Shores Master Plan

The proposed amendment includes several changes to the Poinsettia Shore Master Plan, a certified component of the City's Implementation Plan. In 1985, the City Council adopted the Coastal Commission's suggested modifications to the Batiquitos Lagoon Educational Plan (BLEP). The BLEP was a Master Plan to develop a 167-acre mixed-use and educational area proposed located on the bluffs overlooking the north side of the Batiquitos Lagoon. Development proposed included a 60,000-square-foot main educational facility, specialized schools (such as a music conservatory and an architecture school), college branches (Chapman College and Claremont-McKenna College), 600

homes, office spaces, a 423-room hotel, a convention center, and retail/restaurant areas. However, the educational facility was never constructed, and most of the land has since been constructed with a variety of uses, predominantly residential.

In 1998, the Commission approved an additional Master Plan, the Poinsettia Properties Specific Plan, to replace the permitted uses and development standards for the 92-acre portion of the BLEP area that remained undeveloped. This Master Plan included eight planning areas on three parcels which provide the following uses: tourist commercial, mixed use (commercial/tourist/residential), multiple-family residential, small-lot residential, and small-lot single family residential resulting in 823 dwelling units, 6.5 acres of mixed residential and commercial development, 101,780 sq. ft. of commercial land uses and 1.4 acres of open space. The plan also allowed for a mix of commercial and residential uses on properties across from South Carlsbad State Beach, subject to the provisions of a specific plan.

Areas F, G, and H of the Poinsettia Shores Master Plan (PSMP) are located within the South Ponto area of the City located south of Poinsettia Ave and north of Batiquitos Lagoon. The LUP Land Use designation for Planning Area F was certified NRR (Non-Residential Reserve). The City has stated this designation does not mean the area should never be developed with residential uses, but is meant to be a placeholder as “unplanned” for which land uses will be determined at a later date, when more specific planning is carried out for areas west of the railroad right-of-way. The PSMP also states that a future Major Master Plan amendment and LCP amendment will be required prior to further development approvals for Planning Area F. The PSMP further requires that as part of any future planning effort, the City and developer must consider and document the need for the provision of lower-cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad.

In 2009, the City of Carlsbad proposed to amend its LCP to include the "Ponto Beachfront Village Vision Plan." The City intended for the Ponto Beachfront Village Vision Plan to provide guidance for development of the South Ponto area. The plan presented goals and objectives for development and provided an implementation strategy and design guidelines for the projects to implement the vision, but did not identify land use designations to update the NRR designation. The Commission denied certification of the Ponto Vision Plan because the plan identified specific development types without updating the Land Use designations or Zoning on the site.

In 2016, the Commission approved LCPA No. LCP-6-CAR-15-0034-2, which updated several LCP Land Use designations throughout the City's Coastal Zone to be consistent with the uses permitted by the City's General Plan. At that time, Planning Area F was redesignated in the LUP for Medium Density Residential (R-23) and General Commercial (GC). However, the PSMP land use designations were not updated to reflect the LUP revisions, and the NRR designation remained.

Currently the City is reviewing a specific development proposal for Planning Area F, which has triggered the need for revisions to the Poinsettia Shores Master Plan. Permitted uses identified in the PSMP for Planning Area F include, but are not limited to, commercial, residential, office, and other uses. However, as noted, the plan requires that a future Major Master Plan amendment and LCP amendment be approved prior to development

approvals for Planning Area F. The existing NRR designation must be updated, and the City and developer/property owner must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park).

As discussed below under the Findings for Approval if Modified, these alternatives have been evaluated, and the City determined reservation of the site for lower cost visitor accommodations or parklands is not required. Therefore, the subject PSMP Amendment will certify specific zoning including 7.21-acres of Residential (R-23) and 3.83-acres of Commercial use. These zoning designation changes will match the LCP Land Use designations of Residential and Commercial certified by the Commission in 2016. Ultimately, the proposed changes will facilitate the construction of 120 residential units of which 18 will be maintained as affordable housing, an unspecified amount of commercial building space, and will provide buffering for the sensitive habitat located onsite.

Other changes proposed include revisions to the Village and Barrio Master Plan to clarify the master plan's relationship to the draft Local Coastal Program Land Use Plan, as well as which parts of the master plan and other documents comprise the Local Coastal Program for the Village and Barrio, and changes zoning designations for the Encina power plant and strawberry fields located north of Cannon Road.

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. The certified LUP has a number of goals and policies relevant to the proposed amendment; the most applicable LUP standards are cited throughout this section.

1. FINDINGS FOR DENIAL

Introduction

The primary purpose of the revisions to the Poinsettia Shores Master Plan is to redesignate Planning Area F to a mix of residential and commercial to facilitate development currently being reviewed by the City for the site. The existing Master Plan requires development of the site to be considered through a future Master Plan and LCP amendment and further requires the City/property owner consider the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., a public park). As noted, in response to this, the City submitted a report that addresses the need for additional lower-cost accommodations and a public park. The Commission has reviewed the report and has determined that residential and commercial uses are appropriate, which are discussed in greater detail below in the Findings for Approval if Modified.

Generally, the site is broken into two areas, with the residential development located east of Ponto Drive and the commercial component located west of Ponto Drive (ref. [Exhibit No. 6](#)). While the eastern/residential portion of the site can be supported as proposed, the amount and location of development on the western side fails to include consideration for long-range planning goals and the potential impacts of sea level rise to the South Carlsbad

State Beach and Carlsbad Boulevard. The project also does not adequately protect the sensitive habitat on the site, inconsistent with several LUP policy requirements.

Hazards

The City's LUP has several applicable policies regarding long-range planning for climate change and sea level rise, and includes the following:

LCP-3-P.3

Work collaboratively with the California Department of Parks and Recreation to improve and maintain high-quality beaches by enhancing beach access, facilities, and services along Carlsbad's entire coastline.

LCP-3-P.4

Work collaboratively with the California Department of Parks and Recreation on a development plan for South Carlsbad State Beach to maximize public recreational opportunities.

LCP-3-P.9

Ensure that development in areas adjacent to public parks and recreation uses is located, designed, and maintained to prevent significant degradation of the public park and recreation uses [related to Coastal Act Section 30240].

LCP-3-P.10

Ensure that adequate park facilities are provided by developing Veteran's Memorial Park and other parks, as needed, to meet the recreational needs of the Citywide population at buildout, based on planned land uses [related to Coastal Act Section 30252].

LCP-3-P.12

Work with the California Department of Parks and Recreation to enhance public access and recreation along the Carlsbad Boulevard coastal corridor. Principal objectives should be to create additional recreational opportunities, public waterfront amenities and services (e.g., restrooms and showers), as well as modernization and expansion of the campgrounds to serve as lower-cost visitor and recreational facilities; improve coastal access for all; conserve coastal resources; and enhance public safety, including addressing threats to the campground from bluff erosion and sea level rise (see Chapter 7 for policies regarding seal level rise hazards).

LCP-3-P.13

Ensure that adequate recreation/visitor support facilities are provided in and near recreation areas (e.g., public restrooms, picnic tables).

LCP-3-P.14

Consider, as part of the evaluation of realigning the southern lanes of Carlsbad Boulevard inland, opportunities to create additional recreation areas (e.g., parks and other recreation facilities and amenities).

LCP-3-P.16

Accommodate continued growth of visitor-serving land uses to meet visitor demand for accommodations, recreation, entertainment, shopping, etc. Key sites that can accommodate future growth of visitor-serving uses include the Carlsbad Boulevard/Agua Hedionda Center and the Ponto/Southern Waterfront area (see Chapter 2, Figure 2-2). Other appropriate sites may also provide opportunities for the development of visitor-serving uses.

LCP-3-P.18

Designate private lands, which are suitable for visitor-serving commercial use, as Visitor Commercial (VC) on the Local Coastal Program land use map; ensure that visitor-serving commercial uses on those lands are given priority over residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry [related to Coastal Act Section 30222].

LCP-3-P.20

Work collaboratively with the California Department of Parks and Recreation and other relevant agencies to protect, improve, and expand, where feasible, the state campground facilities and other lower-cost visitor-serving uses. Other campground facilities and lower-cost, visitor-serving uses (public or private) may include sites and uses not connected to the existing state campground system, such as near the lagoons or other recreational area.

LCP-4-P.1

Ensure that adequate public coastal access facilities, including vertical and lateral access, trails and bikeways, parking, and streets are distributed throughout the beach area and other coastal destination areas to avoid impacts from overcrowding or overuse by the public of any single area [related to Coastal Act Section 30212.5].

LCP-7-P.30

Prioritize the development and implementation of adaptation plans for critical infrastructure, such as Carlsbad Boulevard, public trails, parks, beach access, parking, utilities, and other important public improvements and resources that are vulnerable to sea level rise hazards. The adaptation plan should consider landward relocation of critical infrastructure where feasible.

LCP-7-P.30

Support and coordinate with the California Department of Parks and Recreation in sea level rise adaptation planning for the state campground in Carlsbad.

Planning Area F is located in the South Ponto region of the City of Carlsbad. Development surrounding the site includes residential to the north, NCTD Railway to the east, vacant land and Batiquitos Lagoon to the south, and Carlsbad Boulevard and South Carlsbad State Beach to the west. While the site itself is not considered to be immediately hazards, two important uses directly west of the site are at immediate risk, including South Carlsbad State Beach Campground and Carlsbad Boulevard. South Carlsbad State Beach is described by visitcarlsbad.org as, “one of the most popular and scenic state beaches in San Diego County, especially during its peak season from March through November. It draws a mix of families, surfers, skin divers, runners, and campers, making it a versatile destination for different types of visitors.” Carlsbad Boulevard is the City’s primary coastal roadway stretching the entire seven miles of the City’s shoreline.

In 2017, the City completed a vulnerability assessment for its shoreline and included identifying the risks associated with both South Carlsbad State Beach and Carlsbad Blvd. and included the following findings:

5.3.3 State Parks

A majority of the South Carlsbad State Beach day-use facilities and campgrounds (separated into four parcels) were determined to be exposed to bluff erosion by the 2050 sea level rise scenario (moderate exposure). This resource is considered to have a high sensitivity since bluff erosion could significantly impair usage of the facilities. Though economic impacts to the physical structures within South Carlsbad State Beach would be relatively low, the loss of this park would be significant since adequate space for the park to move inland is not available (low adaptive capacity). State parks was assigned a high vulnerability in the 2050 planning horizon. State park facilities are recognized as important assets to the City in terms of economic and recreation value as well as providing low-cost visitor serving amenities. This vulnerability poses a high risk to coastal access, recreation, and tourism opportunities in this planning area.

5.3.6. Transportation Infrastructure

Southbound Carlsbad Boulevard is exposed to bluff erosion in the vicinity of its intersection with Avenida Encinas and near Las Encinas Creek (low exposure). Bluff erosion recently resulted in emergency shore protection work along Carlsbad Boulevard in the vicinity of Las Encinas Creek. The sensitivity is high since bluff erosion hazards could significantly impact usage of transportation infrastructure. Right of way does appear available on the landward side of the southbound roadway at Las Encinas Creek. However, modifying the roadway alignment would result in significant costs (low adaptive capacity). The overall vulnerability is considered moderate at the 2050 time horizon. Damage to the southbound lanes of Carlsbad Boulevard poses a high risk due to the potential service interruptions and associated repair costs along this vital north-south connection (high consequence). Approximately 11,280 linear feet of transportation infrastructure may be exposed to

bluff erosion and flooding by the 2100 scenario. This includes both northbound and southbound lanes of Carlsbad Boulevard in the vicinity of Las Encinas Creek and Batiquitos Lagoon, La Costa Avenue along the south side of Batiquitos Lagoon, and a private road within North Ponto State Beach Campgrounds. The sensitivity of all roadway segments is high because of the significant disruption to transportation circulation during these events. It is not likely that temporary flooding events will result in the need for major repairs to the roadway, but repairs due to bluff erosion could be significant. The adaptive capacity of these roadways is low since raising or relocating them would be costly. Damage to Carlsbad Boulevard from bluff erosion and flooding poses a high risk due to the potential service interruptions and associated repair costs along these routes (high consequence).

In response to these areas being identified as valuable and at risk, the City included several policies in the Land Use Plan that encourage protection of the campground and realignment of Carlsbad Boulevard. Given that it is not feasible to completely relocate south Carlsbad campground or Carlsbad Boulevard, the best option for protecting these resources is through retreat and/or realignment. Planning Area F is located directly inland of both the campground and the roadway, and leaving a portion of the site undeveloped could provide an opportunity for retreat of the campground or realignment of Carlsbad Boulevard inland. As currently proposed, Planning area F would be developed all the way to its westernmost boundary. While the Commission acknowledges that the site is privately owned, and neither state parks nor the City is asking to purchase any portion of the site, however, permitting full buildout of the site would eliminate any opportunity for the relocation of the campground or of Carlsbad blvd., inconsistent with the goal of several LUP policies listed above.

Environmentally Sensitive Habitat Areas/Open Space

The City's LUP has several applicable policies regarding protection of sensitive habitat and state:

- LCP-3-P.1 Maintain a diversified, comprehensive system of open space for outdoor recreation, including, but not limited to, parks, beaches, areas for organized sports, connecting corridors containing trails, water recreation areas (beaches, lagoons, lakes), unique conservation areas for nature study, and semi-developed areas for camping.
- LCP-6-P.6 Require that, at the time of any discretionary approval, any land identified as open space for its habitat value have an appropriate easement and land use and zoning designation placed on it for resource protection.
- LCP-6-P.20 Encourage new development to restore and enhance sensitive habitat areas, where feasible, consistent with the Habitat Management Plan. Restoration of such habitat areas shall be subject to a minor coastal development permit and must be consistent with all other applicable requirements, including the Local Coastal Program.

The western portion of planning area F is scattered with sensitive vegetation, consisting predominantly of California coastal sage (CSS). While this habitat is fragmented and disturbed, and therefore does not constitute ESHA, it does have value and has the potential to be restored. As proposed, the habitat will not be impacted and will be buffered from development. However, no consideration was given for the restoration of the habitat and or the buffer. Additionally, given the lack of suitable mitigation land in the coastal zone, not considering the habitat on this site as a potential restoration/mitigation opportunity is inconsistent with policies LCP-3-P.1 and LCP-3-P.20 of the City's Land Use Plan.

LCP Policy LCP-3-P.6 requires that any land identified as open space for habitat preservation should be protected through an easement and a change in the land use/zoning designation to Open Space. As proposed, the amendment does not include modifying the land use or zoning on the site to Open Space and does not include the requirement for the recordation of a restriction limiting the uses onsite to those consistent with the policy LCP-3-P.6. Therefore, the Commission finds that the amendment cannot be determined to be consistent with the City's LCP as proposed by the City.

2. FINDINGS FOR APPROVAL IF MODIFIED

A. Proposed Zoning Designations

As described above, since 2016, the LCP land use designations on the site have been Residential and General Commercial. The PSMP designation is NRR, a placeholder designation for future uses to be determined. The PSMP also identifies that future uses could include, but are not limited to: commercial, residential, office, and other uses. The subject amendment to the PSMP is a project driven amendment designed to allow for the development of up to 120 residential units, including 18 affordable units; and associated commercial space.

The existing PSMP policy language outlines the process for future redevelopment of the site as follows (emphasis added):

2. Land Use Allocation

General Plan Land Use: NRR (Non-Residential Reserve)

Planning Area F carries a Non-residential Reserve (NRR) General Plan designation. As shown on Exhibit 9 (Land Use Summary Table), Planning Area F is an "unplanned" area, **for which land uses will be determined at a later date when more specific planning is carried out** for areas west of the railroad right-of-way. **A future Major Master Plan amendment and LCP amendment will be required prior to further development approvals for Planning Area F.**

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Major Master Plan amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned". Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review

and approval. For residential uses to be approved in planning area F, or any planning area west of the railroad tracks, there would have to be a determination that residential dwelling units could be available through the southwest quadrant to this property consistent with the City's Growth Management Plan as part of the Major Master Plan Amendment.

3. Special Development Standards

[...]

4. As part of any future planning effort, the City and developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e., public park) on the west side of the railroad

The PSMP requires that any future planning effort for this area include an evaluation of the potential need for recreational facilities or lower-cost overnight accommodations. In its submittal, the City provided the required analysis addressing whether Planning Area F should be reserved for such uses.

Recreational Park Use

In evaluating whether Planning Area F should be reserved for park or recreational use, the City relied on its adopted parkland standards, which require each quadrant of the City to provide specific acreage of parkland proportional to population. The City of Carlsbad's Growth Management Plan requires that:

3.0 acres of Community Park or Special Use Area per 1,000 population within the Park District [City quadrant] must be scheduled for construction within a five-year period beginning at the time the need is first identified. The five-year period shall not commence prior to August 22, 2017.

The areas for parklands are separated into four quadrants: with each quadrant being responsible for a certain acreage of parkland. Table 1 provides the requirements for each quadrant.

Table 1: Park Acreage Inventory

Quadrant	Existing park acreage inventory	Current park acreage needed per park standard
Northwest	105.2	91
Northeast	45.3	49.6
Southwest	70.2	77
Southeast	114.9	117.2
TOTAL	335.6	334.8

The City acknowledges that the current inventory of parkland shows a deficit in most quadrants, including the Southwest Quadrant in which Planning Area F is located. However, the City has nearly completed construction of Veterans Park, a 91-acre facility

that is centrally located and intended to serve all four quadrants. The City Council approved apportioning Veterans Park equally among all quadrants, and this apportionment more than eliminates the existing deficiencies. As a result, once Veterans Park is fully operational, the Southwest Quadrant will no longer exhibit a parkland deficit.

Beyond the quadrant-based parkland analysis, Commission staff evaluated the availability of coastal parks and recreational resources in close proximity to Planning Area F. Commission review identified at least five existing parks within approximately three miles of Area F, including Orpheus Park, Leucadia Oaks, Barelman Property Open Space, Hawk View Park, and Capri Neighborhood Open Space. These facilities are established, publicly accessible, and provide a variety of recreational opportunities for residents and visitors.

In addition to traditional parks, Planning Area F is located within short walking or driving distance of substantial coastal recreational resources. The Batiquitos Lagoon North Shore Trail lies less than one mile away and provides free public parking and more than two miles of trail along the lagoon edge. South Ponto Beach, located immediately north and west of the site, offers a wide sandy beach, volleyball courts, and direct access to the shoreline. The South Carlsbad State Beach Campground provides additional recreational space and coastal access amenities. Approximately three miles to the south, the San Diego Botanic Garden offers 37 acres of publicly accessible gardens with low-cost entry fees and discounted rates through regional programs.

Additionally, as modified herein, the proposed development itself will include approximately three acres (of the 11-acre Planning Area F) to be dedicated to visitor-serving open space and public access trails. These on-site facilities will contribute to coastal recreational opportunities and ensure new public access amenities are integrated into the development

Taken together, the City's parkland planning analysis, the significant recreational resources already available in the vicinity, and the inclusion of new on-site public access areas demonstrate that reserving Planning Area F exclusively for parkland is not necessary to meet either the City's or the Coastal Act's recreational standards. The Commission therefore concurs with the City's determination that additional parkland on this parcel is not required.

As a final note, it is important to acknowledge that while the PSMP requires consideration of the need for recreational park facilities, the site is privately owned and the City has not identified the acquisition of Planning Area F for public park purposes as part of its adopted park planning or capital improvement programs. As a result, reserving the site for parkland would not necessarily result in its development as such, and reserving the parcel exclusively for future parkland would not represent a feasible or implementable alternative within the City's current planning framework.

Lower-Cost Overnight Accommodation

The PSMP also requires consideration of lower-cost overnight accommodations as part of future planning efforts. While the City does not have a standard to determine the need for lower-cost visitor accommodations, the City reviewed the local and Citywide lodging supply.

Immediately adjacent to the Ponto area is the 222-unit South Carlsbad State Beach Campground, located directly across Carlsbad Boulevard. These campground sites represent very low-cost coastal accommodations (typically \$35–\$100 per night), providing direct shoreline access. Within two miles of Ponto, nine coastal hotels in the Coastal Zone provide a total of 1,398 rooms at a range of affordability levels. Of these, 889 rooms are located west of Interstate 5, providing close proximity to the coast, and 302 rooms are considered economy-scale, including 162 rooms located within one mile of the Ponto area. Another 231 rooms are classified as midscale, also located within one mile of Ponto.

In addition to existing lodging, two undeveloped parcels in the immediate area have future visitor-serving potential. The parcel south of Planning Area F is designated Visitor Commercial, which allows development of visitor accommodations, including lower-cost lodging. A second undeveloped parcel north of Area F is designated for residential and/or visitor commercial use. These designations provide clear future opportunities for additional lodging without relying on Planning Area F. While housing is not visitor accommodations, housing in the Coastal Zone that is affordable to lower-income households within close walking distance to the beach does provide access to the coast for lower-income individuals and families.

A 2022 City report further evaluated the Citywide supply of lower-cost accommodations within the coastal zone and found that, of 2,481 hotel rooms, approximately 587 rooms and campground sites (21.7 percent) are considered affordable based on annual average daily rates defined in the proposed LUP. Although this figure is slightly below the 25 percent benchmark typically used for evaluating new projects, the overall supply of affordable coastal accommodations is fairly extensive and diverse.

Moreover, the proposed LUP as modified includes several policies that will 1) protect existing lower-cost units, 2) ensure that future accommodations will be provided with a range of affordability, 3) require the City to include additional provisions addressing the provision of lower-cost overnight accommodations. These policy mechanisms ensure that lower-cost visitor accommodations will continue to be protected and provided throughout the City of Carlsbad and that new development proposals will be evaluated for affordability consistent with Coastal Act requirements.

Based on the extensive existing supply, the availability of future visitor-serving parcels, and the LUP policies ensuring continued lower-cost accommodations, the Commission finds that reserving Planning Area F for lower-cost visitor accommodations is not necessary.

Housing

The Commission's evaluation also considered the statewide housing shortage and the difficulty of producing affordable housing within the coastal zone. As reflected in multiple recent Commission actions, including LCP-6-SAN-23-0027-2 (Housing Action Package), LCP-6-DMR-24-0019-1 (Central Commercial and Public Facilities Land Use and Zone), LCP-6-SAN-21-0046-2 (Short-Term Rentals), 6-24-0375 (Rubenstein), and A-6-DMR-23-0022 (Vonder Reith), production of lower-income housing in the coastal zone is acutely constrained. To address this critical need, the State Legislature has enacted several housing laws over the last several years that are designed to eliminate barriers to

providing housing and to help foster additional housing units, particularly critically needed affordable units, where they can be appropriately accommodated by adequate public services and where, in the coastal zone, they will not adversely affect coastal resources.

Planning Area F has been identified as a housing site since 2005 and is included in the City's certified Housing Element as a site capable of accommodating 136 moderate-income units. Under SB 166 (Skinner, 2017), the City cannot reduce the residential capacity of an identified housing site without simultaneously rezoning another parcel to make up the lost units. Given the limited availability of suitable sites within the coastal zone and the City's ongoing difficulty meeting housing obligations, identifying an alternative parcel to replace those units is likely not feasible. If Planning Area F were instead reserved for parkland or visitor accommodations, the City would face significant challenges in complying with state housing law.

It is anticipated that development of this site will include 18 affordable units constructed as three- or four-bedroom homes. This number of bedrooms provided is not common in affordable units and is therefore an important addition to the affordable housing supply. Because the proposed development includes both market-rate and deed-restricted affordable housing, and because Planning Area F is positioned to accommodate needed units without adverse effects on coastal resources, residential use of this parcel serves an important public purpose and is consistent with the LUP and statewide policy objectives, including the Commission's mandate to encourage affordable housing (Coastal Act Sec. 30604, subds. (f) and (g)).

As stated above, the western/commercial portion of the site cannot be found as consistent with the City's LUP. To address this, the Commission has included nine suggested modifications. Suggested Modification No. 2 limits the commercial use on the site to 4,000 sq. ft. or less. Suggested Modification No. 7 separates western portion of the site into three different districts. District 1 is located on the inland portion of the site and would permit the construction of 4,000 sq. ft. of commercial building. Suggested Modification No. 7 also lists the types of commercial uses that will be permitted on District 1 which include, but are not limited to art galleries, botanical gardens, food stores, restaurants and retail. District 3 is comprised of the portions of the site that contain habitat and the associated biological buffers and will remain undeveloped. District 2, the western portion of the site, will be limited to construction of at-grade structures, such as pavers, fire pits, coffee/surfboard kiosks or similar removable structures. Suggested Modification Nos. 3, 4, 5, and 6 limits the uses permitted on the western portion of the site within several areas of the Master Plan to be consistent with the uses permitted by Suggested Modification No. 7. Suggested Modification No. 9 includes new Exhibit 43a, detailing the districts and the permitted uses into the Master Plan. Suggested Modification No. 1 updates the Land Use Plan to reflect the changes revised by the Master Plan modifications.

By limiting development within Districts 2 and 3, the site will create an opportunity to provide space for the inland retreat for South Carlsbad State Beach campground or the realignment of Carlsbad Blvd. The recommended changes will serve to both facilitate a high-priority use of visitor-serving commercial and also allow for flexibility in long range planning for the relocation of portions of Carlsbad Boulevard and South Carlsbad State Beach. Suggested Modification No. 8 clarifies that development in Planning Area F can be processed as separate development applications.

Finally, regarding the protection of sensitive habitat on the site, Suggested Modification Nos. 1 and 7 specify that the habitat in District 3 will be protected as open space through an easement, deed restriction, offer of dedication, or similar protection.

B. Concerns Raised by the People for Ponto

Over the past several years, Commission staff have received a substantial volume of correspondence from members of the public expressing concern about development on Planning Area F. Many of these communications have been submitted collectively as a petition from a group referring to themselves as the People for Ponto, who have advocated for the site to remain vacant and be converted into a coastal park. The group's primary assertion is that South Carlsbad lacks a dedicated coastal park and that Planning Area F represents the last remaining opportunity to provide such a facility. They further contend that the Commission's 2016 action (LCP-6-CAR-15-0034-2), which redesignated Area F from the NRR holding zone to Medium Density Residential and General Commercial, should not have occurred before amendments to the PSMP and an analysis of the need for parkland or lower-cost overnight accommodations was completed.

While, as cited above, the PSMP does not explicitly require that the land use designations be changed from NRR until "more specific planning is carried out," and the evaluation of the need for lower-cost accommodations and recreational facilities must occur "as part of any future planning effort," the Commission acknowledges undertaking this evaluation would have been appropriate when the LUP changes were evaluated and approved in 2016. However, the PSMP clearly acknowledges that commercial, residential and other uses are contemplated for planning area F. The redesignations approved for the LUP in 2016 are consistent with these allowable uses. As described in detail above, the required study of and documentation for the need for accommodations or a park has now been completed. The Commission finds that residential is an appropriate development for the site.

While the PSMP does not require that the NRR designation be replaced until "more specific planning is carried out," and states that the evaluation of potential lower-cost accommodations or recreational facilities must occur "as part of any future planning effort," the Commission recognizes that undertaking this evaluation at the time of the 2016 LUP amendment would have provided a more complete planning record. However, the PSMP has always contemplated that Planning Area F may ultimately accommodate commercial, residential, or other urban uses, and the redesignations approved in 2016 are consistent with those allowable future uses. As detailed in the findings above, the required analysis of parkland and lower-cost accommodations has now been completed, and the record supports the conclusion that residential development is an appropriate and LCP-consistent use of the site.

Furthermore, as discussed above, Planning Area F has been identified in the City's Housing Element as a site capable of accommodating moderate-income housing. Removal of housing potential from an established Housing Element site would require the City to rezone an alternative parcel to accommodate the same number of units, which the City has indicated is not feasible. Given the State's acute housing shortage, particularly within the coastal zone, retaining the site in an undeveloped state or reserving it for a park would

conflict with the City's statutory housing obligations and does not represent a viable alternative.

For these reasons, while the concerns raised by the People for Ponto reflect genuine community interest in enhancing coastal recreational access, the Commission finds that reserving Planning Area F for parkland is not supported by the City's adopted planning documents, is not implementable as a practical matter, and is not required to ensure consistency with the certified LCP.

VICONSISTENCY 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. The City issued Notices of Determination (SCH Nos. 2016031006 (Poinsettia 61) and 2011011004 (General Plan Update)). Nevertheless, the Commission is required in an LCP submittal to find that the LCP does conform with CEQA provisions. As proposed, the City of Carlsbad LUP is not consistent with the natural resource protection and new development policies of the Coastal Act with regard to appropriate land uses, protection and provisions for low-cost visitor accommodations and recreational uses, protection of existing agriculture, cultural and tribal resources, coastal access; scenic resources, sensitive habitat, water quality, hazards, and Environmental Justice. Suggested modifications have been added as described and listed above. If modified as suggested, the LUP's impact on coastal resources will be less than significant. Any specific impacts associated with individual development projects would be assessed through the environmental review process, and an individual project's compliance with CEQA would be assured. Therefore, the Commission finds that no significant immitigable environmental impacts under the meaning of CEQA will result from the approval of the proposed LCP amendment as modified.