

APPENDIX Q
Coastal Act Consistency Table

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California Coastal Act and Agua Hedionda Land Use Plan Consistency Analysis for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail

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<i>California Coastal Act</i>	
<i>Article 2 Public Access</i>	
<p>Section 30210 Access; recreational opportunities; posting 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.</p>	<p>Consistent. The proposed Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail (proposed Specific Plan) includes a variety of passive recreation amenities, including approximately 3 miles of public trails, picnic areas, lagoon vistas, parking, and public restroom facilities. The Specific Plan would also provide a public pathway along the northwestern portion of the Specific Plan area between the Agua Hedionda Lagoon and the Visitor-Serving Commercial use area.</p> <p>Additionally, the Specific Plan would permanently preserve 176.7 acres of open space lands, which are composed of sensitive habitat, wildlife species, and riparian and wetland resources, as well as previous and existing agricultural uses.</p>
<p>Section 30211 Development not to interfere with access 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.</p>	
<p>Section 30212 New development projects</p> <p>(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p> <p>(b) For purposes of this section, "new development" does not include:</p> <ol style="list-style-type: none"> (1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610. (2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10%, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure. (3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by 	

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<p>more than 10%, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.</p> <p>(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.</p> <p>(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach. As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.</p> <p>(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.</p>	
<p>Section 30212.5 Public facilities; distribution Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts of overcrowding or overuse by the public of any single area.</p>	<p>Consistent. The Specific Plan includes a trail system that would traverse the property from east to west, providing access throughout the Specific Plan area. Parking would also be provided at both the western end near the Visitor-Serving Commercial use area, as well as smaller parking areas at the central portion of the property to provide access to open space areas.</p>
<p>Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</p> <p>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.</p>	<p>Consistent. The Specific Plan includes an integrated public trail system and associated passive recreational uses that would be free for public use. In addition, the u-pick agricultural operations would be maintained and would provide a low-cost recreational facility.</p> <p>The Specific Plan does not include overnight accommodations.</p>

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<p>Section 30214 Implementation of public access policies; legislative intent</p> <p>(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:</p> <ol style="list-style-type: none"> (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter. <p>(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.</p> <p>(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.</p>	<p>Consistent. Public access is a priority of the Specific Plan and is provided such that the sensitive natural habitats of the Specific Plan area are protected.</p>
<i>Article 3 Recreation</i>	
<p>Section 30220 Protection of certain water-oriented activities</p> <p>Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.</p>	<p>Consistent. Due to the steep bluff down to the lagoon from the Specific Plan site, it is not an area suited for water-oriented recreational activities. However, passive recreational activities such as hiking and wildlife viewing will be provided throughout the Specific Plan area.</p>
<p>Section 30221 Oceanfront land; protection for recreational use and development</p> <p>Oceanfront land suitable for recreational use shall be protected for recreational use and</p>	<p>Consistent. The Specific Plan preserves 176.7 acres of open space lands, which are composed of sensitive habitat, wildlife species, and riparian and wetland resources.</p>

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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.	An integrated trail system and passive recreational uses will provide for low-impact public access to these resources.
<p>Section 30222 Private lands; priority of development purposes 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.</p>	<p>Consistent. The Specific Plan provides 45.6 acres of Exclusive Agricultural Open Space lands, 15.9 acres of Agricultural Support Open Space, 75.8 acres of Habitat Management Plan Open Space, and 39.4 acres of Passive Open Space. Approximately 26.7 acres of Visitor-Serving Commercial retail, restaurant, and entertainment uses, including several Visitor-Serving Commercial use categories, are included in the western portion of the Specific Plan area. The 15.9 acres of Agricultural Support Open Space of the western portion of the Specific Plan area will be devoted to agriculture and agriculture support facilities, including u-pick fields, farmers' market, farm stands, and a farm-to-table restaurant that will provide opportunities to sell produce grown on site directly to the public and visitors to the site. This would enhance the viability and success of the agricultural lands on site. See Section 30241 for more detailed information on agricultural resources in the Specific Plan area.</p>
<p>Section 30222.5 Oceanfront lands; aquaculture facilities; priority Oceanfront land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.</p>	N/A
<p>Section 30223 Upland areas Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.</p>	<p>Consistent. The proposed Specific Plan would preserve approximately 176.7 acres of open space lands, which are composed of sensitive habitat, wildlife species, and riparian and wetland resources. An integrated trail system and passive recreational uses will provide for low-impact public access to these resources.</p>
<p>Section 30224 Recreational boating use; encouragement; facilities Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.</p>	N/A

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<i>Article 4 Marine Environment</i>	
<p>Section 30230 Marine Resources; maintenance 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.</p>	<p>Consistent. The Specific Plan would maintain the HMP hardline preserve area that borders the Agua Hedionda Lagoon. In addition, a Passive Open Space area that is located adjacent to the HMP would provide for habitat restoration and passive recreational uses. This land use will further buffer the lagoon from agricultural activities and the visitor-serving commercial uses proposed for the site. All Specific Plan improvements will be located outside all wetlands, streams, riparian habitats, and lagoon areas on site. A minimum buffer of 100 feet would be provided for all wetland and riparian areas and 50 feet from unvegetated streambeds.</p> <p>The Agua Hedionda Land Use Plan (LUP)_contains several best management practices (BMPs) to reduce erosion, sedimentation, and polluted runoff from reaching the lagoon that would be implemented (see below). In addition, the Specific Plan includes 11 hydrology and 31 water quality environmental protection features as outlined in Appendix B of the Specific Plan. Included in these measures are grading and drainage standards for any new construction on the site and provision such as grading during the dry season, measures to control urban flow rates and velocities, post-construction runoff standards, prevention of spills of materials during construction, prohibition of grading on slopes exceeding 25%, and minimization of grading and landform alterations.</p>
<p>Section 30231 Biological Productivity; water quality The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	
<p>Section 30232 Oil and hazardous substance spills Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.</p>	
<p>Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients</p> <p>a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of [the California Coastal Act], 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:</p> <ol style="list-style-type: none"> 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, 	

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<p>and boat launching ramps.</p> <p>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 public recreational opportunities.</p> <p>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.</p> <p>5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.</p> <p>6) Restoration purposes.</p> <p>7) Nature study, aquaculture, or similar resource dependent activities.</p> <p>b) Dredging and soils 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.</p> <p>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.</p> <p>d) Erosion control and flood control facilities constructed on water courses can impede the movement of sediment and nutrients which 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</p>	

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be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.	
<p>Section 30234 Commercial fishing and recreational boating facilities Facilities serving the commercial fishing and recreational boating industries shall be protected and, where feasible, upgraded. Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute space has been provided. Proposed recreational boating facilities shall, where feasible, be designed and located in such a fashion as not to interfere with the needs of the commercial fishing industry.</p>	N/A
<p>Section 30234.5 Economic, commercial, and recreational importance of fishing The economic, commercial, and recreational importance of fishing activities shall be recognized and protected.</p>	N/A
<p>Section 30235 Construction altering natural shoreline Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal dependent uses or protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impact on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded, where feasible.</p>	N/A
<p>Section 30236 Water Supply and flood control 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 floodplain 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.</p>	Consistent. No improvements are proposed in coastal rivers or streams.
<i>Article 5 Land Resources</i>	
<p>Section 30240 Environmentally sensitive habitat areas; adjacent developments (a) Environmentally sensitive habitat areas shall be protected against any</p>	Consistent. Development within the Specific Plan area has been sited to avoid environmentally sensitive habitat areas. Buffer zones have been established around

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<p>significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.</p> <p>(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.</p>	<p>sensitive areas to prevent impacts from adjacent development</p> <p>A Biological Technical Report has been prepared for the Specific Plan area (Dudek 2015). Biological surveys were conducted from December 2014 through May 2015 within the Specific Plan area, and included vegetation mapping, a jurisdictional delineation, vernal pool habitat assessments, a general wildlife reconnaissance survey, a habitat assessment for burrowing owl (<i>Athene cunicularia</i>), and focused surveys for coastal California gnatcatcher (<i>Polioptila californica californica</i>). The results of additional focused surveys for burrowing owl, gnatcatcher, least Bell's vireo, and southwestern flycatcher will be included in any coastal development permit application for development of the Specific Plan site.</p> <p>The Specific Plan area supports a total of 12 vegetation communities (including disturbed forms) and land cover types, including Diegan coastal sage scrub–coastal form, Diegan coastal sage scrub–baccharis dominated, valley needlegrass grassland, coastal brackish marsh, mulefat scrub, southern coastal salt marsh, southern arroyo willow riparian forest, extensive agriculture–row crops, disturbed habitat, eucalyptus woodland, ornamental plantings, and open water estuarine (Oberbauer et al. 2008).</p> <p>Those portions of the western portion of the Specific Plan area outside the HMP hardline preserve area and the majority of the south-central portion of the Specific Plan area in the upper terrace are predominantly covered in agriculture, dirt roads, and disturbed areas that are the result of past and current agricultural operations on site, which provide very little biological value. The site contains several types of native coastal sage scrub, grassland, riparian, and wetland habitats, however, which are predominantly located in the far eastern portion of the Specific Plan area and in the HMP hardline preserve area.</p> <p>Three special-status plant species, none of which is covered under the Carlsbad HMP, were observed within the Specific Plan area: San Diego County viguiera (<i>Viguiera laciniata</i>), Leopold's rush (<i>Juncus acutus</i> ssp. <i>leopoldii</i>), and ashy spike-moss (<i>Selaginella cinerascens</i>). The proposed Specific Plan is unlikely to impact</p>

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	<p>these species as they occur in the more pristine coastal scrub and marsh habitats found in the extreme northern and eastern portions of the site.</p> <p>Coastal California gnatcatcher (federally threatened) were generally found in coastal sage scrub habitats within the HMP hardline preserve area in the far eastern portions of the Specific Plan area. Suitable habitat in the Specific Plan area for gnatcatcher are those areas found in and adjacent to the HMP hardline preserve area, with the exception of the HMP hardline conservation areas on the bluffs in the northwestern region of the Specific Plan area that are generally too steep and limited in size to support breeding gnatcatchers. There was one sighting of least Bell's vireo (<i>Vireo bellii pusillus</i>) (federally threatened) along the northeastern boundary of the Specific Plan area in southern arroyo willow riparian forest habitat. Loggerhead shrike (<i>Lanius ludovicianus</i>) (Species of Special Concern (SSC)), northern harrier (<i>Circus cyaneus</i>) (SSC), and white-tailed kite (<i>Elanus leucurus</i>) (Fully Protected species) were observed foraging over the eastern portion of the Specific Plan area. The far-eastern portion of the Specific Plan area contains ground squirrel burrows, which could be used by burrowing owl. Although some of these burrows are of sufficient size that burrowing owl could use them, no burrowing owl, owl sign, or evidence of recent habitation were observed. It is recommended that pre-construction burrowing owl surveys be conducted prior to grading and that any owls be passively relocated from the site, if present (CDFG 2012).</p> <p>Visitor-Serving Commercial uses, agricultural uses, and agricultural support uses have all been located in disturbed areas on site. The eastern portion of the Specific Plan area contains agricultural lands that have been fallow 5 years and are proposed to be active agriculture uses as part of the Specific Plan. This same area was approved for continued agricultural use in the Agua Hedionda LUP approved by the California Coastal Commission (CCC) in 1982. Very small patches of disturbed scrub dominated by baccharis have established in the fallow land. As outlined in the Biological Technical Report (Dudek 2015), this disturbed fallow land is not considered an environmentally sensitive habitat area (ESHA) given the predominance of non-native species, evidence of disturbance and perturbation, lack of suitable cover for gnatcatcher and other sensitive species, and lack of general continuity with larger intact areas of native vegetation. These patches of disturbed scrub would be</p>

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	<p>removed to reestablish active agriculture on the fallow lands in the Exclusive Agricultural Open Space areas. Removal of coastal sage scrub would be mitigated according to the Carlsbad HMP guidelines and LUP policies that require, among other measures, habitat replacement at a 2:1 ratio for gnatcatcher-occupied sage scrub and a 1:1 ratio for unoccupied sage scrub.</p> <p>The Specific Plan would avoid construction in all wetland, riparian, native grassland habitats, native coastal sage scrub considered to be suitable gnatcatcher breeding habitat, and other native habitats. A preliminary delineation of environmentally sensitive habitat area in the Specific Plan area is included in the Biological Technical Report and Specific Plan. A detailed delineation of environmental sensitive habitat areas on site, including additional habitat and sensitive wildlife information, would be included as part of any coastal development permit. It is not anticipated that any environmentally sensitive habitat area would be impacted by the Specific Plan.</p> <p>Buffers between Specific Plan-related construction and these habitats would be consistent with HMP guidelines and would be as follows:</p> <ul style="list-style-type: none"> • 100 feet from environmentally sensitive habitat areas • 100 feet from wetland habitats • 100 feet from riparian habitats • 50 feet from streambeds jurisdictional streams • 20 feet from all native upland habitats
<p>Section 30241 Prime agricultural land; maintenance in agricultural production The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:</p> <p>(a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.</p> <p>(b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment</p>	<p>Consistent. The proposed Specific Plan would increase the long-term agricultural viability of the Specific Plan area through creation of agritourism opportunities and direct sales and purposing of produce grown on site. This mixed-use concept, in which non-agricultural development is allowed on a small portion of the site to enhance the agricultural viability of the remaining area, was a key component of the original 1982 approval of the Agua Hedionda LUP. The Specific Plan implements that mixed use agricultural preservation concept.</p> <p>An agricultural viability analysis for the Specific Plan area was prepared by Dudek in 2015. This report analyzes in detail the soils on site, farmland designations, economic viability of agriculture on the site, and characteristics of agricultural</p>

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<p>of a stable limit to urban development.</p> <p>(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.</p> <p>(d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.</p> <p>(e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.</p> <p>(f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.</p>	<p>operations in the region.</p> <p>Agriculture in San Diego County (the County) is conducted on small farms (with a median farm size of 4 acres; 90% of the County's farms are under 49 acres) and demands high-value and specialty crops. This growing situation is driven by market demand, the high cost of water, the lack of superior soil quality, and the prevalence of slopes unsuitable to large-scale cultivation. The agricultural economy in the County is highly dependent on greenhouse and small-scale row crops, which are often surrounded by non-agricultural uses.</p>
<p>Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation</p> <p>(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:</p> <ol style="list-style-type: none"> (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program. <p>For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic</p>	<p>The soils in the Specific Plan area are not considered prime agricultural land under the California Coastal Act standards for such lands. However, portions of the Specific Plan area are suitable for agricultural use and are therefore subject to the agricultural feasibility conversion provisions of the California Coastal Act section 30242, which requirements are addressed below. No portions of the Specific Plan area are under Williamson Act or Farmland Security Zone contracts limiting the sites to agricultural uses.</p> <p>The Specific Plan proposed for the entire 203.4-acre Specific Plan area would allow 26.7 acres of Visitor-Serving Commercial uses and preserve a total of 176.7 acres in agriculture and open space uses. Currently there are approximately 62 acres of the Specific Plan area that the current agricultural grower/operator uses for various activities related to agricultural production. At any given time, only approximately 40 of those acres are actively cultivated, primarily with u-pick strawberries and various row crops targeted for farmers' markets and farm stands. The Specific Plan designates 61.5 of the 176.7 acres of open space lands as active farmland (45.6 of Exclusive Agricultural Open Space and 15.9 of Agricultural Support Open Space). These active agriculture areas would likely continue to consist of u-pick strawberries, row crops targeted for farmers' market and farm stands, and possibly orchards. The Visitor-Serving Commercial uses would be clustered on the northwest portion of the</p>

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<p>feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.</p> <p>(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.</p>	<p>site, thereby establishing a permanent boundary for urban development and minimizing any potential urban/agriculture interface conflicts.</p> <p>The Specific Plan also provides for farmers' markets, farm stands, agriculture education opportunities, u-pick operations, a farm-to-table restaurant, and agricultural cultivation on the property in the proposed Agriculture Support Open Space (15.9 acres). These amenities will allow for direct sales and purposing of the produce grown on site and will provide for a complete agritourism destination where visitors can pick their own produce and learn about local and sustainable agriculture. The proposed agritourism uses will reinforce the overall destination appeal of the County, support locally produced agricultural products, and raise the stature of San Diego agriculture.</p>
<p>Section 30242 Lands suitable for agricultural use; conversion All other 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.</p>	<p>Due to the high cost of water and operations, the grower/operator on site over the years has had to limit active cultivation to roughly 40 acres of the property. The proposed Specific Plan would designate 61.5 acres available for agricultural production. This proposed acreage is also well over the County average farm size. Strictly comparing the Specific Plan area to the overall County average of parcel size and production viability, the answer to whether continued agricultural operations on the property are viable is positive. Based on the per-acre production cost estimates for the properties in the area (\$36,264) and the per-acre estimated revenue returns for the property (\$6,443), the answer regarding long-term viability is not quite as clear. Long-term viability is dependent on the individual growers and the efficiency of their respective farm management plans, prevailing market trends, and development pressures for other land uses.</p> <p>As mentioned above, the proposed Specific Plan would increase the long-term agricultural viability of the Specific Plan area through creation of agritourism opportunities and direct sales and purposing of produce grown on site. The CCC, in its 1982 approval of the Agua Hedionda LUP, also recognized the potential for long-term agricultural viability on this site through the mixed-use approach to agricultural preservation. In 1982, the CCC approved conversion of 45 acres of farmland in the proposed Specific Plan area to "Travel Services" in return for preservation of 155</p>

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	<p>acres of agricultural lands and open space in the Specific Plan area. The current Specific Plan converts only 26.7 acres to Visitor-Serving Commercial uses consistent with the approved Travel Services designation and preserves the remaining 176.7 acres of the Specific Plan area in agriculture and open space uses.</p> <p>In the 1982 approval of the Agua Hedionda LUP, the CCC found that the need for commercial-recreational uses was significant in the area and that development pressures on the agricultural lands in the proposed Specific Plan area were high. The CCC found that the viability of agriculture in this area was limited due to non-prime soils, the high cost of land, and urban/agriculture conflicts. The CCC found that although continued agriculture was feasible in the area, agricultural production in the Specific Plan area would be better preserved through incentive programs such as the mixed-use concept, where non-agricultural development is allowed on a portion of the site to enhance the agricultural viability of the remaining area. The 1982 CCC findings state in part:</p> <p style="padding-left: 40px;">Continued agriculture is feasible even with the above noted constraints; however, it was recognized that a mixed-use program would, on large single-ownership properties, allow for long term continued agricultural production while removing the land speculation which has contributed to the discouragement of continued long term agricultural use. In essence, the mixed use or supplemental use zoning approach allows a landowner to develop a portion of the agricultural lands in exchange for recording an enforceable restriction on the remaining portion of the land limiting use to agricultural activities. Thus, the property owner is afforded a supplemental source of income in addition to income derived from agricultural operations in the mixed use program, thereby reducing pressures to convert the remaining portion of the agricultural lands. The mixed-use approach to preserving agricultural lands is supported by a recent study of agriculture in the Carlsbad area prepared by Angus McDonald titled <i>Enhancement of Coastal Agriculture</i>, dated March 1981.</p> <p>In conclusion, the Commission finds that the policies of the Agua Hedionda</p>

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	<p>LUP which apply the mixed-use approach to the SDG&E south shore property east of I-5 are appropriate, consistent with previous Commission actions on the balance of the Carlsbad LCP and the San Dieguito LUP, and in conformance with Section 30242 of the Coastal Act regarding conversion of non-prime agricultural lands.</p> <p>The proposed Specific Plan would not impair the viability of the Specific Plan area to remain in active agricultural production and would likely increase the economic viability of agriculture on site through agritourism and direct sales opportunities. In addition, the mixed-use approach of the Specific Plan would eliminate the pressures to convert the remaining agricultural lands in the proposed Specific Plan area and would preserve approximately 176.7 acres of agriculture and open space lands in perpetuity.</p>
<p>Section 30243 Productivity of soils and timberlands; conversions The long-term productivity of soils and timberlands shall be protected, and conversions of coastal commercial timberlands in units of commercial size to other uses or their division into units of noncommercial size shall be limited to providing for necessary timber processing and related facilities.</p>	<p>N/A</p>
<p>Section 30244 Archaeological or paleontological resources Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p>Consistent. A cultural report covering archaeological and paleontological resources has been prepared for the Specific Plan. No impacts to archaeological or paleontological resources are being proposed in the Specific Plan. Therefore, no mitigation is currently proposed other than construction monitoring to ensure protection of as-yet-undetected archaeological deposits.</p>

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<i>Article 6 Development</i>	
<p>Section 30250 Location; existing developed area</p> <p>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% of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p> <p>b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</p>	<p>Consistent. The Specific Plan area is located at the intersection of an interstate highway with a regional roadway. Existing developed areas are located to the south and west of the Specific Plan area. Visitor-Serving Commercial uses would be located in the northwestern portion of the site directly adjacent to I-5 and Cannon Road. Public services such as water, sewer, and electricity can be readily accessed from the site. Water, sewer, and traffic/parking studies have been prepared for the Specific Plan that show that adequate public services exist for the project.</p>
<p>Section 30251 Scenic and visual qualities</p> <p>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.</p>	<p>Consistent. The western and southern portions of the Specific Plan area are currently composed of active and fallow agricultural lands. The northeastern portions of the Specific Plan area are vacant and undeveloped land covered with disturbed habitat, fallow agricultural land, and native vegetation. No natural scenic resources, such as particularly scenic trees or rock outcroppings, are present on site.</p> <p>The site is surrounded by Agua Hedionda Lagoon to the north, I-5 to the west, Cannon Road to the south, and open space areas to the east. Views from the site include I-5 and the Encina Power Station to the west; the lagoon backed by residential development to the north; open space, residential development, and utility facilities to the east; and Cannon Road and the Carlsbad Ranch Development (hotels, museums, car dealerships, and landscaping) to the south.</p>

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	<p>The existing Agua Hedionda LUP designates seven scenic vista points in the region. Four of the vista points afford full or partial views of the Specific Plan area from the areas northwest, north, and northeast of the lagoon. One vista point is located on the northern portion of the Specific Plan area adjacent to the lagoon. The Specific Plan area is not visible from two vista points directly west of I-5 near Carlsbad Boulevard. The LUP designates five scenic routes in the region, including Park Avenue, Adams Avenue, Carlsbad Avenue, El Camino Real, and Cannon Road. The Specific Plan area is only visible from Park Avenue and Adams Avenue, which are located on the north shore of the lagoon, and Cannon Road, which borders the Specific Plan to the south. Currently, you cannot see the lagoon from Cannon Road until you are significantly east of the Specific Plan area.</p> <p>I-5 runs directly west of the Specific Plan area. The California Department of Transportation (Caltrans) has identified I-5 as an eligible scenic highway in the area. The buildings proposed in the Specific Plan area would be visible from I-5. However, due to the topography in the area, you currently cannot see the lagoon from the highway until you have driven past the Specific Plan site on I-5 northbound. Therefore, the Specific Plan would not block views of the lagoon from I-5.</p> <p>The proposed Specific Plan would result in the conversion of 26.7 acres of the Specific Plan area directly adjacent to I-5 from active agricultural uses to Visitor-Serving Commercial uses. As shown in Specific Plan Figure 3.0-3, no building construction would occur within the bluff setback of 50 feet from the top of bluff and the HMP hardline. No buildings in the Visitor-Serving Commercial area would exceed 35 feet in height. Buildings outside of the SDG&E easement in the Agricultural Support Open Space would not exceed 25 feet in height. Buildings related to agricultural uses not located in the SDG&E easement in the Exclusive Agricultural Open Space would not exceed 20 feet in height. No buildings would be located in Passive Open Space and Habitat Management Plan areas.</p> <p>The proposed Visitor-Serving Commercial area is on a flat portion of land that would not require significant landform alteration for construction. Detailed Design Guidelines outlined in Section 4 of the Specific Plan provide for a development that reflects the surrounding agricultural land uses. Buildings would be articulated and stepped back</p>

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	<p>so as to reduce the appearance of building mass and scale and to make components of larger buildings appear as smaller related parts of the larger structure.</p> <p>Signs for the Visitor-Serving Commercial uses are proposed at the site, including site entry signs (maximum 14 feet in height); entry or monument signs (not exceeding 8 feet in height); directional signs (not exceeding 6 feet in height), marquee signs, tenant signs, wall mounted signs, and a number of other smaller signs. The Specific Plan includes very specific parameters for all signs and signage procedures. In addition, several types of signs are prohibited including animated, electronic message board, exposed neon, and other signs (see Table 3.0-9 of the Specific Plan). Landscaping would screen structures and signs.</p> <p>The implementation of the Specific Plan would alter the visual character of the site, but not in such a manner that it would be substantially degraded. All buildings and facilities would be visually compatible with the character of the surrounding area.</p> <p>Views of the lagoon or the ocean would not be blocked from any scenic vista points or scenic routes as a result of implementation of the Specific Plan. New buildings and signs would be introduced into the distant views of the Specific Plan site from vista points and scenic routes north of the lagoon and from Cannon Road. These views, however, already include large infrastructure features such as the Encina Power Plant, overhead transmission lines, and I-5. Given the existing infrastructure, distance from the site, development setbacks from the bluff, and articulation of design, the views from these scenic locations would not be substantially altered. Vista points and scenic outlooks with views of the lagoon have been identified within the Specific Plan area. Public access to these scenic outlooks will be provided via the integrated trail system and other passive recreational amenities.</p> <p>The Specific Plan would amend the Agua Hedionda LUP to allow maximum heights of 35 feet in the 26.7-acre Visitor-Serving Commercial area of the site. The current LUP allows Travel Services uses on 45 acres of the Specific Plan and provides that the maximum allowable heights of buildings on the site should be 35 feet. This will provide</p>

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	for an overall reduction in building mass on the overall Specific Plan site from that envisioned in the existing LUP.
<p>Section 30252 Maintenance and enhancement of public access 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 on-site recreational facilities to serve the new development.</p>	<p>A traffic and transportation study was conducted by Fehr & Peers for the specific Plan that compares the traffic generated by the Specific Plan against guidelines included in the City of Carlsbad Growth Management Plan and the San Diego Regional Traffic Engineers/Institute of Transportation Engineers Guidelines for Traffic Impact Studies in the San Diego Region. The Specific Plan would not have any impacts to local roadways. Two intersections would be impacted under Year 2019 conditions and nine intersections under 2035 conditions. All of the impacted intersection impacts can be significantly reduced through improvements that: 1) the city of Carlsbad is currently constructing, 2) are or will be part of the City's Capital Improvement Program, or 3) will be constructed as part of Specific Plan implementation. The project proponent would pay its fair share contribution toward all City planned improvements through contribution to the City's traffic Impact Fee fund and Bridge and Thoroughfare Fee.</p> <p>The Specific Plan traffic is expected to result in impacts to I-5 mainline segments in the area under 2035 conditions as well as two metered onramps. The I-5 North Coast Corridor Program, will significantly reduce the Specific Plan impacts. The project proponent intends on making a fair-share contribution to the Caltrans I-5 North Coast Corridor Program.</p> <p>Included in the Specific plans are pedestrian improvements including trails, pedestrian pathways and sidewalks, countdown timers, audible pedestrian signals, and the addition of the new pedestrian facilities on the north side of Cannon Road. The specific plan application is working with the City of Carlsbad and the North Coast Transit District to develop a transportation demand management program that could incorporate a multi-use pedestrian and bicycle path along the entire length of the Specific Plan's Cannon Road frontage from the I-5 northbound ramps intersection to Car Country Drive and bicycle storage.</p> <p>With implementation of the Specific Plan, the project proponent would work with North Coast Transit District to expand bus service to the visitor-serving commercial area of the site. A small, bus transfer and staging facility in close proximity to one of the main</p>

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	<p>pedestrian entrances could be provided within the site. The size and design of the facility would be developed in consultation with North Coast Transit District (NCTD) staff and could become a new focal point for transit in this part of the City of Carlsbad where transit service is non-existent. Ideally, service would be extended to one or both of the City's Coaster train stations to facilitate use of passenger rail to get to the site. The COASTER is a commuter train that has two stops within 3 miles of the site. Amtrak's Pacific Surfliner also has stops near the project site that could be accessed via a future bus service.</p>
<p>Section 30253 Minimization of adverse impacts New development shall do all of the following:</p> <ol style="list-style-type: none"> (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 Board as to each particular development (4) Minimize energy consumption and vehicle miles traveled. (5) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses. 	<p>Consistent. Several preliminary geologic and geotechnical reports have been prepared for the Specific Plan area, the most recent being a Geotechnical Due Diligence Study by Kleinfelder in November 2012 and a Due Diligence Geotechnical Review and Limited Investigation by Leighton and Associates in November 11, 2004.</p> <p>According to those reports, the sites proposed for structures on the property are feasible from a geotechnical perspective. The building sites are not underlain by known active or potentially active faults, and are not within the Alquist-Priolo Earthquake Fault Zone. There are no surficial indications of deep-seated landsliding near potential building areas. Preliminary slope stability and erosion analysis indicates that structure setbacks from the bluff edge on the order of 40–50 feet may be recommended depending on the exact site of construction. A geotechnical report with site-specific recommendations would be prepared as part of any Coastal Development Permit submittal.</p> <p>The bluff edge generally follows the location of the HMP hardline preserve area. Development regulations in Section 3.0 of the Specific Plan require the preparation of a geotechnical report that would identify the exact location of the bluff edge according to the definition contained in California Code of Regulations, Title 14, Section 13577(h)(2). The report would also determine a bluff setback for the economic life of the structures (75 years) based on site-specific slope stability analysis, analysis of past bluff erosion rates, and factoring in potential acceleration of erosion from sea level rise. Setbacks would conform to the results of this study. However, in no case would bluff setbacks for structures requiring foundations, pools, and fountains be less than 50 feet. Therefore, shoreline and bluff protective devices would not be required for the Specific Plan in the</p>

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	<p>future.</p> <p>Development regulations in Section 3.0 of the Specific Plan also restrict thinning or removal of vegetation on the bluff face and limit landscaping in the bluff setback to native drought-tolerant species.</p> <p>New construction would be limited to areas with slopes less than 25%. The proposed Visitor-Serving Commercial land uses would be located on a flat portion of the site, minimizing grading needed for site development. The only uses that would potentially be located on steeper portions of the site are public trails and habitat restoration.</p> <p>No development is proposed within the 100-year floodplain or any identified tsunami inundation zone of Agua Hedionda Lagoon or any other nearby water bodies.</p> <p>Development regulations in Section 3.0 of the Specific Plan require the preparation of a fire protection plan, including identification of fuel modification zones and building design measures to reduce the likelihood and intensity of wildfire risk.</p> <p>The Specific Plan would enhance recreation and preserve open space on the site through permanent protection of 176.7 acres of open space lands and enhancements to public access and passive recreational amenities, including approximately 3 miles of nature trails, picnic areas, and lagoon vistas.</p> <p>An Air Quality Technical Report was prepared for the Specific Plan by ENVIRON in 2015. The Specific Plan will not require any permits from the San Diego Air Pollution Control District (SDAPCD) or State Air Resources Board and is, therefore, not subject to any requirements of these agencies. SDAPCD has not provided specific thresholds for determining significance of commercial construction. However, the projected emissions for the Specific Plan were compared for informational purposes against significance thresholds recommended in the City of Carlsbad Draft EIR for the Draft General Plan Update 2015.</p>

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	<p>The estimated daily emissions for construction are less than the City of Carlsbad recommended mass daily significance thresholds for CO, SO₂, PM₁₀, and PM_{2.5}, NO_x and greater than the recommended mass daily significance thresholds for VOCs. The construction VOC emissions are primarily due to the use of architectural coatings. The Specific Plan will comply with SDAPCD Rules and Regulations that require the use of low-VOC coatings to minimize the potential VOC emissions. The project will also employ fugitive dust control measures during construction.</p> <p>The Specific Plan is not expected to expose sensitive receptors to substantial toxic air contaminants, CO hotspots, or objectionable odors. The calculated operational emissions for the Specific Plan are less than the City of Carlsbad recommended mass daily significance thresholds for SO₂ and greater than the recommended mass daily significance thresholds for VOCs, NO_x, CO, PM₁₀, and PM_{2.5}. The primary sources of operational emissions are mobile sources.</p> <p>Emissions from mobile sources are expected to gradually decline in the future as cars become more fuel efficient due to existing regulations (i.e., Pavley Standard and the Advanced Clean Cars program). The Specific Plan proponent is working with the City of Carlsbad and North Coast Transit District to development a transportation demand management (TDM) program to help reduce trip generation. As discussed in a traffic study developed by Fehr and Peers in 2015, the Specific Plan's incorporation of multiple land use types will also help reduce total vehicle miles traveled by shortening potential trips. Bus stops would be provided in the Specific Plan area and the project proponent will work with North Coast Transit District to extend bus service to the Specific Plan area and provide connections to nearby rail stops. The Specific Plan also includes a number of potential pedestrian and bicycle improvements, including design of a shared-use path along the entire length of the north side of Cannon Road from Car Country Drive to the northeast corner of the I-5 northbound ramps intersection.</p> <p>Minimization of energy use would be achieved through the following measures: design of the site to Leadership in Energy and Environmental Design Gold Core and Shell Design Standards; exceedance of 2013 Title 24 Building Energy Efficiency Standards by 5%; incorporation of an energy management system at the site; use of energy</p>

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	<p>efficient appliances and lighting, photovoltaic panels will cover a minimum of 60% of the parking garage roof; and implementation of water conservation measures. The project is consistent with SANDAG's Regional Energy Strategy and would comply with all applicable federal, state, and local energy standards. Total electricity and natural gas usage with the implementation of the proposed Specific Plan would be less than the total electricity and natural gas usage for the California Air Resources Board 2020 No Action Taken Condition.</p> <p>A Greenhouse Gas Technical Report was prepared by ENVIRON for the Specific Plan in 2015. Total construction emissions resulting from the proposed Specific Plan are estimated to be 3,575 MT CO₂E. Existing agricultural operations in the Specific Plan area emit approximately 227 MT CO₂E per year. Proposed Specific Plan activities would emit approximately 33,000 MT CO₂E per year in addition to the existing emissions, which would be maintained (because the proposed Specific Plan does not eliminate the existing agricultural operations). The business as usual condition GHG emissions would total an estimated 47,585 MT CO₂E per year as compared to the 33,076 MT CO₂E per year that would be emitted by the proposed Specific Plan. As such, the proposed Specific Plan would result in an approximately 30.5% reduction, which is greater than the reduction in GHG emissions required to comply with AB 32. Additionally, the Specific Plan is consistent with all policies and measures outlined in SANDAG's Regional Transportation Plan and Sustainable Communities Strategy and the City of Carlsbad Draft Climate Action Plan</p>
<p>Section 30254 Public works facilities New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.</p>	<p>N/A</p>

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<p>Section 30254.5 Terms or conditions on sewage treatment plant development; prohibition Notwithstanding any other provision of law, the commission may not impose any term or condition on the development of any sewage treatment plant which is applicable to any future development that the commission finds can be accommodated by that plant consistent with this division. Nothing in this section modifies the provisions and requirements of Sections 30254 and 30412.</p>	N/A
<p>Section 30255 Priority of coastal-dependent developments Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.</p>	<p>Consistent. The Specific Plan does not propose uses that displace a coastal-dependent use. The Specific Plan preserves open space areas adjacent to Agua Hedionda Lagoon and provides a sufficient buffer (100 feet) between buildings or other facilities and wetlands.</p>
<p>Section 30260 Location or expansion Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.</p>	<p>Consistent. No new coastal-dependent industrial facilities are proposed in the Specific Plan.</p>
<i>Article 7 Industrial Development</i>	
<p>Section 30261 Tanker facilities; use and design Multicompany use of existing and new tanker facilities shall be encouraged to the maximum extent feasible and legally permissible, except where to do so would result in increased tanker operations and associated onshore development incompatible with the land use and environmental goals for the area. New tanker terminals outside of existing terminal areas shall be situated as to avoid risk to environmentally sensitive areas and shall use a monobuoy system, unless an alternative type of system can be shown to be environmentally preferable for a specific site. Tanker facilities shall be designed to (1) minimize the total volume of oil spilled, (2) minimize the risk of collision from movement of</p>	N/A

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other vessels, (3) have ready access to the most effective feasible containment and recovery equipment for oil spills, and (4) have onshore deballasting facilities to receive any fouled ballast water from tankers where operationally or legally required.	
Section 30262 – Section 30265.5	N/A
<i>Agua Hedionda Land Use Plan</i>	<i>PRELIMINARY CONSISTENCY REVIEW</i> Although the Agua Hedionda LUP was certified in 1982, its implementing ordinance has not yet been certified. As such, the CCC retains permit jurisdiction in this area with the standard of review for the proposed improvements being the Chapter 3 policies of the California Coastal Act. However, the LUP policies provide guidance for assessing Specific Plan consistency.
1. LAND USE	
<p>Policy 1.1 Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Map (Exhibit C).</p>	<p>The LUP land use map designates 45 acres of the Specific Plan area as Travel Services and the area in the HMP zone as Open Space. According to the LUP, the intent of the Travel Services designation is to provide a reservoir for the City of Carlsbad (City) to meet both current and foreseeable future demands for commercial-recreation needs. The proposed Specific Plan designates approximately 26.7 acres of the Specific Plan area as Visitor-Serving Commercial, consistent with the Travel Services designation. The remaining portions of the western portion of the Specific Plan area will be designated HMP lands (adjacent to the lagoon) and Agricultural Support Open Space allowing crops, farmers' market, farm-to-table restaurant, and agricultural education opportunities.</p> <p>The LUP land use map designates the eastern portion of the Specific Plan area as Open Space. The Specific Plan designates this area as Exclusive Agricultural Open Space Lands, Passive Open Space Lands, and HMP Open Space lands. Section 3 of the Specific Plan describes these uses in detail.</p>
<p>Policy 1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas.</p>	<p>Under the Specific Plan, the area designated "Community Park" by the Agua Hedionda LUP would be retained as open space.</p>

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<p>Policy 1.9 Building height shall be limited to a maximum of 35 feet. Building setbacks and lot coverage shall be regulated by the applicable zoning designation, except as specifically modified in this plan.</p>	<p>See Section 30253 for a detailed discussion of maximum allowable heights and scenic vistas.</p> <p>The Specific Plan would amend the Agua Hedionda LUP to allow maximum heights of 35 feet in the 26.7 acre Visitor-Serving Commercial portion of the Specific Plan area. As shown in Specific Plan Figure 3.0-3, no building construction would occur within the bluff setback of 50 feet from the top of bluff and the HMP hardline..</p> <p>The current LUP allows Travel Services uses on 45 acres of the Specific Plan area and provides that the maximum allowable heights of buildings on the site should be 35 feet. This will provide for an overall reduction in building mass on the Specific Plan site from that envisioned in the existing LUP.</p>
<p>Policy 1.10 The 45 acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.</p>	<p>A Specific Plan has been prepared to govern the preserved open space, habitat restoration, and Passive Open Space area, as well as the Visitor-Serving Commercial uses on the land immediately east of I-5. Active agricultural uses on the southwestern portion of the site would remain active and fallow areas to the east would be converted to active agricultural production. Restoring fallow agriculture to active agriculture would replace existing production that would be converted to Visitor-Serving Commercial land uses.</p>
<i>2. AGRICULTURE</i>	
<p>Policy 2.1 Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.</p>	<p>See analysis in Section 30241.</p>
<p>Policy 2.2 The south shore agricultural lands shall be designated "Open Space." This area shall be zoned "Exclusive Agriculture" in the implementation phase of the plan.</p>	<p>The Specific Plan would designate existing active and fallow agricultural lands within the eastern portion of the Specific Plan area, as well as approximately 15.9 acres of the western portion, as Agricultural Support Open Space lands. The remaining areas of the eastern portion of the Specific Plan area would be designated either Passive Open Space lands or HMP/CC Open Space lands.</p>
<p>Policy 2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:</p>	<p>Only 26.7 acres of the originally envisioned 45 acres in the western portion of the Specific Plan area would be converted from agricultural uses to visitor-serving commercial uses. The remaining portions of the western portion of the Specific Plan</p>

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<p>a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations.</p> <p>b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property.</p> <p>c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area.</p> <p>d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program.</p>	<p>area are designated Exclusive Agriculture Open Space lands , Agricultural Support Open Space, Passive Open Space lands, and HMP Open Space lands. All of the eastern portion of the Specific Plan area would be designated in open space uses. In total, the Specific Plan provides 176.7 acres of open space lands, including 61.5 acres of agricultural open space lands, 75.8 acres of HMP Open Space lands, and 39.4 acres of Passive Open Space lands that will allow passive recreational opportunities to the public.</p> <p>The Specific Plan does not propose any changes to Policy 2.3 of the LUP. Any specific construction proposed in the Specific Plan area would be subject to the requirements of this policy, including recordation of a permanent open space easement. The existing San Diego Gas & Electric (SDG&E) utility easement through the Specific Plan area allows for agriculture and open space uses. Additionally, upon sale of the properties, SDG&E has confirmed that these sites are not necessary to assure reasonable expansion opportunities for the Encina Power Plant.</p>
3. ENVIRONMENT	
<p>Policy 3.10 All development or uses within the 100-year floodplain shall adhere to the provisions of the Carlsbad Floodplain Zone Ordinance, except as specifically modified by this plan.</p>	No new development is proposed in the 100-year floodplain.
<p>Policy 3.12 Landscaping shall be utilized as a visual buffer and be compatible with the surrounding native vegetation and preserved open space. All development shall be required to identify and implement a landscaping plan that provides for installation of plant species that are native or non-invasive and drought tolerant to the maximum extent feasible. Ornamental (non-invasive) vegetation shall be permitted within the interior of residential subdivisions only.</p>	The Specific Plan will implement this policy.
<p>Policy 3.13 Protection of Sensitive Native Vegetation Areas The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the city and the</p>	The Specific Plan designates all areas within the HMP area as Open Space and implements the HMP hardline preserve area and guidelines. Visitor-Serving Commercial uses are located on the western portion of the site away from native vegetation areas and the HMP area. Buffers of 100 feet from wetland, riparian, and

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<p>Coastal zone.</p> <p>The HMP has been prepared as part of the San Diego County Multiple Habitat Conservation Program (MHCP). The MHCP will establish a coordinated habitat preserve system to protect listed species and rare native vegetation while accommodating regional development needs. The HMP provides a comprehensive plan for creation and management of proposed preserve areas in the coastal zone, along with appropriate criteria for development requirements and delineation of development/preservation boundaries. The creation of an effective habitat preserve requires a careful balancing of acquisition, preservation and mitigation requirements, as well as enforceable monitoring, remediation and an adequately funded maintenance program for the preserve area.</p> <p>Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, “(e)nvironmentally sensitive habitat areas shall be protected against any significant disruption of habitat values...” Environmentally sensitive habitat area (ESHA) is defined in Section 30107.5 of the Coastal Act as “any area in which plant of animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.”</p> <p>The regional nature of the habitat preservation effort sets the MHCP and HMP apart from other plans affecting ESHA, where the noncomprehensive nature of the plans and lack of regional resource protection standards require more stringent limitations to coastal ESHA impacts for individual sites. The clustering and concentration of development away from sensitive areas that will result from the proposed standards contained in the HMP and identified in the policies below will provide a larger, more contiguous preserve area than if development on the same properties were to be approved on a lot-by-lot basis.</p>	<p>environmentally sensitive habitat areas; 50 feet from streambeds; 20 feet from native upland habitats; and 50 feet from the bluff edge will apply in the Specific Plan area. In addition, Passive Open Space areas are proposed directly adjacent to the HMP hardline preserve area that would allow only habitat preservation and restoration and passive recreational uses (hiking, etc.).</p>
<p>Policy 3.13-1.3 Coastal Sage Scrub</p> <p>Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers on site.</p>	<p>See Section 30240 discussion concerning coastal sage scrub and gnatcatcher. See discussion of native habitats in Section 30240. Small patches of disturbed scrub not considered ESHA are found on agricultural lands in the Specific Plan area that have been fallow less than 5 years and are proposed to be restored to active agriculture. . Removal of any coastal sage scrub would be mitigated in accordance with the</p>

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Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.	Carlsbad HMP. This impacted coastal sage scrub is not considered suitable gnatcatcher habitat or environmentally sensitive habitat area. Suitable gnatcatcher habitat in the Specific Plan area would not be impacted.
<p>Policy 3.13-1.4 Oak Woodland An oak woodland is a closed to relatively open stand of trees within which a dominant tree species is a species of oak. In coastal southern California, that species is generally Coast Live Oak (<i>Quercus agrifolia</i>), which is commonly found on slopes and riparian situations. Shrubs vary from occasional to common, and the herb layer is often continuous and dominated by a variety of annual grasses.</p>	No oak woodland would be impacted in the Specific Plan area.
<p>Policy 3.13-1.5 Streams A stream is a topographical feature with a clear bed and bank that periodically conveys water.</p>	One stream is located in the Specific Plan area. No construction is proposed in this stream and minimum buffers of 50 feet from the top of bank of the stream will be provided. 100 foot buffers to wetlands and riparian habitats are also provided.
<p>Policy 3.13-1.6 Ephemeral Drainages And Ephemeral Streams Ephemeral drainages and ephemeral streams are topographic features that convey water, but only during and shortly after rainfall events in a typical year.</p>	
<p>Policy 3.13-1.7 Wetlands Pursuant to California Public Resources Code Section 30121 and Title 14, California Code of Regulations Section 13577(b), "wetland" means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats and fens. Wetland shall include land where the water table is at, near or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. A preponderance of hydric soils or a preponderance of wetland indicator species shall be considered presumptive evidence of wetland conditions.</p> <p>Wetlands shall be delineated following the definitions and boundary descriptions in Section 13577 of the California Code of Regulations.</p>	No development would occur in coastal wetlands, waters, or streams. All construction would maintain a minimum 100-foot setback from wetlands and riparian areas.

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<p>Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as provided in that Section.</p>	
<p>Policy 3.13-1.8 Wetland Mitigation Requirements If impacts to wetlands are allowed consistent with Policy 3-13-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.</p>	
<p>Policy 3.13-1.9 No Net Loss of Habitat There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland and Oak Woodland within the Coastal Zone of Carlsbad. Mitigation for impacts to any of the habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-13-1.2 of this section, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.</p>	
<p>Policy 3.13-1.10 Upland Habitat Mitigation Requirements Where impacts to the habitats stated in 3-13-1.9 are allowed, mitigation shall be provided as follows:</p> <ol style="list-style-type: none"> a. The no net loss standard shall be satisfied as stated in 3-13-1.9. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP. b. On-site preservation is not eligible for mitigation credit in the coastal zone except as provided in subsection g. below. c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1 with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP. d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be 	<p>See discussion of native habitats in Section 30240. Small patches of disturbed scrub not considered ESHA are found on agricultural lands in the Specific Plan area that have been fallow less than 5 years and are proposed to be restored to active agriculture.. Removal of any coastal sage scrub would be mitigated at the ratios recommended in the HMP guidelines and the LUP and would leave significantly more than 67% of coastal sage scrub on site. This impacted coastal sage scrub is not considered suitable gnatcatcher habitat or environmentally sensitive habitat area. Suitable gnatcatcher habitat in the Specific Plan area would not be impacted. No other native habitats would be impacted.</p> <p>Buffers on the site would include the following:</p> <ul style="list-style-type: none"> • 100 feet from wetlands • 100 feet from riparian habitats • 50 feet from streambeds • 20 feet from native upland habitats <p>The Specific Plan would implement these LUP policies.</p>

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<p>mitigated at an overall ratio of 3:1, with the creation component satisfying one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>e. Impacts to Southern Mixed Chaparral, Native Grassland and Oak Woodland shall be mitigated respectively at ratios of 1:1, 3:1 and 3:1, with the creation component satisfying the obligation or one-third of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.</p> <p>f. Mitigation for impacts within the coastal zone should be provided within the coastal zone, if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.</p> <p>g. On-site or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.</p> <p>h. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent</p>	

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<p>preservation as part of the HMP preserve management plan.</p> <p>i. All mitigation areas, on site and off site, 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. The preserve management plan shall ensure adequate funding to protect the preserve as open space and to maintain the biological values of the mitigation areas in perpetuity. Management provisions and funding shall be in place prior to any impacts to habitat. At a minimum, monitoring reports shall be required as a condition of development approval after the first and third year of habitat mitigation efforts. The preserve management plan shall be incorporated into the Implementation Plan of the LCP through and LCP Amendment within one year of Commission certification of the HMP as part of the certified LCP.</p> <p>j. If any conflict should arise between Policies of the LCP and the provisions of the HMP, the LCP shall take precedence.</p>	
<p>Policy 3.13-1.11 Highly Constrained Properties</p> <p>There are properties in the Coastal Zone that are entirely or almost entirely constrained by environmentally sensitive habitat area (ESHA). In these cases, one of the following additional standards shall apply:</p> <p>a. If more than 80% of the property by area is conserved with ESHA at least 75% of the property shall be conserved, OR</p> <p>b. If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approved a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of on-site preservation as identified in the Hardline boundary shall apply.</p>	
<p>Policy 3.13-1.12 Buffers and Fuel Modification Zones</p> <p>Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:</p> <p>a. 100 feet for wetlands</p> <p>b. 50 feet for riparian areas</p> <p>c. 20 feet for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland,</p>	

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<p>oak woodland).</p> <p>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 feet 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.</p> <p>Any proposed reductions in buffer widths for a specific site shall require sufficient information to determine that a buffer of lesser width will protect the identified resources. Such information shall include, but is not limited to, the size and type of the development and/or proposed mitigation (such as planting of vegetation or the construction of fencing) that will also achieve the purposes of the buffer. The California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the Coastal Commission staff shall be consulted in such buffer determinations.</p> <p>No development, grading or alterations, including clearing of vegetation, shall occur in the buffer area, except for:</p> <p>a. Fuel modification Zone 3 to a maximum of 20 feet for upland and non-riparian habitat. No fuel modification shall take place within 50 feet of riparian area, wetlands or oak woodland.</p> <p>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.</p> <p>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.</p>	
<p>Policy 3.13-1.13 Hardline Preserve Boundaries</p> <p>The purpose of the standards listed above is to ensure that future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish viable</p>	<p>The Specific Plan would preserve sensitive habitat areas and maintain the HMP hardline preserve area boundary on the site. All areas within the HMP hardline preserve area would be designated Habitat Management Plan Open Space.</p>

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<p>habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the on-site preservation included in the Hardline preserve boundary shall apply.</p>	
<p>Policy 3.13-1.14 Invasive Plants The use of invasive plant species in the landscaping for developments such as those identified in Table 12 of the HMP shall be prohibited.</p>	<p>The Specific Plan would include implementation of this LUP policy.</p>
<p>Policy 3.14 Grading and Landscaping Requirements In addition to the requirements of the model grading ordinance in the Carlsbad Master Drainage Plan, permitted new development shall also comply with the following requirements:</p> <p>a. Grading activity shall be prohibited during the rainy season: from October 1st to April 1st of each year.</p> <p>b. All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.</p> <p>c. The October 1st grading season deadline may be extended with the approval of the City Engineer subject to implementation by October 1st of special erosion control measures designed to prohibit discharge of sediments off-site during and after the grading operation. Extensions beyond November 15th may be allowed in areas of very low risk of impact to sensitive coastal resources and may be approved either as part of the original coastal development permit or as an amendment to an existing coastal development permit.</p> <p>d. If any of the responsible resource agencies prohibit grading operations during the summer grading period in order to protect endangered or rare species or sensitive environmental resources, then grading activities may be allowed during the winter by a coastal development permit or permit amendment, provided that appropriate best</p>	<p>The Specific Plan would include implementation of this LUP policy.</p>

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management practices (BMPs) are incorporated to limit potential adverse impacts from winter grading activities.	
<i>4. GEOLOGIC HAZARDS</i>	
<p>Policy 4.1</p> <p>a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), Master Drainage Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the Master Drainage Plan (1994) are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.</p> <p>b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.</p> <p>c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants off site and into a municipal separate storm sewer system (MS4) shall be utilized.</p> <p>d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.</p> <p>e. Development projects should be designed to comply with the following site design principles:</p> <ol style="list-style-type: none"> 1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff. 	<p>The Specific Plan would include implementation of this LUP policy.</p>

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<p>2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.</p> <p>3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.</p> <p>4. Provide development-free buffer zones for natural water bodies.</p> <p>5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.</p> <p>6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.</p> <p>7. Properly design outdoor material storage areas (including the use of roof or awning covers) to minimize the opportunity for toxic compounds, oil and grease, heavy metals, nutrients, suspended solids and other pollutants from entering the storm water conveyance system.</p> <p>8. Incorporate roof or awning covers over trash storage areas to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system.</p> <p>9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.</p> <p>10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.</p> <p>f. Priority projects identified in the SUSMP will incorporate structural BMP's and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.</p> <p>g. Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice (BMP) Handbook, dated January 2003 or the current version of that publication, and designed to meet, infiltrate, filter or treat the runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.</p> <p>h. Priority projects will include projects increasing impervious area by more than</p>	

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<p>2,500 square feet or by more than 10% of existing impervious area, that are in, adjacent to or drain directly to Environmentally Sensitive Areas (ESA), identified in the City of Carlsbad Standard Urban Storm Water Mitigation Plan (SUSMP) dated April 2003, using the definition of “adjacent to” and “draining directly to” that are found in the SUSMP.</p> <ul style="list-style-type: none"> i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMP”s for the life of the project. j. The City will encourage and support public outreach and education regarding the potential water quality impacts of development. k. Development shall minimize land disturbance activities during construction (e.g., clearing, grading and cut-and-fill), especially in erosive areas (including steep slopes, unstable areas and erosive soils), to minimize impacts on water quality of excessive erosion and sedimentation. Development shall incorporate soil stabilization BMP”s on disturbed areas as soon as feasible. l. Projects within 200 feet of the Pacific Ocean shall be dealt with as “Projects Discharging to Receiving Water within Environmentally Sensitive Areas” as defined in Appendix I of the SUSMP, including being treated as a priority project if they create more than 2,500 square feet of impermeable surface or increase the impermeable surface on the property by more than 10%. m. Although residential developments of less than 10 units, including single family residences, are generally exempt from the SUSMP priority project requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet, or discharging directly to an ESA, including the Pacific Ocean or shall provide a written report signed by a licensed civil engineer showing that as the project is designed they are mitigating polluted runoff, including dry weather nuisance flows, to the maximum extent practicable. n. Detached residential homes shall be required to use efficient irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluffs or rocky intertidal areas. o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment: <ul style="list-style-type: none"> 1. Addition of new Best Management Practices (BMP”s) found to be more 	

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<p>protective of water quality than current BMP"s or removal of BMP"s found to be ineffective. (This does not include removal of BMP"s or categories of BMP"s on the basis that the City finds them to be infeasible or impractical).</p> <ol style="list-style-type: none"> 2. Addition of new development categories as Priority Projects. 3. Addition of new coastal waters to the map of Environmentally Sensitive Areas. 4. Reductions in the area of impervious surfaces used to designate a specific category of Priority Project. <p>p. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.</p>	
<p>Policy 4.2 Additionally, grading permits in the plan area shall include the following mitigation measures:</p> <ul style="list-style-type: none"> • Avoidance of clearing operations in advance of grading; • Limit grading to the minimum area necessary to accomplish the proposed development; • Construction of drainage facilities prior to or concurrently with grading activities; • Grading of surfaces so as to direct runoff toward planned drainages and, if possible, away from cut and fill slopes; • Early planting and maintenance of ground cover suitable for slope erosion control and maximum retention of natural vegetation; • Development projects shall preserve, as feasible, natural drainage swales and landforms. 	<p>The Specific Plan would include implementation of these BMPs.</p>

APPENDIX Q (Continued)

California Coastal Act and Agua Hedionda Land Use Plan Consistency Analysis for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail

California Coastal Act or Agua Hedionda Land Use Plan Policy	Specific Plan Consistency
<p>Policy 4.3 Development projects shall provide for improvements indicated in the Master Drainage Plan, and shall limit the rate of runoff through the provision of on-site catchment basins, desilting basins, subsurface drains, and similar improvements as necessary. Runoff shall be controlled in such a way that the velocity and rate of runoff leaving the site shall not exceed that of the site in its natural state.</p>	<p>The Specific Plan would include implementation of this BMP.</p>
<p>Policy 4.4 Recognizing the unique environmental features of the lagoon and its environs and the sensitivity of the area to soil erodibility and sedimentation, development shall be regulated as follows:</p> <ol style="list-style-type: none"> a. Development on existing subdivided lots having all of their area in slopes of 25% or greater shall be permitted, but grading shall be limited to minimal site preparation for pole-type footings. Driveway/parking areas shall be limited in size and shall be restricted to an area adjacent to the local streets. On-site vegetation shall not be disturbed beyond the minimal area needed to be cleared for the construction process, which shall be clearly delineated on approved site plans. b. Development, grading and landform alteration of natural steep slope areas (25%) shall be avoided, when feasible. Any unavoidable disturbance shall be minimized to the extent possible. Exceptions may include encroachments by roadway and utilities necessary to reach flatter developable areas, when there is no feasible less environmentally damaging alternative. The maximum allowable density shall be calculated on the total lot area, although this may be modified through setbacks, plan review, or other requirements of this plan and applicable City regulations. c. Use of the Planned Development (PD) mechanism and cluster development shall be required in areas containing environmentally sensitive resources, extensive steep slope areas and significant natural landform features. 	<p>The Specific Plan would include implementation of this LUP policy. No new buildings would be located on slopes exceeding 25%. The proposed Visitor-Serving Commercial uses are entirely located on flat areas with slopes significantly less than 25%. All proposed Exclusive Agricultural Open Space lands are also located on slopes less than 25%.</p>
5. PUBLIC WORKS	
<p>Policy 5.1 All new utility systems shall be placed underground as feasible and commonly practiced.</p>	<p>All utility systems will be placed underground as part of the Specific Plan.</p>
<p>Policy 5.2 Parking standards set forth in the Carlsbad Zoning Ordinance, shall be applied to future developments.</p>	<p>A detailed parking analysis shall be submitted as part of any coastal development application submitted for development of the site.</p>

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California Coastal Act and Agua Hedionda Land Use Plan Consistency Analysis for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail

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<p>Policy 5.3 Parking shall be discouraged on arterial and collector streets.</p>	<p>Adequate parking for proposed uses would be provided on site, including an aboveground parking structure and two surface parking lots.</p>
<p>Policy 5.9 Public works improvements shall be provided as follows:</p> <ul style="list-style-type: none"> a) Development shall occur in an orderly fashion, with infill properties in the urbanized area (Exhibit H) receiving priority over urban fringe or outlying properties. b) Properties having the greatest availability and proximity to urban services shall be given priority for development. c) Dedication of easements and provisions for funding all public improvements required by this plan and other City plans and ordinances, shall be a requirement for new development. Improvements shall include utility extensions, roadways, bicycle and pedestrian access designated viewpoints, and any other public improvements necessary to accommodate the proposed development. Public access trails to and along the lagoon shall be provided consistent with the Pedestrian Access Plan (Exhibit J) where feasible, in consultation with the Department of Fish and Game. Public access, and parking on interior streets shall be required as a condition of coastal development approval at the subdivision stage either through a public street system, public access easements or deed restriction. No private gated communities which preclude the general public from parking and accessing public trails along the lagoon shall be permitted. 	<p>The proposed Visitor-Serving Commercial portions of the Specific Plan area would be adjacent to both regional and local transportation corridors as well as already developed areas.</p> <p>The portion of the Specific Plan area proposed for Visitor-Serving Commercial land uses would have water, sewer, and other utilities available immediately adjacent to the site.</p> <p>An integrated trail system would be provided throughout the Specific Plan area and would include an east-west trail along the lagoon shoreline, a boardwalk at the northern portion of the site between proposed Visitor-Serving Commercial area and the lagoon, and a landscaped walkway that connects public open space areas with the proposed Visitor-Serving Commercial uses. In addition, proposed circulation elements (including driveway, public parking, trails, sidewalks, bike routes, bus stops, trails) under the Specific Plan would further enhance connectivity within the area and enhance public access to Agua Hedionda Lagoon.</p>
<p>Policy 5.10 Water Quality All new development, substantial rehabilitation, redevelopment or related activity, shall be designed and conducted in compliance with all applicable local ordinances including Chapter 15.12 of the Carlsbad Municipal Code Stormwater Management and Discharge Control Ordinance, the Standard Specifications for Public Works Construction when performing public work, and applicable provisions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity issued by the State Water Resources Control Board (State Board Order No. 92-08-DWQ), and any subsequent amendments, and the San Diego NPDES Municipal Storm Water Permit issued to San Diego County and Cities by the California Regional Water Quality Control Board</p>	<p>The Specific Plan would include implementation of the BMPs contained in this LUP policy.</p>

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California Coastal Act and Agua Hedionda Land Use Plan Consistency Analysis for the Agua Hedionda South Shore Specific Plan for 85% Open Space and 15% Retail

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<p>(Regional Board Order No. 90-42) and any amendment, revision or re-issuance thereof.</p> <p>In addition the following shall apply:</p> <p>New development and significant redevelopment of private and publicly owned properties, must incorporate design elements and/or Best Management Practices (BMPs) which will effectively prevent runoff contamination, and minimize runoff volume from the site in the developed condition, to the greatest extent feasible. At a minimum, the following specific requirements shall be applied to development of type and/or intensity listed below:</p> <p>Parking Lots</p> <p>Development plans for, or which include parking lots greater than 5,000 sq. ft. in size and/or with 25 or more parking spaces, susceptible to stormwater, shall:</p> <ol style="list-style-type: none"> a. Incorporate BMPs effective at removing or mitigating potential pollutants of concern such as oil, grease, hydrocarbons, heavy metals, and particulates from stormwater leaving the developed site, prior to such runoff entering the stormwater conveyance system, or any receiving water body. Options to meet this requirement include the use of vegetative filter strips or other media filter devices, clarifiers, grassy swales or berms, vacuum devices or a combination thereof. Selected BMPs shall be designed to collectively infiltrate, filter or treat the volume of runoff produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. BMPs shall be engineered and constructed in accordance with the guidance and specifications provided in the California Stormwater Best Management Practices Handbooks (Commercial and Industrial). <p>All Development</p> <ol style="list-style-type: none"> a. A public education program designed to raise the level of awareness of water quality issues around the lagoon including such elements as catch basin stenciling and public awareness signs; 	

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<p>b. A landscape management plan that includes herbicide/pesticide management.</p> <p>Such measures shall be incorporated into project design through a water quality/urban runoff control plan and monitoring program to ensure the discharge from all proposed outlets is consistent with local and regional standards. Such measures shall be required as a condition of coastal development permit approval at the subdivision and/or development stage, as appropriate.</p>	
6. RECREATION	
<p>Policy 6.3 The SDG&E agricultural conversion property adjacent to the I-5 freeway, shall be designated Travel Services. This will allow for 45 acres of additional visitor-serving commercial uses.</p>	<p>The Specific Plan provides for 26.7 acres of Visitor-Serving Commercial uses, including high-end retail, restaurants, and entertainment venues in the area designated for Travel Services. The remainder of the western portion of the Specific Plan area will remain in active agricultural production and will include associated uses such as a farm-to-table restaurant and herb and produce garden.</p>
<p>Policy 6.7 The present recreational uses of the lagoon shall be maintained and where feasible, expanded.</p>	<p>Under the Specific Plan, areas of the lagoon that are currently inaccessible to the public would become accessible through implementation of an integrated trail system and passive recreational amenities.</p>
7. SHORELINE ACCESS	
<p>Policy 7.1 Bicycle routes, and accessory facilities such as bike racks, benches, trash containers and drinking fountains shall be installed at the locations indicated on Exhibit I.</p>	<p>Bicycle routes and accessory facilities would be provided on the Specific Plan site. In addition, the I-5 expansion area on the Specific Plan property includes provisions for a regional bikeway through the site. Bicycle storage and enhancements to the bicycle network on a shared use path along the project frontage are being considered by the Specific Plan applicant. Final transportation demand management measures will be included in any coastal development permit application for development of the site.</p>
<p>Policy 7.2 Pedestrian access ways shall be located as shown on Exhibit J.</p>	<p>An integrated trail system would be provided throughout the Specific Plan area and would include an east-west trail along the lagoon shoreline, a boardwalk at the northern portion of the site between proposed Visitor-Serving Commercial uses and the lagoon, and a landscaped walkway that connects public parks with the proposed retail uses.</p>
<p>Policy 7.3 All pedestrian trails shall be constructed to a minimum width of 5 feet. Combination bicycle/pedestrian trail shall be a minimum 10 feet wide.</p>	<p>Pedestrian hiking trails shall be a minimum of 5 feet in width. All trails and walkways on site will conform to the standards outlined in Policies 7.3 and 7.4 as relevant.</p>

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<p>Policy 7.4 Vertical pedestrian access easements shall be a minimum 10 feet in width. Combination bicycle/pedestrian easements and lateral easements shall be a minimum 25 feet in width.</p>	
<p>Policy 7.5 (Agua Hedionda LUP; Chapter III, Land Use Plan; Page 54) Bike route and pedestrian improvements shall be financed according to the following criteria:</p> <ul style="list-style-type: none"> (1) Routes through established neighborhoods such as Carlsbad Boulevard and Tamarack Avenue shall be financed with City, State or Federal funds. (2) Routes adjacent to undeveloped properties shall be constructed at the expense of the developer at the time of development, or may be constructed by the City, subject to the availability of funding. 	<p>Under the Specific Plan, all bike routes and pedestrian improvements would be constructed at the expense of the Specific Plan Proponent at the time of construction.</p>
<p>Policy 7.8 Design of Access Easements, Buffer Areas, and Adjacent Development All access ways should be designed to enhance recreational use, and should include adequate open spaces for light and air, adequate signing, inviting design, and provision of adequate buffer areas and buffer landscaping to minimize conflicts with adjacent private property. All lateral public access easements shall be at least 25 feet in width landward of the mean high tide line, unless infeasible due to extreme topographic limitation. The portion of the easement which is actually developed for access purposes may be less than the complete 25-foot width, provided that the developed area is sufficient to reasonably accommodate anticipated access demand. To meet these objectives, the following design criteria shall apply to all structures proposed to be located within 100 feet of any access easement or other public recreational use area:</p> <ul style="list-style-type: none"> a) All portions of such structures shall be set back from the point nearest any public use area a distance equivalent to twice the height of the structure above finished grade; and b) New development shall provide landscaping adequate to minimize visual intrusion upon public use areas. 	<p>Public access to passive recreational uses adjacent to the lagoon and in the northern and eastern portion of the Specific Plan would be provided throughout the Specific Plan area. Sections 3.5 and 4.0 of the Specific Plan include specific sign guidelines to ensure clear identification through a uniform signage program. Public access to the lagoon and open space areas on site will be clearly marked by appropriate signage.</p>
<p>Policy 7.9 Access Signing All public use areas shall be clearly identified through a uniform signing program, to be</p>	

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<p>carried out by the City of Carlsbad or as a condition of individual private developments. Signs or other devices on public or private property which might deter use of public access areas shall be prohibited within the Agua Hedionda Plan area.</p>	
<p>Policy 7.12 Public transit availability shall be provided as follows:</p> <ul style="list-style-type: none"> a) As land within the Specific Plan area develops, the North County Transit Company bus system should be expanded to provide optimum levels of service. b) Future street systems within the Specific Plan area shall be constructed in a manner which can accommodate the public bus system. c) Accessory facilities, such as bus turnouts, shelter and benches shall be provided at key locations along the existing and future bus routes. 	<p>Relevant transit authorities would be consulted in order to extend public bus service to the site and to provide on-site stops and amenities, as well as a stop or stops on Cannon Road, where feasible.</p>
8. VISUAL RESOURCES	
<p>Policy 8.2</p> <p>Special vista points and viewing areas shall be preserved, and made available to the public, as indicated on Exhibit K.</p>	<p>See discussion in Section 30251 concerning designated vista points and roads.</p>
<p>Policy 8.3</p> <p>Development located adjacent to scenic roadways, or located between the road and shoreline, shall be regulated as follows:</p> <ul style="list-style-type: none"> d) Any development proposed to be located on or near a significant landform (e.g., Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variation of roof lines to complement the topography. 	

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<p>Policy 8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.</p>	<p>The Specific Plan would create a new Agua Hedionda zoning district in the Carlsbad Municipal Code for the subject properties. The subject properties will therefore not be subject to any provision of the Carlsbad Municipal Code that purports to regulate or guide land use development except those provisions contained in the Specific Plan. However, the Specific Plan is consistent with the general findings required in the Carlsbad Scenic Preservation Overlay Zone, including findings that the Specific Plan will not adversely affect the scenic or cultural qualities of the properties, will not impact unique topographical features, will maintain scenic views, and will preserve open space areas, as discussed in detail previously.</p>
<p>Policy 8.5 Archaeological sites in the plan area shall be preserved or excavated as provided in Attachment 2.</p>	<p>An archaeological report has been prepared for the Specific Plan. Based on the archaeological report, no impacts to archaeological resources are being proposed as a result of the Specific Plan. However, construction monitoring shall ensure protection of as-yet-undetected archaeological deposits.</p>
<p>Policy 8.6 The regulation of signs shall be in accordance with the Carlsbad Zoning Ordinance. Additionally, no freestanding, roof or pole signs shall be permitted. Commercial uses shall provide wall or monument signs.</p>	<p>See Section 30251 above. Section 3 of the Specific Plan outlines the signs allowed in each area of the Specific Plan and signs not allowed. These guidelines are similar to those allowed in the Carlsbad Zoning Ordinance. Freestanding entry and monument signs would be allowed in the Visitors-Serving Commercial area that would not exceed 8 feet in height and would not substantially affect visual resources in the area.</p>