CITY OF CARLSBAD

LOCAL COASTAL PROGRAM 1996

Amended 2000, 2002, 2003, 2006 and 2010

CITY OF CARLSBAD LOCAL COASTAL PROGRAM

Recommended for Approval by Planning Commission, June 5, 1996
Resolutions No. 3922 and 3924
Approved by City Council, July 16, 1996
Ordinances No. NS 364 and NS 365
Effective Certification by Coastal Commission, October 9, 1996

***

Kelly Ranch LCP Amendment (Mello II)
Recommended for Approval by Planning Commission, April 7, 1999
Resolution No. 4494
Approved by City Council, May 18, 1999
Ordinance No. NS-483
Approved by Coastal Commission, July 11, 2000

***

Smith Walsh LCP Amendment (Mello I)
Recommended for Approval by Planning Commission, September 18, 2002
Resolution No. 5274
Approved by City Council, January 14, 2003
Ordinance No. NS-654
Approved by Coastal Commission, June 11, 2003

***

Habitat Management Plan (Mello I, Mello II, Agua Hedionda)
Recommended for Approval by Planning Commission, January 22, 2003
Resolution No. 5361
Approved by City Council, June 17, 2003
Resolution No. 2003-154
Approved by Coastal Commission, August, 8, 2003

***

Agriculture Mitigation Fee Program
Recommended for Approval by Planning Commission, March, 17, 004
Resolution No. 5585
Approved by City Council, July 13, 2004
Resolution No. 2004-227
Approved by Coastal Commission, January 13, 2005

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NPDES Stormwater Update
Approved by City Council, May 16, 2006
Resolution No. 2006-130
Approved by Coastal Commission, August 14, 2006

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Drainage Master Plan Update – LCPA 07-06
Approved by City Council, August 5, 2008
Resolution No. 2008-229
Approved by Coastal Commission, March 10, 2010

TABLE OF CONTENTS
Land Use

Chapter Page

I. Introduction 1
- A. The Coastal Act 1
- B. The Local Coastal Program 1
- C. Public Participation 3
- D. History 3

II. Segment 6

II-1. Mello I Segment 6
- A. Land Use Policies 6
  - 1. Standard Pacific 6
  - 2. Occidental Land Inc. 9
  - 3. Rancho La Costa (Hunt Properties) 13
  - 4. Findings 25

II-2. Mello II Segment 35
- A. Background 35
- B. Land Use Policies 35
  - 1. Land Use Plan 35
  - 2. Agriculture 36
  - 3. Environmentally Sensitive Habitat 51
  - 4. Geologic, Floodplain and Shoreline Hazard Areas 71
  - 5. Public Works and Public Services Capacities 89
  - 6. Recreation and Visitor - Serving Uses 89
  - 7. Shoreline Access 91
  - 8. Scenic and Visual Resources, Historic Resources 94

II-3. West Batiquitos Lagoon / Sammis Properties Segment 102
- Background 102
- A. Land Use Categories 102
- B. Agricultural Lands 108

C. Grading and Erosion Control 109
D. Landscaping 112
E. Environmentally Sensitive Habitat....113
F. Public Access 113
G. Archeology....114
H. State Lands Commission Review....114
I. Master Plan Approval....114

II-4. East Batiquitos Lagoon / Hunt Properties Segment....118
A. Background 118
B. Land Use Policies....118
1. Land Use Categories 118
2. Agriculture / Planned Development....120
3. Environmentally Sensitive Habitat....120
4. Grading and Erosion Control 121
5. Landscaping 126
6. Scenic and Visual Qualities....126
7. Public Access 127
8. State Lands Commission Review....128

II-5. Agua Hedionda Lagoon Segment (NOT USED)
(AGUA HEDIONDA LAGOON SEGMENT NOT USED - AREA DEFERRED CERTIFICATION)

III. Implementation....130

NOTE: This document includes amended language and suggested modifications for:

- ***LCPA 97-09 (Kelly Ranch)***
- ***LCPA 90-08(B) (Smith-Walsh)***
- ***LCPA 02-10 (HMP)***
- ***LCPA 01-15(A) (NPDES Updates)***

Exhibit List

Chapter/Exhibit Page

I Introduction

I-1 Exhibit LCP Segment Boundaries 5

II-1 Mello I

II-1 Exhibit 3.3 Map X, Non-Prime Agricultural Land 33

II-1 Exhibit 4.2 Soil Classifications 34

II-2 Mello II

II-2 Updated Map X (*Not in Use*) 96

II-2 Map Y Urban Land Uses 97

II-2 Exhibit 4.3 Agricultural Lands 98

II-2 Exhibit 4.5 Lots Bordering Buena Vista Lagoon 99

II-2 Exhibit 4.9 Encina Fishing Area 100

II-2 Exhibit 4.10 Access Points 101

II-3 West Batiquitos Lagoon/Sammis Properties

II-3 Map A Poinsettia Shores Master Plan 115

II-3 Map B LCP Amendment Boundary 116

II-3 Map C 117

II-4 East Batiquitos Lagoon/Hunt Properties

II-4 Exhibit - Planning Sub-Area Map 129

II-5 Agua Hedionda Lagoon Segment Area
(NOT USED - AREA OF DEFERRED CERTIFICATION)

I. Introduction

A. The Coastal Act

The Coastal Act of 1976 permanently established (January 1, 1977) the California Coastal Commission and replaced Proposition 20, an initiative passed in 1972. The Coastal Commission was initially established by the Proposition 20 initiative as an interim agency to prepare planning documents within a four year period. By passing the Coastal Act of 1976 the State Legislature created the mandate for preparation of Local Coastal Programs (LCP) and established the following goals:

1. Protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and man-made resources.

2. Assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the State.

3. Maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

4. Assure priority for coastal-dependent development over other development on the coast.

5. Encourage State and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the Coastal Zone.

The Act provides Coastal Resource Planning and Management Policies in Chapter 3 which serve as the basis for Local Coastal Program preparation. The Legislature also pointed out that conflicts in policy may be found in the Act and made the following clarification:

> "The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources. In this context, the Legislature declares that the broader policies which, for example, serve to concentrate development in close proximity to urban and employment centers may be more protective, overall, than specific wildlife habitat and other similar resource policies."

B. The Local Coastal Program

The Coastal Act requires that its policies and provisions be implemented through preparation of a Local Coastal Program (LCP). Local Coastal Program is defined as the following:

> "... a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources area, other implementing actions, which when taken together, meet the requirements of, and implement the provisions and policies of, this division at the local level."

Section 30500 of the Act states:

> "Each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction ..."
>
> "The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the commission and with full public participation."

Chapter 6, Article 2 of the Coastal Act sets forth "Procedure for Preparation, Approval and Certification of Local Coastal Programs." All LCPs must be prepared, reviewed and certified pursuant to this section. On certification of the LCP by the Commission, the local government will resume full permit authority in the Coastal Zone.

The Commission will continue to exercise permit authority in State tidelands. Appeals and LCP amendments will also be heard by the Commission. Development appeals are limited to the following:

1. Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.

2. Developments approved by the local government not included within paragraph 1. located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, stream, or within 300 feet of the top of the seaward face of any coastal bluff.

3. Developments approved by the local government not included within paragraph 1. or 2. located in a sensitive coastal resource area if the allegation on appeal is that the development is not in conformity with the implementing actions of the certified local coastal program.

4. Any development approved by a coastal community that is not designated as the principle permitted use under zoning ordinance or zoning district map.

5. Any development which constitutes a major public works project or a major energy facility.

The Commission pursuant to Section 30519.5 of the Act is also required to review periodically the implementation of the Coastal Act through local government administration of the certified LCP. The section states review shall take place "from time to time, but at least once every five years."

C. Public Participation

Carlsbad began "coastal planning" in the mid-1970's by undertaking land use studies with the Coastal Commission for the Agua Hedionda Lagoon. The City and Coastal Commission agreed to conduct a "pilot project" for coastal planning for the Agua Hedionda Lagoon area in 1976, prior to the adoption of The Coastal Act of 1976 by the State Legislature. Although the Agua Hedionda pilot project was complete before the "new" Coastal Act went into effect on January 1, 1977, it was agreed that submittal of the plan should take place after this date to allow the plan to be processed as the first Local Coastal Program. During plan preparation, 19 public hearings took place, and an additional nine were conducted during Coastal Commission processing. Carlsbad began city-wide LCP preparation in May of 1977.

A series of events took place during the effort to complete the Agua Hedionda "segment" and preparation of the remaining LCP (see History section, Page 3) which led to numerous additional LCP segments being created. In addition, a consulting firm (PRC Toups) was hired by the Coastal Commission to prepare LCP documents. During this period numerous public hearing were conducted by the City and consultant regarding various segments of the Carlsbad LCP. Because much of the LCP preparation was controversial, there was extensive press coverage, and variety of workshops relating to overall effort, as well as, segmentation.

In 1985, the Coastal Commission staff report on a major amendment for the Mello I and II segments (see History section, Page 3) stated the following:

> "While the Carlsbad Mello I and II segments are unique in that they were prepared and approved by the Coastal Commission, they nevertheless involved detailed public participation at the local level. This participation included four public workshops held at the Carlsbad City Chambers by the consultant (PRC Toups), and two hearings by the San Diego Coast Regional Commission.
>
> "Additionally, the State Coastal Commission held two public workshops and hearings on each LCP segment. These workshops and hearings occurred over a two year period from 1980 to 1981."

D. History

The City of Carlsbad Local Coastal Program consists of five geographic segments: the Agua Hedionda Lagoon LCP segment comprised of (all acreage figures are approximate) 1,100 acres; the Carlsbad Mello I segment with 2,000 acres; the Carlsbad Mello II segment with 5,300 acres; the West Batiquitos Lagoon/Sammis Properties segment with 200 acres; the East Batiquitos Lagoon/Hunt Properties segment with 1,000 acres. However, since the City assumed permit authority for the Village Area Redevelopment segment in December of 1988 it will not be included in this document. See Exhibit I-1, on page 5, for segment locations.

Pursuant to the Public Resources Code Sections 30170 and 30171, the Coastal Commission was required to prepare and approve an LCP for identified portions of the City. This resulted in the two LCP segments known as the Mello I and Mello II segments (State legislator Henry Mello sponsored the legislation which created sections 30170 and 30171). The Mello I and II LCPs were approved by the Coastal Commission in September 1980 and June 1981, respectively. The Agua Hedionda land use plan was prepared by the City and approved by the Coastal Commission on July 1, 1982.

Preparation of the Mello I, Mello II and Agua Hedionda segments resulted in a number of issues and conflicts between the City and Commission over the years. These segments cover a good portion of the city's coastal zone and contain substantial amounts of undeveloped property. Among those issues which surfaced in the preparation of the LCPs were preservation of agricultural lands, protection of steep sloping hillsides and erosion control. The City found the policies of the certified Mello I and II segments regarding preservation of agriculture and steep sloping hillsides to be unacceptable. Following the certification of Mello I and II, the City pursued negotiations with the Commission through a City Council-formed special committee comprised of Commission staff and City officials to resolve issues. In September of 1984 the Governor signed Assembly Bill 3744 (effective January 1, 1985) which eliminated provisions for an "agricultural subsidy program" in Carlsbad's coastal zone.

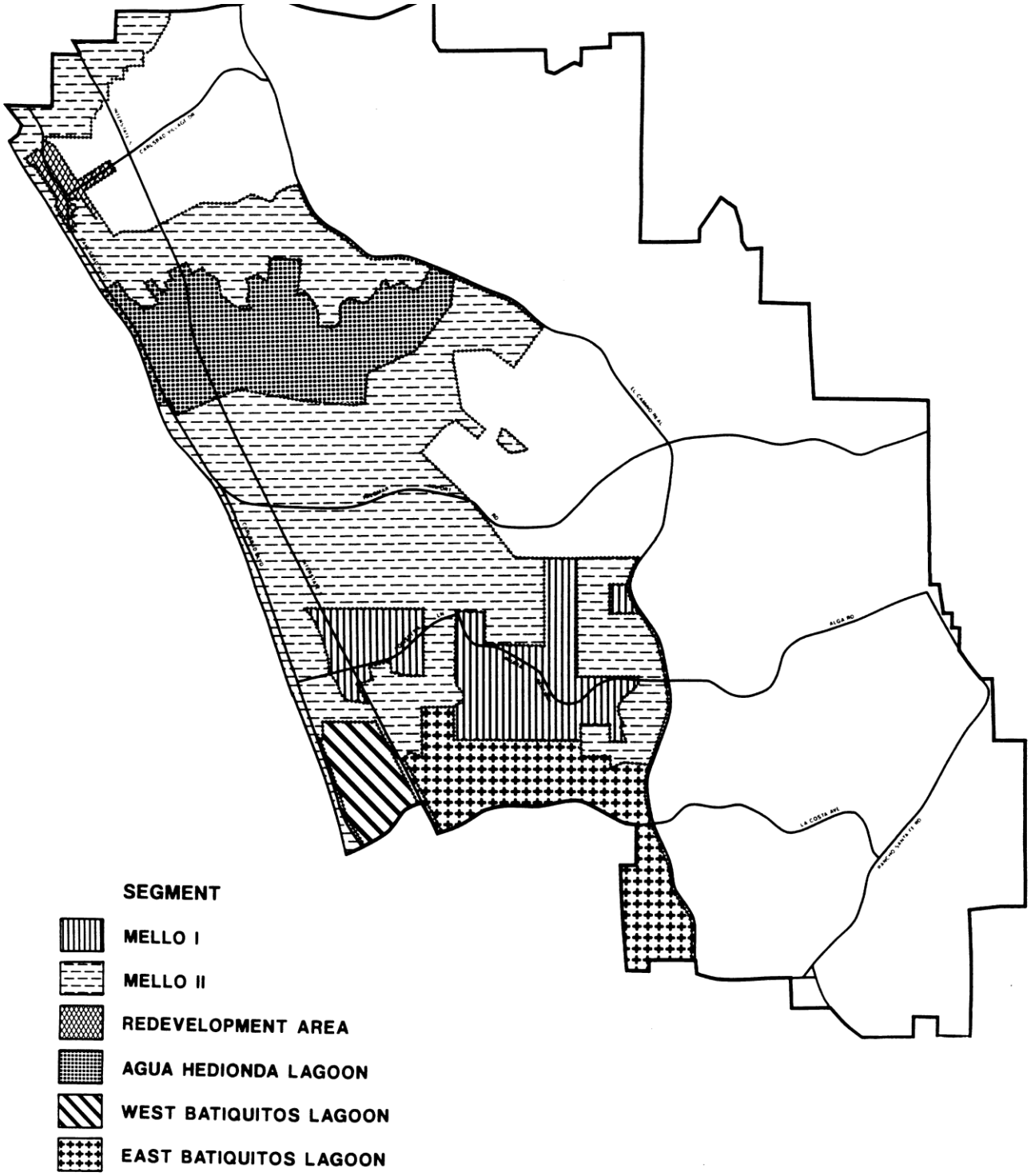
In the summer of 1985, the City submitted two amendment requests to the Commission and, in October 1985, the Commission certified amendments 1-85 and 2-85 to the Mello I and II segments. These major amendments to the LCP involved changes to the agricultural preservation, steep slope and housing protection policies of the Mello I and II segments. After certification of these amendments, the City adopted the Mello I and II LCP segments and began the process of preparing documents for "effective" certification of the entire LCP.

The West Batiquitos Lagoon/Sammis Properties segment was certified in 1985 along with a coastal development permit for a project comprising the majority of the uplands within that segment. The master plan (Batiquitos Lagoon Educational Park) associated with this project served as the LCP implementing ordinances.

The plan area of the Village Area Redevelopment segment was formerly part of the Mello II segment. In August 1984, the Commission approved the segmentation of this 100 acre area from the remainder of the Mello II LCP segment and, at the same time, approved the submitted land use plan for the area. In March of 1988, the Commission approved the Implementation Program for the Village Area Redevelopment segment. The City assumed permit authority for this segment on December 14, 1988.

The East Batiquitos Lagoon/Hunt Properties segment is comprised of a portion of the original Mello I area and an area annexed (1985) to Carlsbad in and around Batiquitos Lagoon. An area of the segment known as Green Valley, south of the lagoon, the lagoon and the immediate north shore were previously part of the County of San Diego LCP (uncertified). All of this property, at the time of LCP preparation, was in one ownership (Hunt) and was the subject of the Pacific Rim master plan covering the lagoon and north shore uplands. The segment was certified by the Commission (land use and master plan as implementing ordinances) in March of 1988.

Exhibit - LCP Segment Boundaries



II. SEGMENT

II-1 Mello I Segment - Land Use Policies

(AB 462) (Now PRC 30170)
Certified 9/80 Amended 10/85

1. STANDARD PACIFIC

Policy 1 - Maximum Density of Development

The Standard Pacific property shall be designated for a medium density residential development with a maximum density of 7 dwelling units per gross acre. The property shall be developed using the City's RD-M (Residential-Multiple Zone) or PC (Planned Community) in effect at the date of certification. An overlay zone shall be established incorporating the Coastal Act requirements. All permitted uses in the underlying zone shall be conditional uses in the overlay zone. Divisions of land and other developments as defined in the Coastal Act shall be in accord with the requirements of the Policies contained herein. Poinsettia Lane shall be extended only as generally shown on the PRC Toups land use map to the eastern boundary of the site. The location of Poinsettia Lane is in no way determined by this Local Coastal Program (LCP), however, this LCP is not intended to preclude access to agricultural areas to the east.

Development of the property may occur only under the provisions of the Pacific Rim Country Club and Resort Master Plan, and shall be subject to the requirement of Policy 2 "Agriculture/Planned Development."

Policy 2 - Buffers

A sturdy fence capable of attenuating noise and dust impacts, generally to be a concrete block wall a minimum of 6 feet in height, shall be provided between residential development and agricultural areas to the north and east. As a partial alternative, utilization of natural topographic separations such as trees, Chaparral, and existing slopes is encouraged, to the extent that such separations can be incorporated into site planning and would accomplish adequate attenuation to noise and dust. Permanent maintenance of this area and any structures, through a homeowners association or other acceptable means, shall be provided as a condition of development.

Policy 3 - Drainage, Erosion Control

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

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

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases to pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1) Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2) To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4) Provide development-free buffer zones for natural water bodies.
5) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6) Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
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.
9) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10) Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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 the 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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs on disturbed areas as soon as feasible.

l. Projects within 200 feet of the Pacific Ocean shall be dealt with as "Project 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 of, 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:

   1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not

include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable).

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. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

Policy 4 - Parking

Parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.

Policy 5 - Environmental Impact Report

Biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.

2. OCCIDENTAL LAND, INC.

Policy 1 - Land Uses

The "Occidental Land, Inc." landowners elected to pay an agriculture conversion fee as required by the Agricultural Subsidy Program established by the Mello II LCP Segment (AB 1971) adopted and certified by the Coastal Commission on June 3, 1981. With the election to pay the agriculture conversion fee, the Agricultural Subsidy Program allowed the "Occidental Land, Inc." properties to be developed in accordance with the land uses described below.

Pursuant to State Legislation in 1984, the Agricultural Subsidy Program was replaced with the Agriculture Conversion Mitigation Fee (Public Resource Code Section 30171.2 and 30171.5) (Mello II Segment Policy 2-1 Option 3).

As per Public Resource Code Section 30171.2, the land use policies established in 1981 by the adoption of the Mello II Segment remained "operative" even thought the Agricultural Subsidy Program was replaced.

The Occidental Land parcels are hereby designated as follows:

(1) The area located east of Interstate 5 and north of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.

(2) The area located east of Interstate 5 and south of Poinsettia Lane shall be designated for residential use at a maximum density of 8 dwelling units per acre.

(3) The area located west of Interstate 5 and south of Poinsettia Lane shall be designated for visitor-serving or neighborhood commercial development according to Chapter 21.26 of the Carlsbad Zoning Ordinance.

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

Policy 2 - Drainage, Erosion Control

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project and shall be installed prior to initial grading. Mitigation shall also require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments thereto between the project site and the lagoon (including the debris basin), revegetation of all graded areas immediately after grading, and a mechanism for permanent maintenance if the City declines to accept responsibility. The offsite drainage improvements shall be reimbursable to Occidental by use of assessment districts, development agreements or other appropriate means acceptable to the City.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases to pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases to peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm water system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

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

2) To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4) Provide development-free buffer zones for natural water bodies.
5) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6) Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
8) Incorporate roof or awning covers over trash storage to prevent off-site transport of trash and other pollutants from entering the storm water conveyance system.
9) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10) Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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:

1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical).
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. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

Policy 3 – Parking

In the event of commercial and/or residential development pursuant to a coastal development permit; parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.

Policy 4 - Environmental Impact Report

In the event of commercial and/or residential development pursuant of a coastal development permit, biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.

3. RANCHO LA COSTA (HUNT PROPERTY)

Policy 1 - Not Used

Policy 2 - Not Used

(1) Development of the property may occur only under the provisions of Master Plan, and shall be subject to the requirements of Policy 2 "Agriculture/Planned Development."

(2) The land uses allowed by the Master Plan shall be compatible with the City of Carlsbad General Plan as amended[1] to provide a combination of residential, commercial (including visitor serving) and open space uses.

(3) Residential density permitted through the Master Plan shall not exceed that allowed by the City of Carlsbad General Plan[2].

(4) All land uses and intensity of use shall be compatible with the protection of sensitive coastal resources.

(5) Land use intensity shall be consistent with that allowed by the Carlsbad Growth Management Ordinance (Chapter 21.90, Carlsbad Municipal Code)[3].

The property shall be developed using the existing planned community zone with the additional requirements contained in the policies herein. All developments as defined by the Coastal Act require a coastal development permit and master plan that is consistent with the Carlsbad General Plan. Conversion of any portion of these non-prime agricultural lands as shown on the PRC Toups maps (See Exhibit 3.3) to urban uses pursuant to the master plan shall be allowed if the following findings are made:

(1a) Conversion would preserve prime agricultural land or concentrate development consistent with Section 30250 of the Public Resources Code; or

(1b) Continued or renewed agriculture is no longer feasible; or

(1c) Payment of an agricultural conversion mitigation fee in an amount not less than $5,000 and not more than $10,000 per net converted acre has been made; and

(2) Conversion would be compatible with continued agricultural use on surrounding lands;

(3) The master plan provides overriding benefits to the resources of Batiquitos Lagoon;

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[1]and adopted as of March 1, 1988.

[2]adopted as of March 1, 1988.

[3]as adopted as of March 1, 1988, except that any increase in the total number of dwelling units proposed in the Master Plan (2836) shall require review and approval of the Coastal Commission through the LCP amendment process.

(4) The master plan provides significant protection and enhancement of environmentally sensitive habitats above and beyond the existing land use control's current requirements.

The amount of agricultural conversion mitigation fee shall be determined by the City Council at the time it considers a development permit for conversion of the property to urban uses and shall reflect the per acre cost of preserving prime agricultural land pursuant to paragraph 1a. The fee shall be deposited in the State Coastal Conservancy Fund and shall be expended in the following order of priority:

(1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon, including but not limited to payment for operation and maintenance of a Lagoon enhancement program.

(2) Development of an interpretive center at Buena Vista Lagoon.

(3) Restoration of beaches managed for public use in the City of Carlsbad.

(4) Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council.

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

Policy 3 - Drainage and Erosion Control

Under the P-C Zone requirements and the development intensities established in Policy 1 -Maximum Density of Development, the development shall conform to the following additional development standards:

Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toups maps. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

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

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

(b) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 10% of the total site area.

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

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

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

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

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

(d) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.

(e) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.

(f) Because north-facing slopes are generally more prone to stability problems and many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(3) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or <u>offsite</u> to prevent siltation of lagoons and other environmentally sensitive areas.

(4) The appropriate measures shall be installed prior to onsite grading.

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

(6) (a) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the

requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, with the additions and changes adopted herein, such that a natural drainage system is generally preserved for the eastern undeveloped watersheds, but that storm drains are allowed for those western portions of the watershed which have already been incrementally developed. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

(b) Prior to making land use decisions, the City shall utilize methods available to estimate increase in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

(c) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

(d) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

(e) Development projects should be designed to comply with the following site design principles:
   1) Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
   2) To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
   3) Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
   4) Provide development-free buffer zones for natural water bodies.
   5) Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
   6) Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
   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.

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.
9) Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10) Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

(f) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

(g) Structural BMPs used to meet SUSMP requirements for priority projects shall be based on the California Stormwater Quality Association (CASWA) 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.

(h) Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

(i) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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 bluff 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:

1) Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible of impractical).
2) Addition of new development categories as Priority Projects.
3) Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4) Reduction in the area of impervious surfaces used to designate a specific category of Priority Project.

(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.

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

(a) Submittal of a runoff control plan designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps and energy dissipators and shall not be concentrated in one area or a few locations.

(b) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities.

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

(d) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins and silt traps, shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said planting shall be accomplished under the supervision of a licensed landscaped architect

and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90 percent coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles.

Policy 4 - Buffer/Open Space

A sturdy fence, generally a minimum of a 6 ft. concrete block wall, shall be provided between residential development and agricultural areas. Natural topographic separations such as trees, Chaparral, and slopes shall be included if those features would be protected by the provisions of Policies 1 through 3. Permanent maintenance through a homeowners association or other acceptable means shall be provided as a condition of development. Roads shall be designed as much as possible to function as buffers between agriculture and residences. The P-C zone requirement of open space can be used in conjunction with this requirement.

Policy 5 - Parking/Siting

Due to severe site constraints, innovative siting and design criteria (including shared use of driveways, clustering, tandem parking, pole construction) shall be incorporated in the master plan to minimize the paved surface area.

Policy 6 - Environmental Impact Report

Biological and cultural resources on the site shall be identified, and any adverse impacts associated with development mitigated, through a site specific environmental impact report (EIR). Proposed mitigation shall be incorporated in the project design.

Policy 7 – 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 Coastal zone.

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.

Section 30240(a) of the Coastal Act establishes a specific mandate for resource preservation. It states, in part, "environmentally 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 or 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.

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.

7-1.1 Habitat Management Plan

The document titled "Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda" (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.

7-1.2 Environmentally Sensitive Habitat Areas (ESHA)

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

7-1.3 Coastal Sage Scrub

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

7-1.4 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 (Quercus agrifolia), 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.

7-1.5 Streams

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

7-1.6 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.

7-1.7 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.

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

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

7-1.8 Wetland Mitigation Requirements

If impacts to a wetland are allowed consistent with Policy 7-1.7, mitigation shall be provided at a ration of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.

7-1.9 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 these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 7-1.2 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.

7-1.10 Upland Habitat Mitigation Requirements

Where impacts to the habitants stated in 7-1.9 are allowed, mitigation shall be provided as follows:

a. The no net loss standard shall be satisfied as stated in 7-1.9. 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. Onsite 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 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.

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.

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.

g. Onsite of 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.

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 preservation as part of the HMP preserve management plan.

i. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies and the Coastal Commission. 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 an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.

j. If any conflict should arise between the Policies of the LCP and the provisions of the HMP, the LCP shall take precedence. If any conflict should arise between the policies of the certified Mello I LUP and the certified Implementation Plan the policies of the certified Mello I LUP shall take precedence.

7-1.11 Highly Constrained Properties

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:

a. If more than 80% of the property by area is covered with ESHA at least 75% of the property shall be conserved, OR

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 onsite preservation as identified in the Hardline boundary shall apply.

7-1.12 Buffers and Fuel Modification Zones

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

a. 100 feet for wetlands

b. 50 feet for riparian areas

c. 20 feet for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland).

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

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

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

a. Fuel modification Zone 3 to a maximum of 20 feet for upland and non-riparian habitat. No fuel modification shall take place within 50 feet of riparian areas, wetlands or oak woodland.

b. Recreation trails and public pathways within the first 15 feet of the buffer closest to the development, provided that construction of the trail or pathway and its proposed use is consistent with the preservation goals for the adjacent habitat and that appropriate measures are taken for physical separation from sensitive areas.

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

7-1.13 Hardline Preserve Boundaries

The purpose of the standards listed above is to ensure that the future development is sited to preserve the maximum amount of ESHA within the coastal zone, and to establish viable habitat corridors and preserve areas. If the City, with the concurrence of the wildlife agencies and the Coastal Commission through an LCP amendment subsequently approves a Hardline preserve boundary for any properties as part of the HMP, then the onsite preservation included in the Hardline preserve boundary shall apply.

7-1.14 Steep Slope Encroachments

The percentage of steep slope encroachment allowed by the drainage and erosion control policies may be modified for development consistent with the habitat protection policies listed above and approved as part of the adopted HMP.

7-1.15 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.

4. FINDINGS

The Commission hereby finds and declares as follows:

(1) Agriculture

The Mello Bill Properties (AB462) LCP contains a number of issues related to preservation of agricultural lands. These issues pertain to suitability of the soils for agricultural use, economic feasibility of agriculture, necessity of buffer areas between agricultural and urban uses, and relationship to the balance of the Carlsbad LCP and a comprehensive city-wide agricultural preservation program. Findings dealing with these issues and supporting the policy recommendations are provided below:

(a) Suitability of the Soils - The Mello Bill Properties contain a variety of soil types. These soil types include Class III and IV soils designated by the Soil Conservation Service of the U.S. Department of Agriculture as suitable for growing truck crops, tomatoes, flowers and other crops. In the case of the Standard Pacific and Rancho La Costa properties, portions of the sites include soils designated as Class VIII with little or no agricultural value (Ref. Figure 1 of the PRC Toups Report for soil designations).

The California Coastal Act of 1976 contains the following provisions related to preservation of agricultural lands:

SEC. 30241

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:

(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.

(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 and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

(c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.

(d) 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.

(e) By assuring that all divisions of prime agriculture lands, except those conversions approved pursuant to sub-division (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

SEC. 30242

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.

(2) Environmentally Sensitive Habitat

The PRC Toups Report identifies the Coastal Sage Scrub and mixed Chaparral found on the steeper slopes of the Rancho La Costa property as having significant habitat resource value.

These areas exhibit a large number and diversity of both plant and animal species, several of which could be threatened because of conversion to urban or agricultural use. The Coastal Plan identifies Batiquitos Lagoon, as a resource of statewide significance and an environmentally sensitive habitat. All of the Standard Pacific and Rancho La Costa properties are located in the Batiquitos Lagoon Watershed. A portion of Occidental is so located. Batiquitos Lagoon is approximately 600 acres and provides habitat for more than 75 species of waterfowl and shore birds, including migratory shore birds which feed in the shallow ponds both west and east of the freeway. Batiquitos Lagoon is given priority protection under Section 30233(c) because it has been identified as a critical coastal wetland by the Department of Fish and Game.

Sections 30230, 30231, 30233, 30236 and 30240 of the Coastal Act are applicable to environmentally sensitive habitat areas. Essentially all these provisions of the Coastal Act are concerned with the preservation and protection of environmentally sensitive habitat areas. Environmentally sensitive habitat areas are defined as "any area in which plant or 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" (Coastal Act, Section 30107.5). Batiquitos Lagoon can be adversely impacted by development in a number of ways. Batiquitos Lagoon is directly affected by such things as erosion of the upland hill areas transporting sediment into the lagoon, and by excessive nutrient loads from agricultural land uses. The steep slopes which contain the coastal mixed Chaparral on the Rancho La Costa site will be degraded or destroyed by extensive grading activity.

To protect Batiquitos Lagoon from increased sedimentation as a result of urbanization, PRC Toups recommended conformance to the draft Carlsbad Master Drainage Plan and restriction of construction on slopes in excess of 25%. The Carlsbad Master Drainage Plan proposes phased incremental construction of underground sewers along all of the drainage courses in the Mello I Bill LCP area. The Master Drainage Plan also proposes a new grading ordinance that provides controls over urban runoff, but does not contain any restrictions upon grading season.

There are two problems with sedimentation that are of special concern to the Commission because of their effects on Batiquitos: increased sedimentation from the urban development process, and increased streambed erosion resulting from paving and storm drains in urbanized areas. Several publications note the dramatic increase in sediment production caused by urbanization, "Effects of Urbanization of Sedimentation and Flood flows in Colma Basin, California" by J. M. Knott USGS notes an increase in sedimentation to 130 times pre-development rates. Increases of 100-fold are also noted in Evaluation and Control of Soil Erosion in Urbanizing Watersheds by Chang-Ning Chen while even more dramatic increases are related in "Control of Sediments Resulting from Highway Construction and Land Development" by the U.S. Environmental Protection Agency, 1971. The Commission has observed these effects throughout San Diego County, and finds that stringent controls over the timing of grading and policies to assure revegetation are necessary to minimize these increases. The policies of the certified LCP provide controls and policies analogous to those required by the Commission in its permit decisions.

The second major problem with sedimentation, and the major long term concern, is increased flood flows due to urbanization. The Commission's own consultant, Karen Prestegard, in "Stream and Lagoon Channels of the Los Penasquitos Watershed, California, with an Evaluation of Possible Effects of Proposed Urbanization," reported that increased urban runoff can cause streambed erosion for periods of 20 to 30 years, and is the major cause of increased sediment deposition in San Diego County. The problems of streambed erosion have been dramatic in San Diego, notably at Crest and Luz Canyons, and also within the watershed of Batiquitos Lagoon in the formation of a canyon along Batiquitos Lane, and in the dramatic increases in deltas at the western and eastern end of the lagoon. The Commission finds that phased construction of storm drains is not sufficient to mitigate the effects of urbanization because unlined portions of drainageways continue to erode at an even more rapid rate after construction upstream. The Commission is also concerned that construction of artificial drainageways avoids the benefits of filtration of urban runoff accomplished through natural drainageways. Within the LCP area, there are two drainageways along the western edge of the property where urbanization has already caused serious erosion problems. Portions of Occidental Land and the entire Standard Pacific site drain into this area. In these two areas, natural drainageways are no longer practical. The PRC Toups Report recommended installation of artificial drains on an incremental basis (project by project). The Commission finds that such a recommendation would exacerbate the erosion and rejects that recommendation. Instead, the Commission has adopted policies that require construction of drainage facilities to resolve existing erosion problems prior to any further development. The policy language provides for use of an assessment district, or any similar method, so that all developers causing the erosion problem would contribute equitably to the solution. The Commission recognizes that this may place an additional burden on the initial developer, but notes that methods such as development agreements are in common use in San Diego County. The Commission also notes that installation of artificial drains are generally more economical than detention of storm water onsite. Finally, the immediate resolution of the existing erosion problem is strongly encouraged by the provision of Section 30231 that "productivity...shall be maintained and, where feasible, restored through controlling runoff.

In the remainder of the LCP (principally the Rancho La Costa site) it is possible and of substantial benefit to the preservation of the lagoon to design a drainage system that maintains existing, natural drainageways. Therefore, LCP policies have been adopted which require controls preventing increased runoff to be included as an integral element of development.

Although the approach outlined in these policies and in these findings relies heavily upon engineered facilities to reduce peak runoff, it must be recognized that there are limits to the effectiveness of such controls. Rancho La Costa is a series of steep canyons draining in a north-south direction into Batiquitos Lagoon. It contains highly erodible soils and is very susceptible to degradation. Further, because of the proximity of this area to the lagoon, and because it takes a period of up to five years for revegetation to reduce sedimentation below the levels of an undisturbed site, land use designations must reflect the limitations of the land. Without such limits on overall development intensity, grading of the site could lead to massive siltation during and after initial grading, regardless of mitigation measures. The Commission cannot agree that the PRC Toups recommendation of an overall density of 0 to 4 units per acre provides for land uses reflecting the limitations of the land. Further, the PRC

Toups recommendation to concentrate development off of slopes in excess of 25% do not articulate a compelling distinction for not restricting development on slopes between 10% and 25%. The information in the background reports indicates that virtually all of the land in this LCP over 10% slope (and some of the land under 10% slope) is identified within the LCP as having moderate to high, or very high erosion hazard by the Soil Conservation Service. Therefore, the Commission finds that it is necessary to provide land use policies that establish land use intensities reflecting the limitations of the natural terrain. The policies, approved in this staff recommendation recognize the relationship of development density to the natural carrying capacity of the land, only as so revised can the Commission find the Land Use Plan consistent with the habitat protection policies of the Coastal Act.

(3) Hazard Areas

The Mello Bill LCP indicates that geographical hazards can be grouped into two basic categories:

(a) Landslides, slope instability, and soil erosion problems.

(b) Seismic hazards.

Section 30253 of the Coastal Act indicates that new development shall "minimize risks to life and property in areas of high geologic, flood, and fire hazard..." and "assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area..."

In the technical background report on hazards, prepared by PRC Toups Corporation, landslide prone areas have been generally identified. None are within the Mello Bill LCP. However, much of the Mello Bill LCP contains properties designated as "accelerated erosion prone areas" which drain into Batiquitos Lagoon. Much of the Mello Bill LCP properties are designated by the U.S. Department of Agriculture Soil Conservation Service as having a high erosion hazard. Because of this, and the fact that Batiquitos Lagoon is an environmentally sensitive habitat area, the Commission finds that the additional erosion control policies are necessary. These policies require that development:

- conform to the draft Carlsbad Master Drainage Plan;
- limit time of year for grading to the dry season;
- control increased runoff;
- maintain drainage and erosion control facilities;
- plant and stabilize graded areas; and
- be concentrated on the flatter portions of the site.

With these policies, the Commission finds the Mello Bill LCP in conformity with Section 30253 of the Coastal Act.

With regards to seismic hazards, the Mello Bill LCP recognizes that there is a "relatively very high earthquake hazard in the study area." However, no proven active faults exist in the study area. The technical background report on hazards prepared by PRC Toups

Corporation recommends that Uniform Building Code be implemented and that geologic/soils investigations be prepared for all subdivisions to mitigate potential seismic risks. The City of Carlsbad currently follows their procedures. The Commission finds that while additional technical search assessing seismic hazards should be encouraged, the implementation of the above procedures are adequate to find the LCP in conformity with Section 30253 of the Coastal Act.

(4) Public Works

As part of the technical background reports prepared by PRC Toups Corporation for the balance of the Carlsbad LCP, an evaluation of sewer, water, and traffic circulation systems in the City of Carlsbad was performed. These issues, which are basically city-wide or regional issues, are more appropriately addressed in the balance of the Carlsbad LCP. The PRC Toups Report contains the following summary statement.

> "In summary, major water, sewer and traffic circulation systems are either available or must be provided across the southern section of Carlsbad to serve urban development to the east. These systems can also serve the Mello Bill properties. The issues, therefore, concern alignment of these needed facilities. Most important of these systems concerns the construction of Poinsettia Lane. This road is needed as a major arterial by 1995. A complete analysis of transportation needs and projections is contained within the Public Works Technical Paper within the Carlsbad LCP."

The Commission finds that the issues of water, sewer, and traffic circulation and the alignment of these facilities are more appropriately addressed in the balance of the Carlsbad LCP. With regards to access, Poinsettia Lane may be extended from its current terminus eastward to the eastern boundary of the Standard Pacific site. In the balance of the Carlsbad LCP, the extension of Poinsettia Lane through coastal zone agricultural areas shall be analyzed. The Commission makes no finding at this time that the road is needed, or may be extended. With this stipulation, the Commission finds the Mello Bill LCP in conformity with Section 30254 of the Coastal Act.

(5) Recreation and Visitor-Serving Facilities

Several Coastal Act policies require consideration of visitor-serving uses. The Mello Bill highlighted public recreation as one of the Chapter 3 policies to be specifically addressed in this LCP. Other applicable policies of the Act include Sections 30212.5, 30213, 30222, 30223 and 302500(c). Of particular interest is 30222 which states:

> "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."

This section of the Act clearly indicates that sites suitable for visitor-serving commercial recreational facilities have priority over private residential, general commercial and industrial uses, but not over agriculture. The Occidental Land, Inc. property located adjacent to I-5 is appropriate for visitor-serving facilities. The need for additional visitor-serving facilities in the Carlsbad area is documented by PRC Toups and its technical background report. If Occidental elects to develop according to a master plan, it is required to provide 35% of the commercial uses as visitor-serving. The Commission finds that such a policy is required to implement Section 30222. The Commission finds that it has protected public recreational opportunities by encouraging visitor-serving uses.

(6) Visual/Land Resources

Sections 30244, 30251 and 30252 of the Coastal Act address the visual resource issues. In response to these Sections of the Coastal Act, PRC Toups recommends several actions, including:

- sign control;
- parking requirements;
- implementation of the Scenic Preservation Overlay Zone of the City of Carlsbad on the Occidental Land, Inc. property;
- preservation of natural vegetation on steep slopes; and
- preservation/mitigation of archaeological resources.

The purpose of these recommendations is to ensure that visual, archaeological and natural resources are protected, preserved or where necessary mitigated prior to construction; and, that new development will not visually degrade the area. This is of particular concern to the Occidental Land, Inc. property, adjacent to I-5 a major coastal access route. Rancho La Costa property, which is in the viewshed of Batiquitos Lagoon is adequately protected by the erosion control standards discussed above. These standards will require development to be sited away from the visible steep slopes.

Additional conditions on sign control will minimize visual obstruction of coastal views associated with unnecessary large signs.

(7) Public Access

Public access pursuant to Sections 30210 through 30214 was not appropriate for two reasons. First, none of the properties are located between the shoreline and the first public road and thus provided no opportunity for direct physical access to the shoreline. Second, the properties covered by this LCP are not contiguous and provide no access to shoreline, and thus access could not have been provided internally within the LCP boundaries or under the express requirements of Section 30212. Therefore, the Commission finds that the requirement of Public Resources Code Section 30500(a) that each land use plan contain a "specific public access component" is not relevant to this LCP.

(8) Alternatives to the Proposed Project

The Commission's regulations and the California Environmental Quality Act Section 21000 et seq. require an analysis of feasible less environmentally damaging alternatives to projects (Section 21002). The three basic alternatives under consideration are (1) the Toups recommendation; (2) the Regional Staff recommendation; and (3) the State staff recommendation. The Commission concludes that its specific findings on agriculture and environmentally sensitive habitat areas contained herein meet the CEQA requirements for analyzing feasible alternative that may be less environmentally damaging. The Commission has required additional drainage measures to mitigate the adverse effects of residential development on Batiquitos Lagoon and has found that such measures are feasible by using development agreements or other measures to distribute the expenses of such measures equitably among property owners.

(9) Effect of Commission Action

The Commission finds that Parts I - IV and VI of the staff recommendation adopted September 18, 1980, the revised policies and findings herein, and the implementing ordinances included as Attachments 1 through 5 and incorporated herein by this reference are the certified LCP and constitute for all purposes of the Coastal Act the certified LCP for the properties included in the Mello Bill. Pursuant to Section 30519 and the Section 00140 of the LCP implementing regulations, the certified LCP is effective on the date of this decision. The actual transfer of coastal development permit issuing authority shall take place upon receipt of a resolution from the Carlsbad City Council indicating that it has adopted the procedural ordinance contained in Attachment 5. Prior to receipt of the resolution indicating that the ordinance is in effect and the City is ready to undertake the permit-issuing responsibilities based on the certified LCP, landowners may apply to the Commission for coastal development permits to be reviewed and issued pursuant to the Land Use Plan policies and the implementing ordinances contained herein.

Exhibit 3.3 - Map X - Non-Prime Agricultural Lands

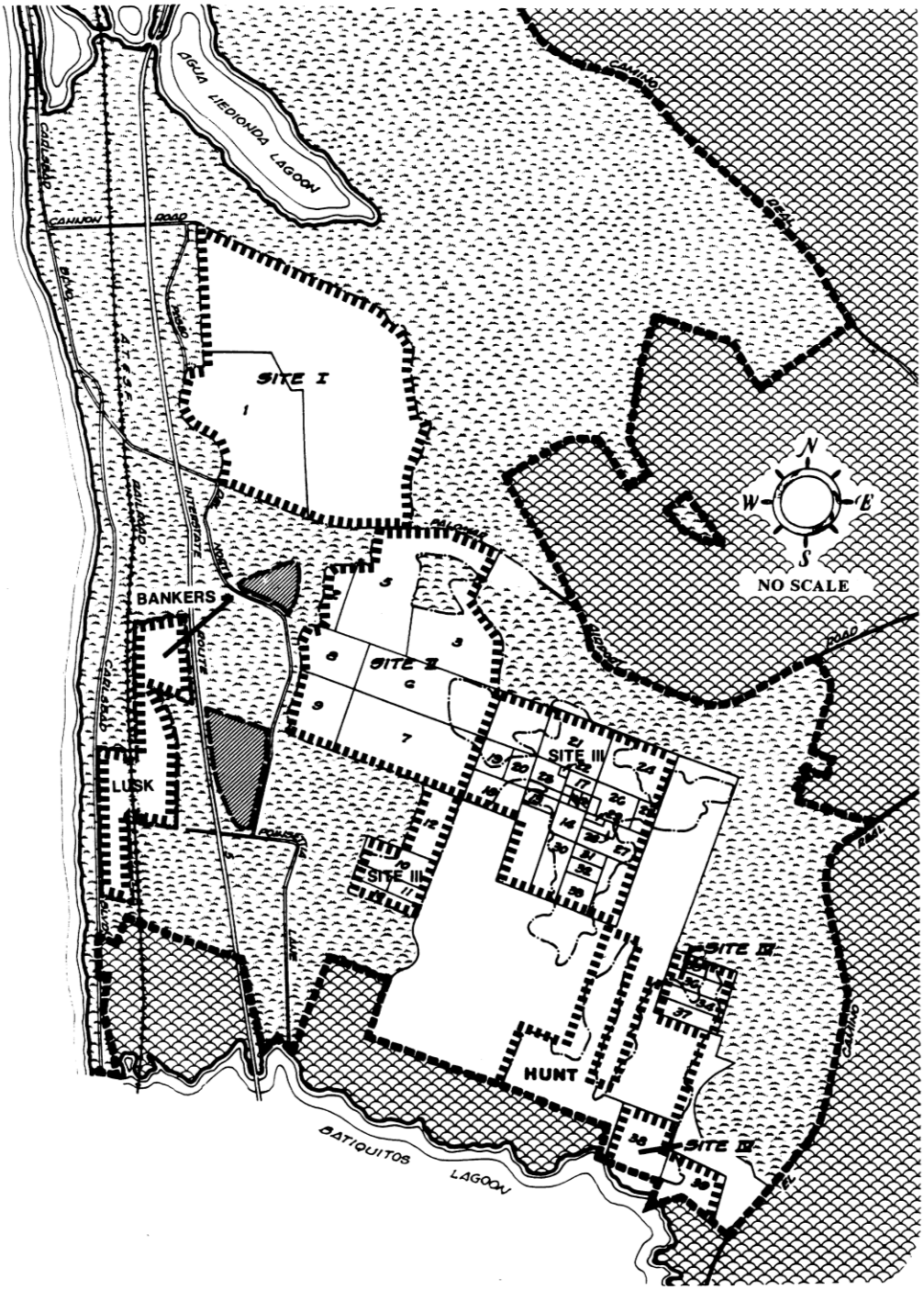
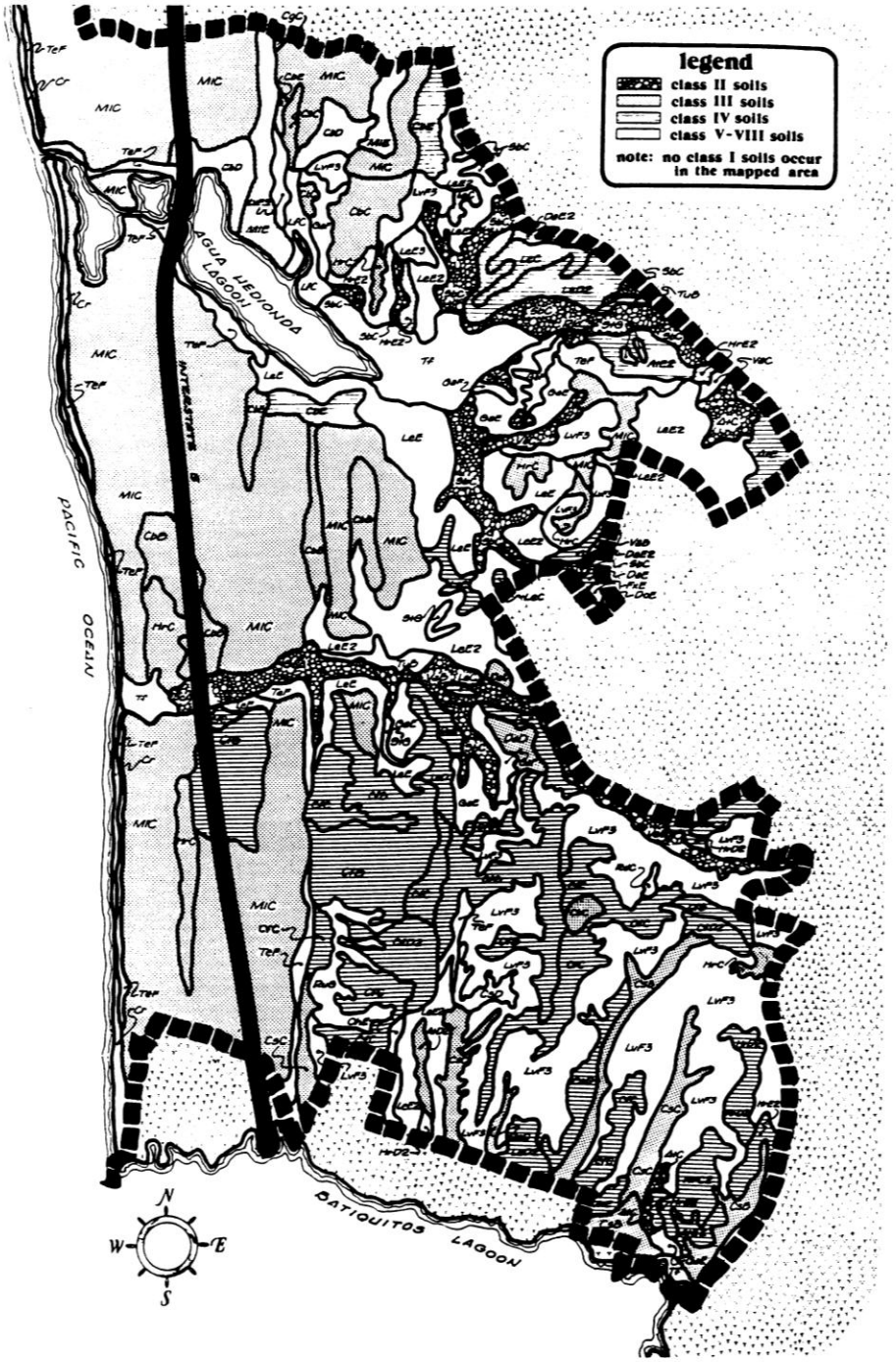


Exhibit 4.2 Soil Classification



II-2 MELLO II

A. Background

1. Land Use Policy Plan Format

This document contains all land use policies for development and conservation of coastal land and water areas within the geographic area described in Section 30171 of the Public Resources Code (Coastal Act). This plan has been prepared by the staff of the California Coastal Commission, with assistance and professional services provided by the firm of PRC Toups Corporation, as required by the provisions of AB1971 (Mello), adopted by the State Legislature in 1980. Mello II was adopted on July 1, 1982. This plan also reflects the City sponsored amendment that affected agricultural preservation and the treatment of steep slopes. The City's amendment was approved by the Commission on October 24, 1985.

B. Land Use Policies

1. LAND USE PLAN

The Land Use Policy Plan, which is the "land use plan" of the Local Coastal Program (LCP) for this area of Carlsbad, is divided into the following policy areas:

Allowable Land Uses
Agriculture
Environmentally Sensitive Habitat Areas
Geologic, Floodplain, and Shoreline Hazard Areas
Public Works and Public Services Capacities
Recreation and Visitor-Serving Uses
Shoreline Access
Scenic and Visual Resources
Exhibits

NOTE: The following is an unofficial listing of Mello II LCP Segment Policies. This listing can provide a quick reference to applicable LCP policies.

LOCAL COASTAL PROGRAM: MELLO II SEGMENT LAND USE PLAN

LOCAL COASTAL PROGRAM BOUNDARY	EXHIBIT 1
LAND USE: MELLO II SEGMENT (AB 1971)	EXHIBIT 2.2

Policy 1-1	ALLOWABLE LAND USES (MELLO II)
Policy 1-2	MAXIMUM DENSITY OF DEVELOPMENT

2. AGRICULTURE

Policy 2-1 AGRICULTURE: CONSERVATION OF COASTAL AGRICULTURAL LANDS

(a) Basic Agricultural Policies

(1) Coastal Agriculture
(2) Conversion of Coastal Agriculture
(3) Conversion Options
Option 1 - Mitigation
Option 2 - Determination of Agricultural Feasibility
Option 3 - Agricultural Conversion Mitigation Fee
(4) Underlying Urban Designations of Coastal Agriculture
(5) Conversions of Coastal Agriculture Inconsistent with Underlying Urban Designation

(b) Designated Coastal Agricultural Lands

(c) Permitted Uses on Designated Coastal Agricultural Lands

(1) On Class I-IV Agricultural Lands
(2) On Class V-VIII Agricultural Lands

Policy 2-2 "MIXED-USE" DEVELOPMENT

(a) Basic Permitted Uses on Existing Legal Parcels

(b) Conditional Uses and Land Divisions

(1) On Class I-IV Agricultural Lands
(2) On Class V-VIII Agricultural Lands

(c) Uses Conditionally Permissible Pursuant to Development of all Legal Parcels as a Single Unit Subject to a Master Plan

Policy 2-3 LANDS HISTORICALLY IN AGRICULTURE YET NOT DESIGNATED COASTAL AGRICULTURE

(a) State owned parcel northerly of the intersection of Palomar Airport Road and Carlsbad Boulevard

(b) Burroughs & Ecke Parcels

(c) Ukegawa parcel

Policy 2-4 SMALL SCATTERED INEFFECTIVE AGRICULTURAL LANDS

Policy 2-5 CITY SUPPORT OF FARM COOPERATIVE/FLOWER AUCTION

Policy 2-6 CITY SUPPORT OF EFFICIENT AGRICULTURAL WATER USAGE

Policy 2-7 CITY SUPPORT OF LOW COST AGRICULTURAL WATER

Policy 2-8 CITY SUPPORT OF AGRICULTURAL DRAINAGE PROJECTS

Policy 2-9 AGRICULTURAL LABOR FORCE

Policy 2-10 CITY SUPPORT OF COUNTY FARM ADVISOR AND AGRICULTURAL COMMISSION

3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 3-1 SLOPES AND PRESERVATION OF VEGETATION

Policy 3-2 BUENA VISTA LAGOON

Policy 3-3 BATIQUITOS LAGOON

Policy 3-4 GRADING AND LANDSCAPING REQUIREMENTS

Policy 3-5 KELLY RANCH/MACARIO CANYON AREA

(a) Maximum Density of Development

(b) Coastal Commission Permit 6-84-617 Agriculture

(c) Preservation of Steep Slopes, Sensitive Vegetation and Erosion Control

(1) Areas and Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant Communities
(2) Drainage and Runoff Rates
(3) Installation Timing of Drainage and Runoff Control Measures

(d) Park Purposes (Macario Canyon)
(e) Brush Management
(f) Siting/Parking
(g) Roads in Open Space
(h) Other Uses in Open Space
(i) Water Quality
(j) Vista Points
(k) Public Trails
(l) Public Streets/Gated Communities

Policy 3-6 ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Policy 3-7 WETLANDS AND RIPARIAN RESOURCES

Policy 3-8 BUFFER ZONES

4. GEOLOGIC, FLOODPLAIN, AND SHORELINE HAZARD AREAS

Policy 4-1 COASTAL EROSION

(a) Development Along Shoreline

(b) Beach Sand Erosion

(c) Shoreline Structures

(d) Undevelopable Shoreline Features

Policy 4-2 LANDSLIDES AND SLOPE INSTABILITY

Policy 4-3 ACCELERATED SOIL EROSION

(a) Areas west of I-5 and the existing Paseo Del Norte, and along El Camino Real upstream of existing storm drains

(b) All other areas

(1) Slopes possessing endangered species and/or Coastal Sage Scrub and Chaparral plant communities
(2) All Other Steep Slope Areas
(3) Required Runoff Control Plan
(4) Required Drainage or Erosion Control Facility Maintenance Arrangements
(5) Installation and Timing of Permanent Runoff and Erosion Control Devices
(6) Required Open Space Easements on Undeveloped Slopes

Policy 4-4 REMOVAL OF NATURAL VEGETATION

Policy 4-5 SOIL EROSION CONTROL PRACTICES

Policy 4-6 "SEDIMENT CONTROL" PRACTICES

Policy 4-7 FLOOD HAZARDS

(a) Storm Drainage Facilities in Developed Areas

(b) City's Grading Ordinance

(c) Storm Drainage Facilities in Undeveloped Areas

(d) Financing New Drainage Facilities

(e) 100-Year Floodplain

(f) City of Carlsbad Drainage Master Plan

Policy 4-8 SEISMIC HAZARDS

5. PUBLIC WORKS AND PUBLIC SERVICES CAPACITIES

Policy 5-1 REGIONAL SEWAGE TRANSPORTATION SYSTEM

Policy 5-2 FUTURE SEWAGE TREATMENT

Policy 5-3 UNTREATED RECLAIMED WATER

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

Policy 5-5 POINSETTIA LANE

6. RECREATION AND VISITOR-SERVING USES

Policy 6-1 ADDITIONAL CITY PARKS

Policy 6-2 REGIONAL PARK

Policy 6-3 ENCINA FISHING AREA

Policy 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING

Policy 6-5 NEED FOR 200 ADDITIONAL HOTEL-MOTEL ROOMS, AND VISITOR SERVING USES

Policy 6-6 ADDITIONAL VISITOR-SERVING FACILITIES AT ELM AVENUE AND CARLSBAD BOULEVARD

Policy 6-7 SMALL BOAT LAUNCHING FACILITY AT SOUTH CARLSBAD STATE BEACH

Policy 6-8 DEFINITION OF VISITOR-SERVING COMMERCIAL USES, AND EAST END OF BUENA VISTA LAGOON

Policy 6-9 PROPERTIES FRONTING CARLSBAD BOULEVARD ADJACENT TO AND INCLUDING SOUTH CARLSBAD STATE BEACH

7. SHORELINE ACCESS

Policy 7-1 CYPRESS AVENUE AND OCEAN STREET AREA

Policy 7-2 SHORELINE ACCESS SIGNAGE

Policy 7-3 ACCESS ALONG SHORELINES

Policy 7-4 CARLSBAD BOULEVARD AND PALOMAR AIRPORT ROAD AREA

Policy 7-5 ACCESS ON SOUTH CARLSBAD STATE BEACH

Policy 7-6 BUENA VISTA LAGOON

Policy 7-7 ENCINA POWER PLANT SHORE AREA

Policy 7-8 NORTH END OF OCEAN STREET

Policy 7-9 SOUTH CARLSBAD STATE BEACH - PARKING

Policy 7-10 PARKING

Policy 7-11 STATE BEACH LANDS

Policy 7-12 SEAWARD OF OCEAN STREET

Policy 7-13 VISUAL ACCESS

Policy 7-14 VERTICAL SHORELINE ACCESSWAY WIDTH

Policy 7-15 SOUTH CARLSBAD STATE BEACH: CONVERSION TO A DAY USE BEACH, AND VERTICAL ACCESS ON MACMAHON PROPERTY

8. SCENIC AND VISUAL RESOURCES, HISTORIC RESOURCES

Policy 8-1 SITE DEVELOPMENT REVIEW

Policy 8-2 POTENTIALLY HISTORIC STRUCTURES

Policy 8-3 INFILL DEVELOPMENT DESIGN REVIEW

Policy 8-4 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Policy 8-5 SIGNAGE

9. EXHIBITS

1. Boundary Local Coastal Program

1.1 Boundary: Mello I Segment (AB 462)

1.2 Boundary: Mello II Segment (AB 1971)

2.2 Land Use: Mello II Segment (AB 1971)

3.3 Coastal Agriculture Overlay Zone

4.2 Generalized Agricultural Soils: Class I-IV, V-VIII

4.5 First Row of Lots Bordering Buena Vista Lagoon/May Co. Properties

4.9 Recreation & Visitor-Serving Uses

(a) Encina Fishing Area - Policy 6-3

(b) 40 Acres of Visitor-Serving Use - Policies 6-5 and 6-6

(c) Fronting Carlsbad Boulevard adjacent to and including South Carlsbad State Beach - Policy 6-9

4.10 Shoreline Access

Policy 1-1 **ALLOWABLE LAND USES (MELLO II)**

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

Policy 1-2 **MAXIMUM DENSITY OF DEVELOPMENT**

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

2. AGRICULTURE

Policy 2-1 **CONSERVATION OF AGRICULTURAL LANDS**

(a) Basic Agricultural Policies

(1) Coastal Agriculture:

Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands. Non-prime agricultural lands identified on Map X, including the 301.38 acre Carltas Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP. Any acreage under the control of a public entity for a public recreation or open space use shall be exempt from Policy 2-1 and be permitted to convert from an agricultural use without satisfying one of the three conversion options.

(2) Conversion of Coastal Agriculture:

Conversion of designated coastal agricultural lands shall be permitted provided that: a) conversion would preserve prime agricultural lands within the statewide coastal zone consistent with Sections 30241 and 30242 or concentrate new development consistent with Section 30250 of the Coastal Act; or b) continued or renewed agricultural use is not feasible.

(3) Conversion Options:

Conversion of non-prime coastal agricultural lands shall be permitted pursuant to either Option 1 - Mitigation, Option 2 - (Feasibility Analysis) or Option 3 - Conversion Fee as set forth below in this policy. Consistent with Section 30242 of the Act, no feasibility analysis shall be required if a landowner selects Option 1 or Option 3.

Option 1 - Mitigation (Prime Land Exchange)

Non-prime coastal agricultural lands shall be converted to urban use consistent with the Carlsbad General Plan if, prior to approval of a subdivision map, a mitigation program is in effect that permanently preserves one acre of prime agricultural land within the statewide Coastal Zone for each acre of net impacted agricultural land in the LCP that is converted. For purposes of calculating required mitigation acreage, net impacted agricultural lands are the parcels and acreages designated on Map X and the 301.38 acre Carltas Property and areas containing sensitive coastal resources that would preclude development.

The standards and procedures for such a mitigation program shall be set forth in LCP implementing ordinances. Recipients of prime agricultural land interests pursuant to this policy shall be limited to:

a) local or state agencies; or,

b) tax exempt organizations whose principal charitable purposes are consistent with the agricultural mitigation program and qualify under Section 501(c)(3) of the U.S. Internal Revenue Code. Further, mitigation priority shall be given to preserving prime agricultural lands in the coastal zones of counties selected by the State Coastal Conservancy for pilot programs funding, and other counties with similarly qualified programs.

Option 2 - Determination of Agricultural Feasibility

If the feasibility of continued agriculture is questionable, either the City or involved landowners may complete an agricultural feasibility study for: a) all coastal agricultural lands in the LCP; b) 3 or 4 subareas (See Exhibit 3.3) which constitute logical subunits; or, c) contiguous landholdings in a single ownership of at least 100 acres. If Option 2 is selected, that portion of the study area determined to be feasible for continued agriculture, if any, may be converted upon request of the landowner to urban use subject to compliance with the provisions of Option 1 above. That portion of the study area determined not to be feasible for continued agriculture could be converted only after: a) the City approves the feasibility study; b) an LCP amendment is prepared and submitted to the Coastal Commission that provides for the conversion; and c) the Coastal Commission certifies the LCP amendment as to its conformance with the Coastal Act.

Option 3 - Agricultural Conversion Mitigation Fee

In lieu of the procedures established by subsection B or subsection C of this section, property may be converted to urban uses upon payment of an agricultural conversion mitigation fee.

This fee is separate and distinct from the mitigation fee established by Section 301717.5 of the Public Resources Code, which applies to certain properties outside the Mello I and Mello II segments of the City's local coastal program, is collected and administered by the State Coastal Conservancy and has different expenditure priorities.

The amount of the fee shall be determined by the City Council at the time it considers a Coastal Development permit for urban development of the property. The fee shall not be less than five thousand dollars nor more than ten thousand dollars per net converted acre of agricultural land and shall reflect the approximate cost of preserving prime agricultural land pursuant to subsection B of this section. The fees shall be paid prior to the issuance of building permits for the project. All mitigation fees collected under this section shall be deposited in the City of Carlsbad LCP Agricultural Mitigation Fees Fund and shall be expended by the City of Carlsbad subject to the recommendations of an advisory committee to be established by City Council action. The advisory committee shall have city and Coastal Conservancy staff and community representation. The intent is not to establish priorities for Program use, but rather to promote equitable distribution amongst the allowable uses outlined below. The advisory committee may also develop policies or procedures for the review of requests and the allocation of funds. The allowable uses for the Agricultural Mitigation Fees are:

a) Restoration of the coastal and lagoon environment including but not limited to acquisition, management and/or restoration involving wildlife habitat or open space preservation.
b) Purchase and improvement of agricultural lands for continued agricultural production, or for the provision of research activities or ancillary uses necessary for the continued

production of agriculture and/or aquaculture in the City's Coastal Zone, including but not limited to farm worker housing.

c) Restoration of beaches for public use including but not limited to: local and regional sand replenishment programs, vertical and lateral beach access improvements, trails, and other beach-related improvements that enhance accessibility, and/or public use of beaches.

d) Improvements to existing or proposed lagoon nature centers.

For purposes of implementation, neither Option 1 nor Option 2 nor Option 3 shall have priority over the other.

(4) Underlying Urban Designations of Coastal:

To maximize and expedite the preservation of prime agricultural lands throughout the state coastal zone, all parcels designated coastal agriculture in the LCP including the 301.38 acre Carltas Property shall have an underlying urban land use designation as identified on Map Y, and the Carlsbad Ranch Specific Plan. Conversions of coastal agriculture land permitted by the City in conformance with either Option 1 or Option 2 or Option 3 as set forth in Policy 2 shall be consistent with the land use designations on Map Y and the Carlsbad Ranch Specific Plan.

(5) Conversions of Coastal Agriculture Inconsistent with Underlying Urban Designations:

Conversions of parcels designated coastal agriculture that are requested for uses other than the underlying land use designation on Map Y and the Carlsbad Ranch Specific Plan shall be subject to an LCP amendment to allow the City and Coastal Commission to determine the consistency of proposed urban uses with other applicable provisions of the LCP and the Coastal Act.

(b) Designated Coastal Agricultural Lands

"Designated Coastal Agricultural Lands" are those agricultural lands identified on Map X (See Exhibit 3.3) attached to the Land Use Plan certified on October 24, 1985. The following are the lands identified on Map X (See Exhibit 3.3):

	Approximate Acres
Site II	377
Site III	275
Site IV	109
Lusk	93
Bankers	27
Hunt (Mello I LCP Segment)	200
Carltas	301.38
TOTAL:	1,382.38

(c) Permitted Uses on Designated Coastal Agricultural Lands

The land uses described below shall apply to any designated coastal agricultural land which has <u>not</u> been approved for development.

(1) On any Class I through Class IV Agricultural Lands: (See Exhibit 4.2) the following uses only are permitted:

a) Cattle, sheep, goats and swine production, provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Structures for containing animals shall not be located within fifty feet of any habitable structure on the same parcel, nor within three hundred feet of an adjoining parcel zoned for residential uses.
b) Crop production.
c) Floriculture.
d) Horses, private use.
e) Nursery crop production.
f) Poultry, rabbits, chinchillas, hamsters and other small animals, provided not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, nor within three hundred feet of an adjoining parcel zoned for residential uses.
g) Roadside stands for display and sale of products produced on the same premises, with a floor area not exceeding two hundred square feet, and located not nearer than twenty feet to any street or highway.
h) Tree farms.
i) Truck farms.
j) Wildlife refuges and game preserves.
k) Other uses or enterprises similar to the above customarily carried on in the field of general agriculture including accessory uses such as silos, tank houses, shops, barns, offices, coops, stables, corrals, and similar uses required for the conduct of the uses above.
l) One single family dwelling per existing legal building parcel.

(2) On any Class V through VIII Agricultural Lands (See Exhibit 4.2) the following uses only are permitted:

a) All of the permitted uses listed above.
b) Hay and feed stores.
c) Nurseries, retail and wholesale.
d) Packing sheds, processing plants and commercial outlets for farm crops, provided that such activities are not located within 100 feet of any lot line.
e) Greenhouses, provided all requirements for yard setbacks and height as specified in Chapter 21.07 of the Code are met.

POLICY 2-2 **LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE" DEVELOPMENT**

This policy provides conditional development standards for the area of approximately 423 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3). All such lands owned either by Carltas or Ecke or their successors in interest shall be permitted, pursuant to approval of a Specific Plan to convert certain agricultural lands to residential and/or non-residential (including tourist-serving commercial) development as a means of providing supplementary uses which will assist in the retention of agricultural and public recreation uses on the remaining portions of these

parcels. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where they are compatible with adjacent uses.

(a) Basic Permitted Uses on Existing Legal Parcels. Where each existing legal parcel as of July 14, 1987, (See Exhibit 4.3) is developed individually, permitted uses shall be those described above in Policy 2-1 C Permitted Uses on Designated Coastal Agricultural Lands.

(b) Uses Conditionally Permissible Pursuant to the Development of the Entire Area Subject to a Specific Plan.

(1) Consistent with the Carlsbad General Plan residential, commercial (including tourist serving commercial), and other non-residential uses may be developed on up to 92.6 acres of the approximately 423 acre site subject to a Specific Plan for the entire site. Development of land within the Agricultural Preserve will be subject to the provisions of the Williamson Act and specifically the Land Conservation Contract in effect at the time of development. Additional acreage beyond the 92.6 acres shall be permitted to be developed subject to approval of a Local Coastal Program Amendment, Specific Plan Amendment and compliance with Policy 2-1 of the Mello II Land Use Plan.

(2) Development shall be clustered along Palomar Airport Road, Paseo del Norte, and Cannon Road and clustered on the first major ridge area as designated on Exhibit 4.3A.

(3) Any amendment to the location of the developable area shall be required to prove that the new area for development is not more suitable for agriculture than the previously developable area. The intent of this requirement is to cluster development on lands least suitable for agriculture.

(4) All remaining lands as shown on Exhibit 4.3 shall as a condition of the Specific Plan be preserved in agriculture and/or public recreation for as long as feasible. Feasibility shall be determined for the entire area covered by this restriction. Further, feasibility shall be subject to the requirements of the Mello II Coastal Agricultural Overlay Zone Section 21.82.060(c).

(5) Pursuant to Section 51257 of the Government Code, the boundaries of the lands designated for agriculture may be amended.

Item No. 6 on page 8 of Exhibit "C" which deals with the amendment to the Local Coastal Plan was received by CCC action to read as follows:

(6) As an interim step (prior to a complete Specific Plan) up to a 35 acre portion of the 137 acres of developable land located adjacent and easterly to Phase I of Carlsbad Car Country may be developed as a Phase II expansion of Carlsbad Car Country pursuant to a Specific Plan.

(7) The 92.6 acres of developable land includes the remaining developable portion of the original 482 acre site (See Exhibit 4.3A) that has not been developed.

(8) The Specific Plan shall provide a mix, location and intensity of land uses that are compatible with and will not adversely impact the long term viability of agricultural and/or public recreation uses.

(9) All development shall include special treatment buffers either through design or through physical barriers that stabilize the urban-agricultural boundaries and limit to a level of insignificance agricultural impacts on the urban uses.

(10) All tenants of developable portions of the site shall be notified as to the requirements of the Specific Plans and agricultural uses on the designated land.

(11) In implementing the Specific Plan all land owners and tenants within the 423 acre site shall waive any right to file nuisance claims against normal agricultural operations.

(12) All development shall be located so as to not interfere with normal agricultural operations including but not limited to cultivation, irrigation, and spraying.

(13) As a condition of approval of either the Specific Plan or the Specific Plan for the Phase II expansion of Carlsbad Car Country, whichever occurs first, the property owners (Carltas and/or Ecke or their successors in interest) shall record a deed restriction endorsed by the Coastal Commission or it successor in interest and the City of Carlsbad that the agricultural lands identified on Exhibit 4.3 are designated for agricultural uses and any modification of use shall require an LCP amendment. As a condition to any amendment to the developable area, the property owner shall execute an amendment to the deed restriction reflecting the modification to restricted and unrestricted lands.

(14) It is recognized that roads can function as buffers between dissimilar land uses as well as providing access to uses. Therefore, roads may be located entirely or partially or not at all within areas designated for agricultural use. The decision to include or exclude (either partially or entirely) roads shall be a condition of the coastal development permit that includes the construction of the road.

(15) In order to tie the eastern and western agricultural areas together the proposed north/south road shall incorporate a grade separation at its northerly portion. The grade separation shall be of sufficient dimensions to allow farm vehicles and equipment to move freely between the east and west and shall remain in place so long as agriculture is continued east and west of the north-south road.

(16) Concurrent with the construction of the proposed north/south road the developer shall grade area Y as shown on Exhibit "A," subject to the satisfaction of the Planning Director so as to create an area level enough to allow the same type of agriculture that occurs westerly of the west ridge to continue around the ridge on the south facing slopes of said ridge. In order to ensure agricultural viability the developer shall amend the soils after grading the area to be equivalent to the existing Class III Marina soils in capability.

(17) All structures to be located in the future developable area shall be set back a minimum of 25 feet from the adjacent area designated for agriculture.

(18) A solid wall or fence shall be installed around the entire perimeter of the developable area. The wall (fence) shall be a minimum 6 feet in height and shall be incorporated into the grading where feasible. The intent of this measure is to provide a physical barrier between agricultural and urban uses. The wall or fence shall function to both restrict uncontrolled access into agricultural areas and to reduce drift of dust and spray materials into urban areas. The perimeter wall or fence shall be constructed concurrent with development of the property, except that, if the road is built in one phase, which would open the access through the agricultural lands, an appropriate barrier shall be incorporated along the roadway. Alternative forms of barriers may be considered provided they satisfy the intent of this measure.

(19) Windbreaks (landscaped) shall be installed on the developable portions to aid in reducing the effects of farm spraying and dust generation.

(20) Landscape plant material in the developable area shall be selected for resistance to pests, particularly aphids, thrips, white fly and spider mites. Landscape plantings shall be inspected routinely for presence of pests and treated as required to control them. All pests shall be eliminated by means that do not adversely impact agricultural crops.

(21) Landscaping with herbaceous plantings shall be discouraged, since they are likely to be hosts of the pests likely to invade the farm crops.

(22) Drainage water from buildings, streets, parking areas and landscape in the development shall be disposed of through storm drains or otherwise in a manner that will avoid any runoff onto farming areas whether planted or fallow.

(23) If development of the proposed developable portion impacts water rates on the agricultural land then the developer shall subsidize the water rates to the extent that they equal farm water rates.

(24) The developer shall notify in a manner satisfactory to the City Attorney all tenants/users of this proposed developable portion that the area is subject to dust, pesticides, and odors associated with adjacent farm operations and that the tenants/users occupy the area at their own risk.

(25) The cost of the above mitigation measures shall be borne by the developer and shall not be passed on to the agricultural operators (existing or future). For all agricultural land that Carltas or its successor in interest chooses not to farm on a yearly basis, a reasonable effort shall be made to offer the agricultural land for lease or rent at a value equal to or less than the average prevailing market rents for similarly situated coastal agricultural land found within a 30 mile radius of the Carltas property.

(26) As part of a farm operator's lease, there shall be a requirement to keep dirt roads watered regularly to minimize dust impacts on crops as well as on adjacent non-agricultural uses.

POLICY 2-3 LANDS HISTORICALLY IN AGRICULTURE YET NOT DESIGNATED COASTAL AGRICULTURE

The following properties which have been in agricultural production in the past shall be permitted to convert to urban uses. Because of unique circumstances associated with these parcels, conversion to urban uses would not create any significant adverse impact on the area's agricultural economy, directly or indirectly, and such conversion would therefore not require the mitigation.

(a) State owned parcel northerly of the intersection of Palomar Airport Road and Carlsbad Boulevard

The 20-acre parcel owned by the State of California, APN 210-09-7, located west of the AT&SF Railroad tracks at the Palomar Airport Road/Carlsbad Boulevard interchange, may be converted to Public Recreation use. This property is surrounded by major streets and the railroad, with residential development conflicts arising on the northern and western boundaries. The site will be needed for beach parking facilities as the demand for beach access increases in the future. The property should remain in agricultural production until such time as parking facilities can be constructed by the State of California. Approximately 1,500 parking spaces could be provided on the site, giving excellent public access to the entire stretch of underdeveloped South Carlsbad State Beach. (See also Policy 7-9)

(b) Burroughs and Ecke Parcels.

The 50-acre parcel owned (APN 210-09-0) by Burroughs Corporation and the 6-acre parcel (APN 210-09-0) owned by Ecke located south of Cannon Road between I-5 and the AT&SF Railroad tracks may be converted to commercial uses. These properties are in effect isolated vacant properties within a developed commercial area. The San Diego Gas and Electric Co. power plant is located to the north, a major retail commercial development ("Car Country") is immediately across the freeway to the east, industrial development is on the southern boundary, and residential development is to the west separated by the AT&SF Railroad tracks and the State-owned property described in Policy 2-3 a. above.

(c) Ukegawa Parcel.

The 13.89 acre parcel (APN 212-040-25) owned by Ukegawa, located on the south side of Palomar Airport Road, may be converted to industrial uses that should be supportive of the agricultural economy. The site has not been in use for field crop production for many years, and has been the subject of numerous authorized and unauthorized fills in recent years. Because of the substantial importation of fill dirt, the site cannot be designated as possessing agricultural soils. Because of the access available to Palomar Airport Road on the parcel, and its location between agricultural lands and developed industrial uses to the east, the site shall be designated for Planned Industrial use, and should be developed for agricultural processing purposes. Conversion of these parcels to urban uses will complete the development of established developed areas, thereby contributing to the creation of stable urban/rural boundaries. Such conversion should reduce market pressures for the conversion to urban uses of other agricultural lands suitable for continued agricultural production.

POLICY 2-4 SMALL SCATTERED INEFFECTIVE AGRICULTURAL LANDS

Approximately 100 acres of agricultural use are located in scattered parcels along El Camino Real both north and south of Aqua Hedionda Lagoon. The small individual size of these parcels, together with the

fact that they are not contiguous, precludes their effective use as agricultural land in the future. These lands are therefore designated for residential development, at a maximum density of one dwelling unit per acre as rural residential estate Section 21.09 or as residential agriculture zone, Section 21.08 of Carlsbad Zoning Ordinance. No further land divisions shall be allowed in the area under current agricultural production except in compliance with these policies.

POLICY 2-5 CITY SUPPORT OF FARM COOPERATIVE/FLOWER AUCTION

The City supports the efforts of the floriculture industry and/or the University of California Extension Service to establish a farm cooperative and/or flower auction in the North San Diego County area.

POLICY 2-6 CITY SUPPORT OF EFFICIENT AGRICULTURAL WATER USAGE

The City will take measures to reduce the reliance of agricultural users on imported water. The City will seek reductions in per capita water consumption and will support efforts at reclaiming sewage effluent for re-use in agricultural production, and will seek to capture runoff waters in appropriate areas for use in agricultural production.

POLICY 2-7 CITY SUPPORT OF LOW COST AGRICULTURAL WATER

The City supports the policy of the Metropolitan Water District and its member agencies to provide water to agricultural users at a lower rate than to domestic users, and recommends that the Metropolitan Water District offer its agricultural water rate only to lands designated for agricultural use in the Land Use Element of the General Plan of the City. The City also encourages the San Diego County Water Authority and the local retail water agencies to consider additional reductions in the agricultural water rate.

POLICY 2-8 CITY SUPPORT OF AGRICULTURAL DRAINAGE PROJECTS

The City will support proposals for public expenditures for minor drainage improvements and other similar projects which are designed to make land more suitable for agricultural use, within areas designated in the Land Use Element of the General Plan for continued agricultural use.

POLICY 2-9 AGRICULTURAL LABOR FORCE

The City intends to keep the Federal Government well-informed regarding local agriculture's reliance on a foreign labor force, and will ensure that Federal officials are cognizant of local needs so that any contemplated changes in Federal immigration laws or policies will not be made without consideration of those needs.

POLICY 2-10 CITY SUPPORT OF COUNTY FARM ADVISOR AND AGRICULTURAL COMMISSION

The City will continue to support the County Farm Advisor and the Agriculture Commissioners in their respective educational and regulatory roles intended to provide advice to agriculturists and home gardeners, to direct the 4-H program, and to ensure that pesticides are properly used.

3. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

POLICY 3-1 CARLSBAD HABITAT MANAGEMENT PLAN

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

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

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.

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 or 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."

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.

3-1.1 Habitat Management Plan

The document titled "Habitat Management Plan for Natural Communities in the City of Carlsbad, December 1999 with Two Addenda" (hereafter referred to as HMP) is incorporated herein by reference. The Second Addendum dated December 2002 contains additional conservation standards and habitat protection policies that apply within the Coastal Zone. The HMP has been developed so as to implement and be consistent with all other provisions of this LCP, as amended. Any changes to the HMP that affect development within the coastal zone (including, but not limited to, changes to mitigation requirements) shall be certified by the Coastal Commission as LCP amendments prior to becoming effective.

3-1.2 Environmentally Sensitive Habitat Areas (ESHA)

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

3-1.3 Coastal Sage Scrub

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

3-1.4 Oak Woodland

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 (Quercus agrifolia), 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.

3-1.5 Streams

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

3-1.6 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.

3-1.7 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.

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

Pursuant to California Public Resources Code Section 30233, no impacts to wetlands shall be allowed except as follows:

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

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

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

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

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

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

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

(7) Restoration purposes.

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

b. Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.

c. In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any lagoon alterations shall be limited to very minor incidental public facilities, restorative measures, and nature study, if otherwise in accordance with this division.

d. Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients, 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 provision of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

3-1.8 Wetland Mitigation Requirements

If impacts to a wetland are allowed consistent with Policy 3-1.7, mitigation shall be provided at a ratio of 3:1 for riparian impacts and 4:1 for saltwater or freshwater wetland or marsh impacts.

3-1.9 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 these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 3-1.2 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.

3-1.10 Upland Habitat Mitigation Requirements

Where impacts to the habitats stated in 3-1.9 are allowed, mitigation shall be provided as follows:

a. The no net loss standard shall be satisfied as stated in 3-1.9. 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. Onsite preservation is not eligible for mitigation credit in the coastal zone. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.

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

d. Impacts to Southern Maritime Chaparral or Maritime Succulent Scrub shall be 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.

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.

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.

g. 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 preservation as part of the HMP preserve management plan.

h. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Coastal Commission. 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 an LCP amendment within one year of Commission certification of the HMP as part of the certified LCP.

i. If any conflict should arise between these Policies of the LCP and the provisions of the HMP, the LCP shall take precedence. If any conflict should arise between the policies of the certified Mello II LUP and the certified Implementation Plan, the policies of the certified Mello II LUP shall take precedence.

3-1.11 Highly Constrained Properties

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:
If more than 80% of the property by area is covered with ESHA at least 75% of the property shall be conserved, OR

If the City, with the concurrences of the wildlife agencies and the Coastal Commission through an LCP amendment, approves a Hardline preserve boundary for any of the above-described properties as part of the HMP, then the amount of onsite preservation as identified in the Hardline boundary shall apply.

3-1.12 Buffers and Fuel Modification Zones

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

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

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

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

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

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

3-1.13 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.

POLICY 3-2 BUENA VISTA LAGOON

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

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

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

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

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

POLICY 3-3 BATIQUITOS LAGOON

Erosion, drainage, and sedimentation of Batiquitos Lagoon were previously addressed, in the certified Local Coastal Program prepared by the Coastal Commission for the areas subject to AB462 (Mello I Segment) (See Exhibit 1.1). Development within the area which is the subject of that plan AB462 (Mello I Segment), and of AB1971 (Mello II Segment), shall also be required to meet those same policies. Much of the Batiquitos Lagoon watershed is designated in this plan for continued agricultural use which does not require a coastal development permit. When a coastal development permit is required, however, conditions shall be imposed which will assure that the permitted development will be carried out in a manner that assures protection of the water quality of the Lagoon. Removal of major vegetation, for instance, requires a coastal development permit, and such permitted activity shall be conditioned to limit the manner, time, and location of vegetation removal so as to minimize soil erosion.

Development shall be clustered to preserve sensitive habitat areas and maintain the maximum amount of permanent open space feasible. At a minimum, the following policies shall regulate development in areas adjacent to the lagoon:

a) A minimum setback of 100 feet from the wetland shall be required, with the wetland area determined as described in Policy 3-2, Buena Vista Lagoon on Page 56.

b) At least two-thirds (2/3) of any permitted development shall be clustered on the half of the property furthest away from the lagoon at the base of the bluff.

c) Existing mature trees shall be preserved.

d) An offer to dedicate land for public recreation use, in favor of the City of Carlsbad or State Coastal Conservancy and irrevocable for a term of 21 years, shall be required as a condition of development. The required land dedication shall be of a size adequate to accommodate public use facilities including some picnic tables and public parking, and shall include a public access trail parallel to the lagoon shore of at least 15 feet in width with unobstructed views to the lagoon.

e) To facilitate provision of public use areas and preservation of environmentally sensitive lands, and to maintain the outstanding visual resources in the area surrounding the lagoon, an additional density credit of one dwelling unit per acre of developed land shall be provided for each two and one half per cent (2½ %) of total lot area, excluding wetlands, which is maintained in open space and public recreation in excess of fifty per cent (50%) of the total lot area, excluding wetlands.

f) Land divisions shall only be permitted on parcels bordering the lagoon pursuant to a single planned development permit over the entire original parcel. The base residential density shall be a maximum of 12 dwelling units per gross acre, excluding wetlands, subject to increase as provided in Policy 3-3 e) above.

POLICY 3-4 <u>GRADING AND LANDSCAPING REQUIREMENTS</u>

Permitted new development shall comply with the following requirements:

a) All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b) All graded areas shall be landscaped prior to October 1st of each year with either temporary or permanent landscaping materials, to reduce erosion potential. Such landscaping shall be maintained and replanted if not well-established by December 1st following the initial planting.

c) Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

d). Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

e) Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

f) Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
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.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development

g) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

h) 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.

i) Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

j) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.

k) The City will encourage and support public outreach and education regarding the potential water quality impacts of development.

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

m) Projects within 200 feet of the Pacific Ocean shall be dealt with as "Projects Discharging to Receiving Waters 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%.

n) 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 of, 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.

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

p) The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:

1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.)
2. Addition of new development categories as Priority Projects.
3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project.

q) Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning

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

POLICY 3-5 KELLY RANCH/MACARIO CANYON AREA

(a) Maximum Density of Development

Residential densities in the 433-acre Kelly Ranch shall be permitted and based on the underlying LCP Land Use designation. The residential land use designations shall represent the maximum density permitted subject to application of requested density bonuses pursuant to Chapter 21.86 of the Carlsbad Municipal Code and the applicable resource protection provisions of the certified LCP.

Approximately 2.8 acres located adjacent to and west of Cannon Road, CDP 98-47 are designated Open Space with an interpretive center for Agua Hedionda Lagoon designated as an allowable use.

(b) Coastal Commission Permit 6-84-617 Agriculture

Agricultural preservation policies for the 433-acre Kelly Ranch have been deleted by LCP amendment of 1-85.

(c) Preservation of Steep Slopes, Sensitive Vegetation and Erosion Control

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

(1) Areas and Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant communities: For those slopes possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following policy language applies:

a) Coastal Sage Scrub and Chaparral plant communities shall be preserved in their natural state within designated open space areas shown on the LCP Kelly Ranch Open Space map.

b) Restoration of the disturbed areas within the delineated open space shall be required as a condition of subdivision approval and shall be developed in consultation with the Department of Fish and Game. The disturbed areas shall be revegetated and existing vegetation enhanced with native species to serve as upland transitional habitat to low-lying wetlands and environmentally sensitive habitat areas north and west of Cannon Road. The restoration and enhancement plan shall include a maintenance and monitoring component to assure long-term productivity and continuance of the habitat value.

c) Upon dedication of a conservation easement or in fee dedication, or upon recordation of offers to dedicate the Kelly Ranch Open Space to the City of Carlsbad or other public entity, development of steep slopes over 25% grade may

occur in areas outside the designated open space. Such encroachment shall be approved by the Department of Fish and Game and the U.S. Fish and Wildlife Service as consistent with the State and Federal Endangered Species Act. Dedication will assure preservation of a viable upland habitat corridor and scenic hillsides.

d) Slopes and habitat areas within the designated open space shall be placed in a permanent open space conservation easement or dedicated in fee as a condition of subdivision approval. The purpose of the open space easement shall be to reduce the potential for localized erosion and slide hazards, to prohibit the removal of native vegetation except for creating authorized firebreaks and/or planting fire retardant vegetation and to protect visual resources of importance to the entire community. The easement shall be granted to the City of Carlsbad to be maintained and managed as part of the LCP open space system for Kelly Ranch.

(2) Drainage and Runoff Rates: Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with the property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.

(3) Installation Timing of Drainage and Runoff Control Measures: The appropriate measures shall be installed prior to onsite grading.

(d) Brush Management: A fire suppression plan shall be required for all residential development adjacent to designated open space subject to approval by the City of Carlsbad Fire Department. The fire suppression plan shall incorporate a combination of building materials, sufficient structural setbacks from native vegetation and selective thinning designed to assure safety from fire hazard, protection of native habitat, and landscape screening of the residential structures. No portions of brush management Zone 1 and 2 as defined in the City of Carlsbad Landscape Manual shall occur in designated open space areas. Zone 3 may be permitted within designated open space upon written approval of the Fire Department and only when native fire retardant planting is permitted to replace high and moderate fuel species required to be removed.

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

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

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

1) In no case shall the designated open space corridor be less than 800 feet including the desiltation basin on Planning Area E;

2) No development shall encroach into jurisdictional wetlands mapped by the ACOE;

3) The facilities shall be located on the least environmentally sensitive portion of the site and within non-native grassland and/or disturbed agricultural area to the maximum extent possible; and

4) The area utilized for these uses shall be the minimum size necessary to satisfy the requirements of the City of Carlsbad Zoning Code.

(i) Water Quality:

a. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.

6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
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.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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:

1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.)
2. Addition of new development categories as Priority Projects.
3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project.

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.

In addition the following shall apply:

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:

Residential Development

Development plans for, or which include residential housing development with greater than 10 housing units shall include a drainage and polluted runoff control plan prepared by a licensed engineer, designed to 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, prior to conveying runoff in excess of this standard to the stormwater conveyance system. The plan shall be reviewed and approved by the consulting soils engineer or engineering geologist to ensure the plan is in conformance with their recommendations. The plan shall be designed in consideration of the following criteria, and approved prior to issuance of a coastal development permit:

a) Maximize the percentage of permeable surfaces and green space to allow more percolation of runoff into the ground and/or design site with the capacity to convey or store peak runoff from a storm and release it at a slow rate so as to minimize the peak discharge into storm drains or receiving water bodies;

b) Use porous materials for or near walkways and driveways where feasible;

c) Incorporate design elements which will serve to reduce directly connected impervious area where feasible. Options include the use of alternative design features such as concrete grid driveways, and/or pavers for walkways

d) Runoff from driveways, streets and other impervious surfaces shall be collected and directed through a system of vegetated and/or gravel filter strips or other media devices, where feasible. Selected filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey and discharge runoff from the building site in a non-erosive manner.

e) Selected BMPs shall be engineered and constructed in accordance with the design specifications and guidance contained in the California Stormwater Best Management Practices Handbook (Municipal).

f) The plan must include provisions for regular inspection and maintenance of structural BMPs, for the life of the project.

Parking Lots

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:

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).

All Development

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;

b) A landscape management plan that includes herbicide/pesticide management.

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.

(j) Vista Points: Public vista points shall be provided at two locations, one in Planning Area J and the other either entirely within Planning Area L or including portions of Planning Area L and the disturbed high points of adjacent Planning Area D, to provide views of the Pacific Ocean, Agua Hedionda Lagoon and its environs, and shall be accessible to the public at large. Vista points may be located in disturbed open space areas subject to approval by the Department of Fish and Game. Support parking shall be provided and may be located either on-street or off-street within close proximity to the vista point(s). Dedications necessary to provide the vista points and access to the vista points shall be a condition of coastal development permit approval at the subdivision stage.

(k) Public Trails: A public trails system that links Agua Hedionda Lagoon, the interpretive center, the street system, open space areas and public vista point(s) shall be provided in consultation with California Department of Fish and Game. Trails provided outside of the public right-of-way shall be dedicated by easement as a condition of subdivision approval. Trail improvements may be a combination of sidewalks within the public right-of-way and, for segments located outside of the public right-of-way, as defined in the Open Space Conservation and Resource Management Plan. Trails shall be installed concurrent with residential development and are indicated on Exhibit 19 (Conceptual Open Space & Conservation Map).

(l) Public Streets/Gated Communities: The street systems shall provide public access and support parking for the public trail system and vista points in the residential developments located in Planning Areas J, K and L of Kelly Ranch. Public access may be provided through public streets, or private streets with public access easements or deed restriction. Private gated communities shall not be permitted within those planning areas.

POLICY 3-6 <u>SEAPOINTE / ENCINAS CREEK</u>

Permitted uses within the wetlands and designated upland buffer of the Ward property (portion of Parcel #214-010-01) shall be limited to access paths in uplands, aquaculture, fencing, nature study projects or similar resource dependent uses, wetland restoration projects and other improvements necessary to protect wetlands.

POLICY 3-7 <u>CITY OWNED LANDS ADJACENT TO MACARIO CANYON AND VETERANS MEMORIAL PARK</u>

The City of Carlsbad owns approximately 521 acres in and adjacent to Macario Canyon. A municipal golf course has been proposed for a portion of the property, and a public park is planned for another portion. Development of the property shall be subject to the following policies regarding protection of habitat:

a. The impact and conservation areas for the Municipal Golf Course are shown as a Hardline design in the HMP (Figure 8 Revised), and which shall serve as the standard of review for determining areas in which development may occur in the future. Areas shown for conservation

shall not be impacted or disturbed except for revegtation, restoration and other similar activities related to mitigation. Areas shown for impact may be fully developed with appropriate mitigation.

b. Any impacts to Coastal Sage Scrub shall be mitigated by on-site creation at a rate of 2:1 in compliance with the no net loss standard stated in Policy 3-1.2. Onsite revegetation or restoration may be done on agricultural, disturbed or non-native grassland areas. For impacts to the Coastal California gnatcatcher, additional mitigation shall be provided by acquisition and preservation at a 1:1 ratio of land supporting gnatcatchers. Impacts to dual criteria slopes shall not exceed 10% in compliance with Policy 4-3(b).

c. In order to provide a viable north-south wildlife corridor across Macario Canyon, the area shown on the HMP Hardline map as "Veterans Memorial Park Wildlife Corridor" shall be conserved concurrent with any impacts to the Macario Canyon property. No development shall occur within the Wildlife Corridor except a designated trail and rest areas along the trail.

d. Protection and management of all mitigation areas shall be consistent with Policy 3-1.10.f and h.

e. The area shown as "Veterans Memorial Park Development Area" is designated for public recreational use. It is the intent of this policy that the public park area be developed so as to maximize public access and provide a variety of recreational opportunities. Development within steep slopes and/or native vegetation shall be limited to passive recreational facilities, such as recreational trails and picnic areas. Within the proposed development areas, grading of steep slope areas with native vegetation shall be limited to the minimum amount necessary to allow such uses.

f. Segments of the Citywide Trail System viewpoints and other opportunities for public access shall be incorporated into the development areas.

g. In the riparian area of Macario Canyon Creek, two crossings shall be allowed, as shown in the HMP Hardline exhibit. Crossing #1 shall utilize the existing farm road. Crossing #2 shall utilize a bridge span structure. No riparian impacts shall occur for either crossing.

h. The design of riparian buffers shall be as shown in the HMP. Buffers shall be landscaped with appropriate native, non-invasive plants to provide a natural transition between recreational areas and riparian habitat, as well as to discourage human intrusion into the riparian area. Appropriate signing and fencing will also be utilized as provided in Section 3-1.12.

POLICY 3-8 <u>OTHER PARCELS – SPECIFIC HABITAT PROTECTION STANDARDS</u>

The following standards are intended to be guidelines for development and habitat preservation, based upon best available information at the time these standards were prepared. The standards apply to parcels primarily in Zones 20 and 21 shown on Exhibit A in the HMP Addendum #2 and that are located within the biological core and linkage areas designated in the MHCP, and are in addition to the applicable standards contained in Policy 3-1 and the HMP. The standards are intended to direct development to existing disturbed areas to the maximum extent feasible, limit impacts to native vegetation and establish viable core and linkage areas as delineated in the HMP. In general, each property shall be allowed to develop at least 25% of the site with appropriate mitigation as specified in

Policies 3-1.9 through 3-1.12. When individual properties are proposed for rezoning or development, detailed biological information will be required to determine whether the proposal is consistent with Policy 3-1 and the standards below, based upon the actual type, location and condition of onsite resources, and the appropriate locations of development and preservation areas.

3-8.1 Assessor's Parcel No. 212-120-33 (Hieatt - No impact to vernal pools. Minimize impact to vernal pool watersheds.

3-8.2 Assessor's Parcel No. 212-010-3 (Kirgis) - Preserve 75% of property with development clustered immediately adjacent to Kelly Ranch.

3-8.3 Assessor's Parcel No. 215-070-38 (Fernandez) - Cluster development on disturbed areas to the maximum extent feasible. Maximum 10% impact on CSS and SMC for access purposes.

3-8.4 Assessor's Parcel No. 215-040-03 (Muroya) - Cluster development on disturbed areas to the maximum extent feasible. Maximum 10% impact on CSS and SMC for access purposes.

3-8.5 Assessor's Parcel No. 212-040-50 (Emerald Point) - Development limited to disturbed and non-native grassland areas. No impacts to native habitat allowed.

3-8.6 Assessor's Parcel No. 215-020-06 (RWSB) - Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered to the maximum extent feasible along disturbed portions of the property adjacent to Cassia Lane and the future Poinsettia Lane extension. Impacts to SMC habitat shall be minimized. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern half of the property and designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onside mitigation through restoration and/or creation of habitat within the designed corridor linkage, in addition to any other required mitigation.

3-8.7 Assessor's Parcel No. 215-020-07 (Maldonado) – Development shall be concentrated along the Poinsettia Lane extension and shall be limited to the western half of the property. No impacts to the coast oak woodland and riparian area except for Poinsettia Lane extension. The eastern half of the property is recommended for offsite mitigation for other properties in Zone 21; however, at minimum a wildlife corridor linkage oriented generally north-south shall be provided on the eastern half of the property and designed to connect to neighboring properties with existing or potential wildlife corridor linkages. The corridor linkage shall include any onsite coast oak woodland area.

3-8.8 Assessor's Parcel No. 215-050-21 (Namikas) - Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands except for Poinsettia Lane extension. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.

3-8.9 Assessor's Parcel No. 215-050-22 (Sudduth) - Development shall be limited to a maximum of 25% of the property, not including Poinsettia Lane construction, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands except for Poinsettia Lane extension. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.

3-8.10 Assessor's Parcel No. 215-050-44, 45, 46, 47 (Kevane) – Development shall be limited to a maximum of 25% of the property, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands shall be allowed. A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.

3-8.11 Assessor's Parcel No. 215-050-12 (Reiter) - Development shall be limited to a maximum of 25% of the property, and shall be clustered on the western portion of the property. No impacts to coast oak woodland, riparian areas or wetlands shall be allowed A wildlife corridor linkage oriented generally north-south shall be provided on the eastern portion of the property, include the onsite coast oak woodland area, and be designed to connect to neighboring properties with existing or potential wildlife corridor linkages. Impacts to native habitat shall require onsite mitigation through restoration and/or creation of habitat within the designated corridor linkage, in addition to any other required mitigation.

3-8.12 Assessor's Parcel No. 215-050-73 (Levatino) - Maximum 25% development clustered on the southern portion of the property. Buffer widths may be reduced and/or additional impacts may be allowed to the extent necessary to obtain site access, and/or to accommodate Circulation Road improvements identified in the certified LCP.

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

4. GEOLOGIC, FLOODPLAIN, AND SHORELINE HAZARD AREAS

POLICY 4-1 <u>COASTAL EROSION</u>

I. <u>Development Along Shoreline</u>

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

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.

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.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from the development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 requirements, they shall meet those requirements, including achievement of the numerical sizing standard, if they are in, within 200 feet of, 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 effective irrigation systems and landscape designs or other methods to minimize or eliminate dry weather flow, if they are within 200 feet of an ESA, coastal bluff or rocky intertidal areas.

o. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:

1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical.)
2. Addition of new development categories as Priority Projects.
3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project.

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.

II. Beach Sand Erosion

Pursue mitigation measures which address the causes of beach sand erosion; sand dredging and use of the Longard Tube to reduce wave energy are two such measures which have been suggested. The City should continue to participate in the Regional Coastal Erosion Committee's studies of the causes and cures for shoreline erosion.

III. Shoreline Structures

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 to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. As a condition of coastal development permit approval, permitted shoreline structures may be required to replenish the beach with imported sand. Provisions for the maintenance of any permitted seawalls shall be included as a condition of project approval.

Projects which create dredge spoils shall be required to deposit such spoils on the beaches if the material is suitable for sand replenishment.

IV. Undevelopable Shoreline Features

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

POLICY 4-2 LANDSLIDES AND SLOPE INSTABILITY

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

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

POLICY 4-3 ACCELERATED SOIL EROSION

Areas West of I-5 and the Existing Paseo del Norte and Along El Camino Real Upstream of Existing Storm Drains

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

a. All development must include mitigation measures for the control of urban runoff rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP dated April 2003 and as amended, the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP. Such mitigation shall become an element of the project, and shall be installed prior to the initial grading. At a minimum, such mitigation shall require construction of all improvements shown in the City of Carlsbad Drainage Master Plan and amendments thereto between the project site and the lagoon (including the debris basin), as well as: revegetation of graded areas immediately after grading; and a mechanism for permanent maintenance if the City declines to accept the responsibility. Construction of drainage improvements may be through formation of an assessment district, or through any similar arrangement that allots costs among the various landowners in an equitable manner.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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 runoff produced from each storm event up to and including the 85th percentile 24-hour storm event.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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:

1. Addition of new Best Management Practices (BMP) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.)
2. Addition of new development categories as Priority Projects.
3. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
4. Reduction in the area of impervious surfaces used to designate a specific category of Priority Project.

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.

(b) <u>All Other Areas</u>

This policy applies to all other areas except those subject to Policies 3-5 and 3-7 (a) above.

Any development proposal that affects steep slopes (25% inclination or greater) shall be required to prepare a slope map and analysis for the affected slopes. Steep slopes are identified on the PRC Toup maps. The slope mapping and analysis shall be prepared during the CEQA environmental review on a project-by-project basis and shall be required as a condition of a coastal development permit.

(1) Slopes Possessing Endangered Species and/or Coastal Sage Scrub and Chaparral Plant Communities.

For those slopes mapped as possessing endangered plant/animal species and/or Coastal Sage Scrub and Chaparral plant communities, Policies 3-1 and 3-8 and the following provisions would apply:

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

b) No further subdivisions of land or utilization of Planned Unit Developments shall occur on lots that have their total area in excess of 25% slope unless a Planned Unit Development is proposed which limits grading and development to not more than 10% of the total site area.

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

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

(2) All Other Steep Slope Areas:

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

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

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

c) Slope disturbance will not result in substantial damage or alteration to major wildlife habitat or native vegetation areas and is consistent with the habitat protection policies contained in Policies 3-1 and 3-8.

d) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.

e) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.

f) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(3) Drainage and Erosion Control

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

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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 (BMPs) 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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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 bluff 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:

    1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.)
    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. 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.

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

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

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

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

(6) Required Open Space Easements on Undeveloped Slopes:

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

POLICY 4-4 <u>REMOVAL OF NATURAL VEGETATION</u>

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

POLICY 4-5 <u>SOIL EROSION CONTROL PRACTICES</u>

a. Soil erosion control practices shall be used against "onsite" soil erosion. These include keeping soil covered with temporary or permanent vegetation or with mulch materials, special grading procedures, diversion structures to divert surface runoff from exposed soils, and grade stabilization structures to control surface water. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the additional requirements contained herein. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
8. Incorporate roof or awning covers over trash storage areas to prevent offsite transport of trash and other pollutants from entering the storm water conveyance system.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

f. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

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 (BMPs) 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.

h. Priority projects will include projects increasing impervious area by more than 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 definitions of “adjacent to” and “draining directly to” that are found in the SUSMP.

i. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs 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 BMPs 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 Waters 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 of, 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 bluff 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:

1. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impracticable.)
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. Any minor changes made pursuant to the above list shall be accompanied by a finding that the changes will improve and better protect coastal water quality. The City Engineer or Planning Director shall notify the Executive Director in writing of any of the above listed changes. For any changes not included in the above list, the City shall contact the Executive Director to determine whether an LCP amendment is necessary, and if necessary, shall subsequently apply for an LCP amendment for the changes.

POLICY 4-6 <u>"SEDIMENT CONTROL" PRACTICES</u>

a. Apply "sediment control" practices as a perimeter protection to prevent offsite drainage. Preventing sediment from leaving the site should be accomplished by such methods as diversion ditches, sediment traps, vegetative filters, and sediment basins. Preventing erosion is of course the most efficient way to control sediment runoff. All development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated into the LCP by reference. Development must also comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b. Prior to making land use decisions, the City shall utilize methods available to estimate increases in pollutant loads and flows resulting from proposed future development. The City shall require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate the projected increases in pollutant loads and minimize any increases in peak runoff rate.

c. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

d. Post-development runoff from a site shall not contain pollutant loads which cause or contribute to an exceedance of receiving water quality objectives or which have not been reduced to the maximum extent practicable.

e. Development projects should be designed to comply with the following site design principles:

    1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
    2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
    3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
    4. Provide development-free buffer zones for natural water bodies.
    5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.

6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
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POLICY 4-7 <u>FLOOD HAZARDS</u>

(a) <u>Storm Drainage Facilities in Developed Areas</u>

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

(b) <u>City's Grading Ordinance</u>

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

(c) <u>Storm Drainage Facilities in Undeveloped Areas</u>

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

(d) Financing New Drainage Facilities

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

(e) 100-Year Floodplain

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

(f) Drainage Master Plan

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

POLICY 4-8 SEISMIC HAZARDS

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

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

5. PUBLIC WORKS AND PUBLIC SERVICES CAPACITIES

POLICY 5-1 REGIONAL SEWAGE TRANSPORTATION SYSTEM

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

POLICY 5-2 FUTURE SEWAGE TREATMENT

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

POLICY 5-3 UNTREATED RECLAIMED WATER

Since current Regional Water Quality Control Board requirements may not permit untreated reclaimed water for certain purposes, Carlsbad should participate in the Phase IV expansion of Encina to assure capacity to meet demand both in and out of the coastal zone.

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

The City of Carlsbad Sewer Allocation Plan which allocates limited capacity from Encina should provide a 10% reserve capacity for coastal-dependent uses that emphasize public and commercial recreation and visitor-serving facilities.

POLICY 5-5 POINSETTIA LANE

Poinsettia Lane should be completed as a major arterial as indicated on the Local Coastal Program map by 1995. It should also provide direct coastal access to Carlsbad Boulevard. No assessment of agricultural lands shall be made to support this road extension.

6. RECREATION AND VISITOR-SERVING USES

POLICY 6-1 ADDITIONAL CITY PARKS

Additional City parks will be required in conjunction with new development. These parks should be a minimum of five acres in order to accommodate a wide variety of both active and passive uses. Locations of additional City parks are Altimira Park (12 acres) and North La Costa Park (five acres); both are listed as proposed parks in the Parks and Recreation Element of Carlsbad's General Plan.

POLICY 6-2 REGIONAL PARK

If the population of Carlsbad increases in accordance with SANDAG's projected Series V Population Forecasts, it is estimated that Carlsbad will need to develop a new regional park containing 200 to 300 acres in order to adequately serve the public. A location for a new regional park must, therefore, be established. Consideration should be given to a facility within the Aqua Hedionda Specific Plan Area, or adjacent lands. The Batiquitos Lagoon area should also be considered.

POLICY 6-3 ENCINA FISHING AREA

The water related Encina fishing area located adjacent to the San Diego Gas and Electric Company's power plant should be maintained for public use with no fees (See Exhibit 4.9) (See Policy 7-7)

POLICY 6-4 NEED FOR ADDITIONAL OVERNIGHT CAMPING

Additional overnight camping facilities, the main source of lower cost visitor and recreational facilities, are needed throughout the San Diego coastal region. Additional facilities of this kind should be provided in a regional park within the Carlsbad area. This can be accomplished in conjunction with an eventual Batiquitos Park, within the Aqua Hedionda Specific Plan Area, and/or along with the development of private recreational facilities.

POLICY 6-5 NEED FOR 200 ADDITIONAL HOTEL-MOTEL ROOMS, AND VISITOR-SERVING USES

Approximately 40 acres of additional visitor-serving (hotel-motel and restaurant) uses should be established. Assuming a density of approximately ten hotel-motel rooms per acre, the estimated need of 200 additional rooms can be achieved. Restaurants and other visitor-serving facilities also need to be provided. Suggested locations are the intersections of I-5 with Palomar Airport Road and/or Poinsettia Lane. Not all of this demand needs to be met with land immediately within the coastal zone.

POLICY 6-6 ADDITIONAL VISITOR-SERVING FACILITIES AT ELM AVENUE AND CARLSBAD BOULEVARD

Provision should be made for additional visitor-serving facilities, as well as retaining existing visitor uses, at the western terminus of the Elm Avenue corridor in the coastal zone. (See Exhibit 4.10).

POLICY 6-7 SMALL BOAT LAUNCHING FACILITY AT SOUTH CARLSBAD STATE BEACH

The possibility of developing the southern portion of Carlsbad State Beach as a small boat launching facility should be pursued to meet this water-related need.

POLICY 6-8 DEFINITION OF VISITOR-SERVING COMMERCIAL USES, AND EAST END OF BUENA VISTA LAGOON

"Visitor-serving commercial uses" shall be defined to include hotels and motels, recreational facilities, restaurants and bars, amusement parks, public parks, horticultural gardens, farmers' markets, retail uses accessory to another use which is the primary use of the site, and other accessory uses customarily catering to hotel and motel guests. The May Co. properties located at the east end of Buena Vista Lagoon (See Exhibit 4.5) will be designated for commercial, not visitor-serving commercial uses.

POLICY 6-9 PROPERTIES FRONTING CARLSBAD BOULEVARD ADJACENT TO AND INCLUDING SOUTH CARLSBAD STATE BEACH

The South Carlsbad State Beach campground should be considered for conversion to a day use beach and upland park if other adequate campground facilities can be developed nearby.

Mixed use development (i.e., residential and recreational-commercial) shall be permitted by right on properties fronting Carlsbad Boulevard across from South Carlsbad State Beach (See Exhibit 4.9). This policy applies only where not in conflict with the agricultural policies of the LCP.

7. SHORELINE ACCESS

POLICY 7-1 CYPRESS AVENUE AND OCEAN STREET AREA

Since there is a lack of adequate access in the northern portions of the planning area, an additional access point shall be provided, of at least 10 feet in width. The site of this accessway should be the vacant parcel located adjacent to the Army/Navy Academy at Cypress Avenue (Del Mar Street), and dedication of an accessway shall be required as a condition of development approval for this site. Such dedication

shall be in the form of an offer to the City of Carlsbad, State Coastal Conservancy or other appropriate public agencies, irrevocable for a term of 21 years.

NOTE: This site is now developed. As a part of (CCC) development approval, coastal access is open from ____ to ____.

POLICY 7-2 SHORELINE ACCESS SIGNAGE

The Coastal Conservancy and California State Department of Transportation (CALTRANS) have undertaken a comprehensive program designed to provide appropriate signs designating the shore access points. It is recommended that they identify the existing access points in the Carlsbad coastal zone, and upon approval of the future sites of access it is recommended that these also be identified with signs.

POLICY 7-3 ACCESS ALONG SHORELINE

The City will cooperate with the State to ensure that lateral beach access is protected and enhanced to the maximum degree feasible, and will continue to formalize shoreline prescriptive rights. Irrevocable offers of dedication for lateral accessways between the mean high tide line and the base of the coastal bluffs, and vertical accessways where applicable, shall be required in new development consistent with Section 30212 of the California Coastal Act of 1976. There is evidence of historic public use adjacent to Buena Vista Lagoon. Paths crisscross the area near the railroad tracks to the ocean shoreline. Development shall provide access and protect such existing access consistent with the needs to protect the habitat.

NOTE: See Exhibit 4.10.

POLICY 7-4 CARLSBAD BOULEVARD AND PALOMAR AIRPORT ROAD AREA

An additional access point on the South Carlsbad State Beach shall be provided at about the intersection of Carlsbad Boulevard and Palomar Airport Road.

NOTE: See Exhibit 4.10.

POLICY 7-5 ACCESS ON SOUTH CARLSBAD STATE BEACH

There is evidence of poorly-maintained and ill-defined walkways along much of the day use portion of South Carlsbad State Beach. These existing access points shall be improved as part of a State Parks and Recreation Master Plan for the Carlsbad State Beaches.

NOTE: See Exhibit 4.10

POLICY 7-6 BUENA VISTA LAGOON

An access trail shall be provided along the southern shoreline of Buena Vista Lagoon (See Exhibit 4.10), to facilitate public awareness of the natural habitat resources of the lagoon. To protect the sensitive resources of this area, access development shall be limited and designed in consultation with the State Department of Fish and Game. In permitted development of properties adjacent to the lagoon (See Exhibit 4.5), offers of dedication of lateral accessways, irrevocable for a term of 21 years, shall be

required to be provided to the City of Carlsbad, State Coastal Conservancy, or other appropriate public agencies. Such access dedications shall be of at least 25 feet in width upland from environmentally sensitive areas and any required buffers thereto. In addition, the City of Carlsbad, State Coastal Conservancy, and Wildlife Conservation Board shall seek to obtain lateral accessways across developed lands.

POLICY 7-7 ENCINA POWER PLANT SHORE AREA

It is recommended that the shore area owned by the San Diego Gas and Electric Company (area near the Encina Power Plant) be dedicated to the State of California. This area is already heavily used by beach goers and should be maintained by the State for properly continued use.

NOTE: See Exhibit 4.9 and Policy 6-3.

POLICY 7-8 NORTH END OF OCEAN STREET

On the vacant parcel at the extreme north end of Ocean Street, when development is proposed an irrevocable offer to dedicate the beach and lowland areas shall be required pursuant to Section 30211 of the Coastal Act. Residential development shall be clustered on the highland area and the bluff face shall not be altered. There shall be appropriate blufftop setback based on geologic report taking into account the prominent location, shoreline instability and significant habitat adjacent to the lagoon.

NOTE: This parcel is now developed.

POLICY 7-9 SOUTH CARLSBAD STATE BEACH: PARKING

Parking facilities are entirely inadequate in the vicinity of the South Carlsbad State Beach. To remedy this problem, the 20-acre site (APN 210-09-7) located between Carlsbad Boulevard and the railroad at the junction of Palomar Airport Road shall be developed for parking facilities of approximately 1,500 spaces. When this facility becomes heavily utilized, jitney service should be initiated between the parking area and designated points along Carlsbad Boulevard.

POLICY 7-10 PARKING

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

POLICY 7-11 STATE BEACH LANDS

Certain portions of underutilized state beach lands will provide a resource to develop future recreational facilities and beach access points. These shall be developed as part of an overall master plan for the Carlsbad beaches to be accomplished by the State of California Parks and Recreation Department.

POLICY 7-12 SEAWARD OF OCEAN STREET

New development on the seaward side of Ocean Street shall observe, at a minimum, an ocean setback based on a "stringline" method of measurement. No enclosed portions of a structure shall be permitted further seaward than the adjacent structure to the north and south; no decks or other appurtenances shall be permitted further seaward than those on the adjacent structures to the north and south. This policy

shall be used on single-family, "infill" parcels, and a greater ocean setback may be required for geologic reasons.

POLICY 7-13 VISUAL ACCESS

Visual access over more than 80% of the Carlsbad coastline is unobstructed because of public ownership. No future public improvements which would obstruct this visual access shall be permitted.

POLICY 7-14 VERTICAL SHORELINE ACCESSWAY WIDTH

It is recommended that vertical accessways to the beach generally be at least ten feet in width.

POLICY 7-15 SOUTH CARLSBAD STATE BEACH: CONVERSION TO A DAY USE BEACH, AND VERTICAL ACCESS ON MacMAHON PROPERTY

As the demand for day beach use increases and as additional campground facilities are provided within the Carlsbad area, the existing South Carlsbad State Beach campground should be converted to a day use beach. The upland area would serve as an ideal parking and picnicking area with stairway access to the beach below. This designation shall be incorporated within future master planning efforts by the State of California.

The California Commission-required offer of dedication for vertical access on the MacMahon property, located approximately 700 feet north of Cedar Street, shall be enforced as part of Coastal Development Permit F2875, unless the Attorney General's Office resolves the matter through an alternative acceptable to the State Coastal Commission.

8. SCENIC AND VISUAL RESOURCES, HISTORIC RESOURCES

POLICY 8-1 SITE DEVELOPMENT REVIEW

The Scenic Preservation Overlay Zone should be applied where necessary throughout the Carlsbad coastal zone to assure the maintenance of existing views and panoramas. Sites considered for development should undergo individual review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area. The Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize any alterations to topography.

POLICY 8-2 POTENTIALLY HISTORIC STRUCTURES

The City's historic structures which have the potential to meet criteria for inclusion in the National Register of Historic Places appear to be economically well-used at present. The sites with historic significance of "local importance" also appear to be in active use. However, maintenance, repair and use of these properties may require special attention. The building code flexibility and tax benefits which may be available to such properties need further study. The City of Carlsbad in conjunction with individual property owners of historically significant structures should determine which local and federal programs are applicable and take advantage of them as appropriate.

POLICY 8-3 INFILL DEVELOPMENT DESIGN REVIEW

While the Scenic Preservation Overlay Zone can be used to enhance the character of new development, the City of Carlsbad should adopt a policy whereby the unique characteristics of older communities (especially the Elm Street corridor) can be protected through their redevelopment scheme. This policy should reflect design standards which are in accordance with the flavor of the existing neighborhood.

POLICY 8-4 ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

The environmental impact review process will determine where development will adversely affect archaeological and paleontological resources. A site-specific review should also determine the most appropriate methods for mitigating these effects. Most importantly, the City of Carlsbad should require the implementation of these measures.

POLICY 8-5 SIGNAGE

On-premise signs should be designed as an integral part of new development. In addition:

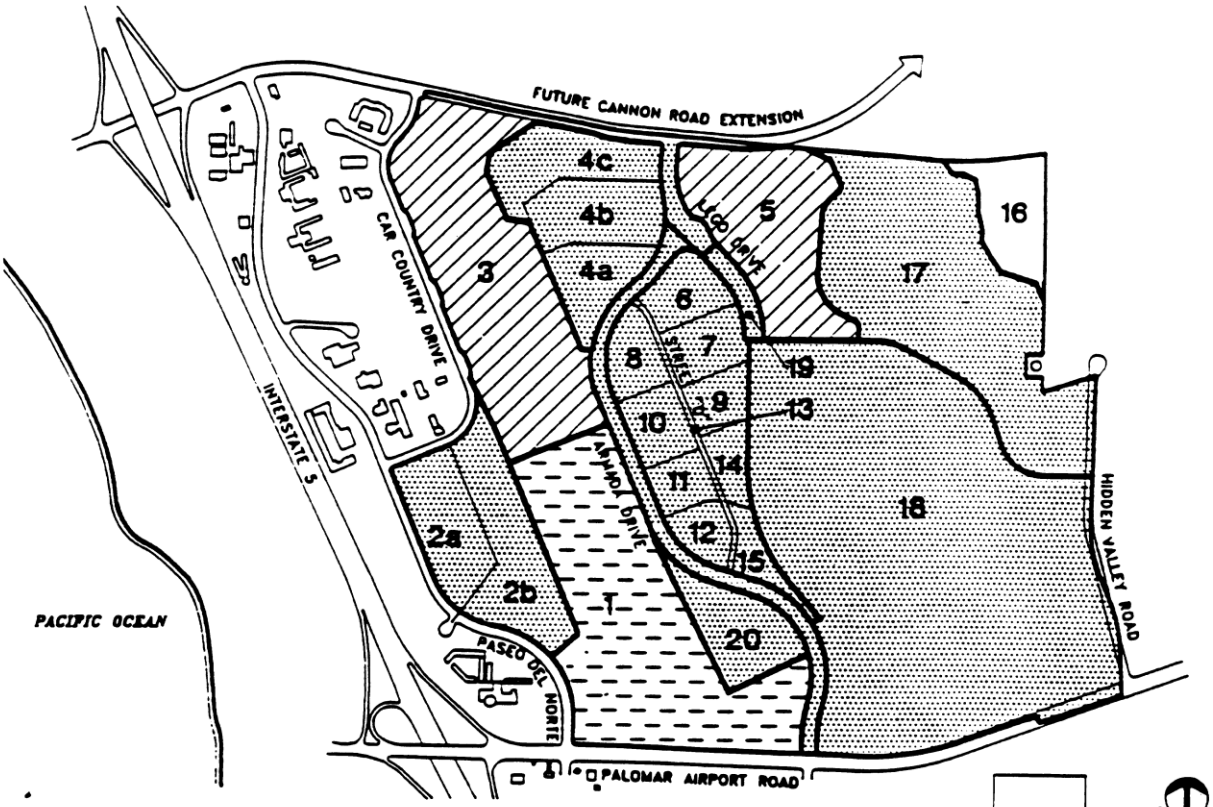
(A) Each business shall be entitled to one facade sign.
(B) Each shopping complex shall have only one directory sign not to exceed 15 feet in height, including mounding.
(C) Monument sign` height including mounding shall not exceed 8 feet and shall apply where three (3) or fewer commercial establishments exist on a parcel.
(D) Tall freestanding and roof signs shall not be allowed.
(E) Off-premise signs and billboards shall not be allowed.
(F) Current City regulations shall govern the number of square feet in each permitted sign.

Exhibit 3.3 – Updated Land Use Map X, 1996

THIS MAP IS NOT IN USE

Map Y - Urban Land Uses

Exhibit 4.3 Agricultural Lands



DEVELOPMENT SUMMARY

DEVELOPMENT AREAS — AGRICULTURAL — GOLF COURSE

NUMBER	LAND USE	ACRES (NET)	DEVELOPMENT PROGRAM
1	AGRICULTURE	53.42	EXISTING FLOWER FIELDS
2a,b	SPECIALTY RETAIL	26.65	300,000 SF
3	GOLF	45.61	4 HOLES OF GOLF
4a,b,c	G.I.A. VOCATIONAL SCHOOL	28.93	550,000 SF
5	GOLF	26.46	3 HOLES OF GOLF
6–12,14–15	RESEARCH & DEV'T	40.01	800,000 SF
13	STREET "D" (PRIVATE)	1.97	
16	OPEN SPACE	10.00	PRESERVE IN NATURAL STATE
17	RESORT	52.80	700 SUITES; 647,000 SF
18	LEGO FAMILY PARK	128.32	425,750 S.F.
19	LEGO DRIVE (PRIVATE)	0.94	
20	COMMUNITY HOTEL & RETAIL	10.48	212,080 SF; 280 ROOMS
	PUBLIC ROADS	21.81	

Exhibit 4.5 Lots Bordering Buena Vista Lagoon

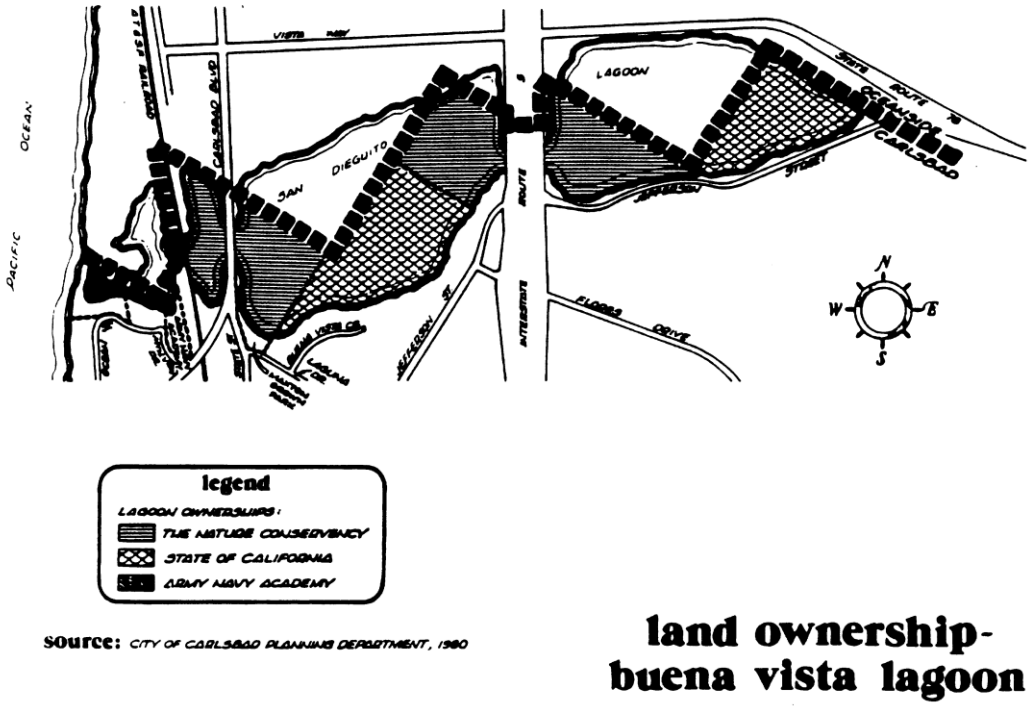


Exhibit 4.9 Encina Fishing Area

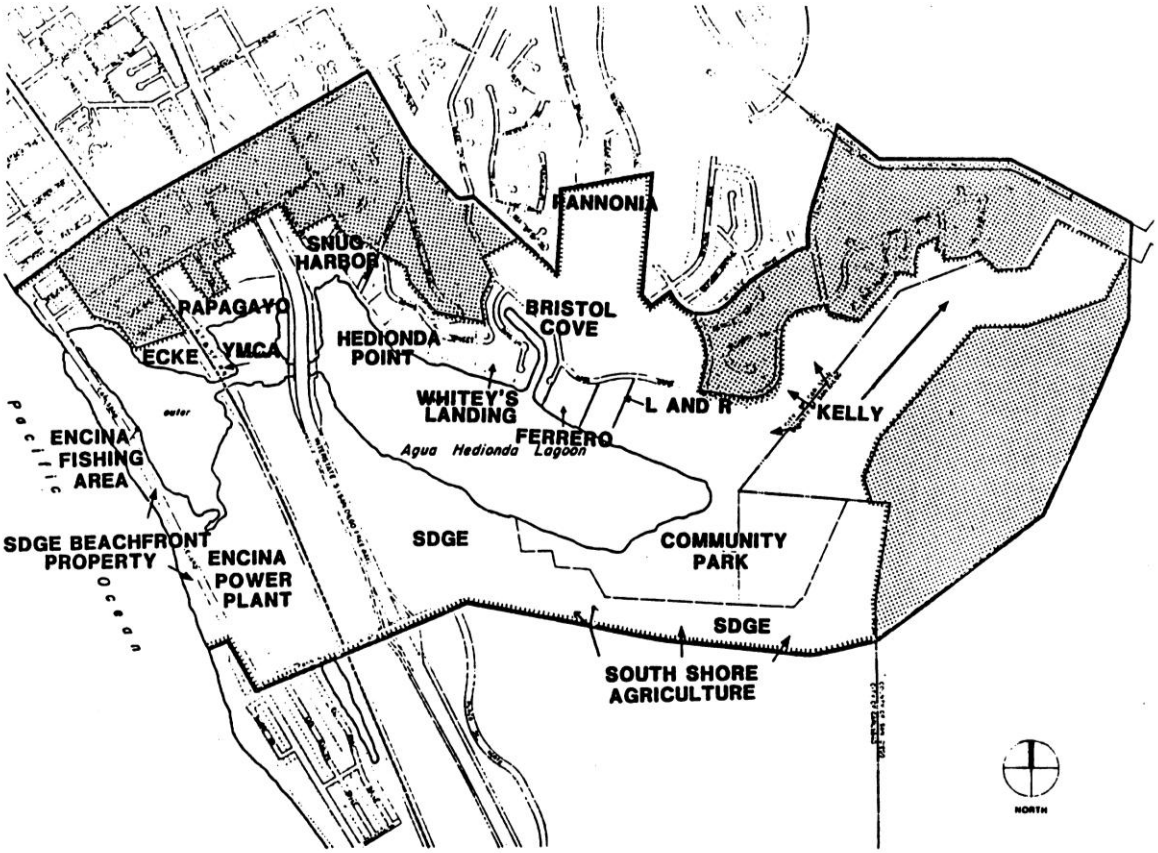
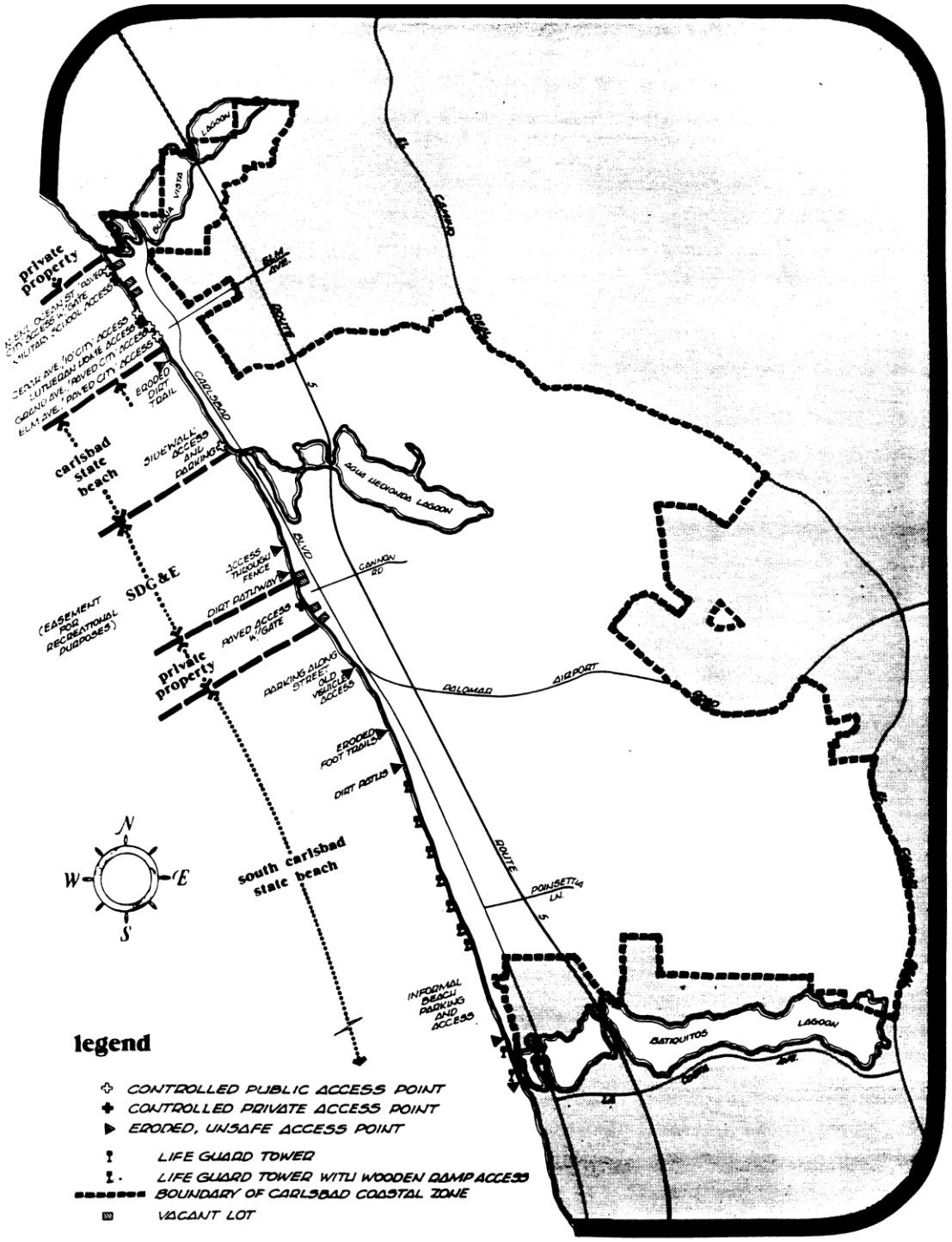


Exhibit 4.10 Access Points



II-3 WEST BATIQUITOS LAGOON/SAMMIS PROPERTIES LAND USE

Background: Local Coastal Program Amendment West Batiquitos Lagoon Segment

This is an amendment to the West Batiquitos Lagoon Local Coastal Program within the City of Carlsbad's Coastal Zone.

The amendment is required due to the change in land use as proposed by the Poinsettia Shores Master Plan which is located within the West Batiquitos Lagoon LCP area. The proposed Poinsettia Shores Master Plan was previously known as the Batiquitos Lagoon Educational Park (BLEP) Master Plan. The BLEP Master Plan was originally approved by the City Council in October of 1985. The BLEP Master Plan was prepared to facilitate the development of a private university with associated research and development facilities. The Master Plan also included a variety of housing types as well as recreational commercial, neighborhood commercial, travel service commercial, time-share units and a hotel with conference facilities.

Since the approval of the BLEP Master Plan, the only development that has occurred is in Planning Area J. There are currently 70 single family homes built within Planning Area J and an additional 5 custom home sites remaining vacant, also in Planning Area J. The remainder of the Master Plan area is currently undeveloped.

The Poinsettia Shores Master Plan proposes to eliminate the university and research and development uses on the east side of the AT&SF railroad right-of-way and develop this area with a variety of residential products in a gated community, except the Planning Areas A-3, A-4 and J shall remain open and ungated. Land uses west of the railroad right-of-way will remain substantially as previously approved.

A. Land Use Categories

The following are the proposed land use “Planning Areas,” each providing a brief description. The "Planning Areas" correspond directly with the planning areas approved with the Poinsettia Shores Master Plan. All development in these planning areas are subject to the provisions of the Poinsettia Shores Master Plan as adopted by the Carlsbad City Council and certified by the California Coastal Commission. No development inconsistent with the Master Plan shall be permitted. The Planning Areas identified below will replace the former planning areas established by the BLEP Master Plan. See the attached map for the location of the Planning Areas described below.

1. Planning Area A-1

Planning Area A-1 is located north of Avenida Encinas near the intersection of Avenida Encinas and Windrose Circle. It has a gross area of 9.8 acres and a net developable area of 8.4 acres. Planning Area A-1 has a land use designation of RM and allows for the development of 41 single family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

2. Planning Area A-2

Planning Area A-2 is located south of Avenida Encinas within the interior of the circle formed by Windrose Circle. It has a gross area of 1.5 acres and a net developable area of 11.0 acres. Planning Area A-2 has a land use designation of RM and allows for the development of 50 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

3. Planning Area A-3

Planning Area A-3 is located west of Planning Area A-2, east of the railroad right-of-way and adjacent to Avenida Encinas. It has a gross planning area of 10.2 acres and a net developable area of 8.6 acres. Planning Area A-3 has a land use designation of RM and allows for the development of 51 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

4. Planning Area A-4

Planning Area A-4 is located south of Planning Area A-3, east of the railroad right-of-way and adjacent to Batiquitos Lagoon. It has a gross planning area of 14.7 acres and a net developable area of 14.7 acres. Planning Area A-4 has a land use designation of RM and allows for the development of 62 single-family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan). Planning Area A-4 is a lagoon blufftop area which is subject to special development standards to address visual impacts to the lagoon.

5. Planning Area B-1

Planning Area B-1 is located north of Avenida Encinas and south of Lakeshore Gardens Mobile Home Park. It has a gross planning area of 20.9 acres and a net developable area of 20.2 acres. Planning Area B-1 has a land use designation of RM and allows for the development of 161 clustered single family detached residences (plus any density bonus units as provided in the Poinsettia Shores Master Plan).

The cluster single-family units are organized in groups of four air space ownership units located on common property owned by the homeowners association. These units will share in common a courtyard and private driveway leading to the individual unit garage, front yard area and the area fronting the adjacent street(s). Outdoor private use areas will also be provided for each home, within the common property.

This product type provides many of the amenities found in standard single-family residential design including: no common walls between units, private rear yards, garages, and increased privacy. The shared common property and shared driveway allow for clustered placement of the units around a central driveway/courtyard. This effectively reduces the number of units requiring direct street frontage and provides additional spacing between units across the drive. This results in a street scene which exhibits only two units in a row spaced ten feet apart in contrast to standard design practice under the Planned Development Ordinance which allows an unlimited number of units spaced ten feet apart with certain design criteria for single story elements.

6. Planning Area B-2

Planning Area B-2 is located south of and adjacent to Windrose Circle in the interior of Navigator Circle. Planning Area B-2 has a gross area of 2.9 acres with a net developable area of 2.6 acres. This Planning Area has a land use designation of RM and allows for the development of 16 clustered single-family detached homes on common lots (plus any density bonus units as provided in the Poinsettia Shores Master Plan). The cluster single-family product is discussed above under Planning Area B-1.

7. Planning Area C

Planning Area C is located immediately east of Navigator Circle, to the northeast of the previously developed single-family homes of Planning Area J and immediately west of I-5. Planning Area C has a gross area of 11.2 acres and a net developable area of 9.6 acres. Planning Area C has a land use designation of RM and allows for the development of 70 multi-family dwelling units (plus any density bonus units as provided in the Poinsettia Shores Master Plan). These may include carriage-type units with garage space below portions of the living area in each unit, located on property owned in common.

8. Planning Area D

Planning Area D is located immediately east of the AT&SF Railway right-of-way to the south of Lakeshore Gardens Mobile Home Park. Planning Area D has a gross area of 4.4 acres and a net developable area of 4.0 acres. Planning Area D is designated as the Master Plan's affordable housing site, unless an offsite location is designated through an Affordable Housing Agreement between the property owner and the City per the provisions of Chapter VII of this Master Plan.

The Poinsettia Shores Master Plan requires that 90 affordable housing units be provided either on-site within Village D or offsite as indicated in Chapter VII of the Master Plan.

9. Planning Area E

Planning Area E is located east of and adjacent to the AT&SF Railway right-of-way and north of and adjacent to Avenida Encinas. Planning Area E has a gross area of 0.9 acres and a net developable area of 0.5 acres; it has a land use designation of RM. This Planning Area is intended to provide recreational vehicle storage for the Poinsettia Shores Master Plan residents.

Per the requirements of the Planned Development Ordinance, 20 square feet per unit of recreational vehicle storage space shall be provided for all units. The Poinsettia Shores Master Plan allows for 451 market rate dwelling units, plus an additional 2 market rate units with the proposed density bonus for a total of 474 market rate units. The 90 affordable housing units are not included in this total since the residents of these units would be less likely to own luxury recreation vehicles. Therefore, the total requirement for the Master Plan is 9,840 square feet of recreational vehicle parking (20 x 474 = 9,480). The proposed RV site is .5 net developable acres or 21,780 square feet in size. This will more than satisfy the required minimum.

This RV storage area shall be operated and maintained by the Poinsettia Shores Master Homeowners' Association. Recreational vehicle storage shall be available by use of a paved

access road prior to issuance of the first Certificate of Occupancy for any residential unit in the Master Plan. If there is space available within the RV storage area, nonresidents of the Master Plan may be allowed to store their recreational vehicles in this area. The fees charged to these nonresidents shall be used to pay for the maintenance of the RV storage area. As the Poinsettia Shores Master Plan is developed, residents of the Master Plan area shall have priority over nonresidents for storage space within the Recreational Vehicle storage area.

10. Planning Area F

Planning Area F is located at the far northwest corner of the Master Plan area west of the AT&SF Railway right-of-way. This Planning Area has a gross area of 11 acres and a net developable area of 10.7 acres.

Planning Area F carries a Non-Residential Reserve (NRR) General Plan designation. Planning Area F is an "unplanned" area, for which land uses will be determined at a later date when more specific planning is carried out for areas west of the railroad right-of-way. A future Major Master Plan Amendment will be required prior to further development approvals for Planning Area F, and shall include an LCP Amendment with associated environmental review, if determined necessary.

The intent of the NRR designation is not to limit the range of potential future uses entirely to non-residential, however, since the City's current general plan does not contain an "unplanned" designation, NRR was determined to be appropriate at this time. In the future, if the Local Coastal Program Amendment has not been processed, and the City develops an "unplanned" General Plan designation, then this site would likely be redesignated as "unplanned." Future uses could include, but are not limited to: commercial, residential, office, and other uses, subject to future review and approval.

As part of any future planning effort, the City and Developer must consider and document the need for the provision of lower cost visitor accommodations or recreational facilities (i.e. public park) on the west side of the railroad.

11. Planning Area G

Planning Area G is located west of the AT&SF Railway right-of-way, east of Carlsbad Boulevard, north of Planning Area H and south of the Avenida Encinas extension. Planning Area G has a gross area of 8.4 acres and net developable area of 7.8 acres.

Planning Area G has a land use designation of TS/C. All development in Planning Area G shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Hotel units will be managed and maintained by a hotel management group. This area also allows for hotel units which are also permitted to be designed as vacation time share units provided that a subdivision map is recorded and the time share is processed under Section 21.42.010 of the Carlsbad Municipal Code. Up to 220 hotel or vacation time share units shall be allowable within this Planning Area. Each unit shall have the option to be designed with full kitchen facilities. These units may be sold or leased on a daily or weekly basis. In this event the facilities shall be maintained and managed by an independent management entity which may or may not be affiliated with the hotel management group.

This Planning Area provides tourist-commercial services and, in particular, the hotel and conference center. Uses within this area shall be primarily directed toward the needs of tourists visiting the hotel, conference center and local scenic and recreation areas.

In addition to the hotel/time share units described above, this Planning Area permits, but is not limited to the following uses: restaurants, bakeries, convenience retail, barber and beauty shops, book and stationery stores, dry cleaning, laundry service for hotel, florist shops, small specialty grocery stores, novelty and/or souvenir stores, travel agencies, confectionery stores and jewelry stores. Other similar uses are also allowed upon approval of the Director of Planning.

A maximum of 220 hotel and/or time share units, private recreation facilities in conjunction with the hotel and/or time share related uses as well as 58,600 square feet of commercial area.

A maximum of 58,600 square feet of tourist commercial floor area is permitted.

12. Planning Area H

Planning Area H is located immediately east of Carlsbad Boulevard between the hotel to the north and an open space area to the south. This Planning Area has a gross area of .7 acres and a net developable area of .7 acres. Planning Area H is a lagoon blufftop area with a land use designation of TS/C. This Planning Area is subject to special development standards which address visual impacts to the lagoon.

Planning Area H will include a hotel and conference center with recreational facilities, administrative offices, banquet facilities and accessory retail uses as approved by the Planning Director. All development in Planning Area H shall conform to the standards of the C-T zone of the Carlsbad Municipal Code, Chapter 21.29.

Permitted uses within Planning Area H are those commonly found with full service hotel facilities to include, but not limited to, a conference center, swimming pool, tennis courts, health club, dining facilities, and accessory retail uses provided for the convenience of hotel guests when located within the hotel structure(s).

A maximum of a 150 executive suite hotel, a maximum of five tennis courts and a maximum of 120,000 square feet of commercial area which includes a 25,000 conference center is allowed within this Planning Area.

13. Planning Area I

Open Space Area I is located north of Batiquitos Lagoon, west of the AT&SF Railway right-of-way and east of Carlsbad Boulevard at the southwest corner of the Master Plan area. Planning Area I has a gross area of 11.9 acres. Planning Area I has a land use designation of OS.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed. A desilting basin may be constructed in the northwest portion of Open Space Area I.

The proposed desiltation basin site is outside the Batiquitos Lagoon Enhancement Plan's implementation area. The City has reviewed a feasible design for the basin and storm drain in the review of the former Batiquitos Lagoon Educational Park (BLEP) project. In addition, the specific implementation design of the Enhancement Plan has accounted for the location of this desiltation basin.

14. Planning Area J

Planning Area J is located north of Batiquitos Lagoon in the eastern portion of the Poinsettia Shores Master Plan area. Planning Area J is the only portion of the Master Plan area that has been developed. There are currently 70 homes built with five lots remaining to be developed. Planning Area J has a gross area of 1.8 acres.

This planning area has a land use designation of RM and allows for the development of 75 single-family detached units of which 70 units have already been built.

15. Planning Area K

Planning Area K is located north of Batiquitos Lagoon, east of the AT&SF Railway right-of-way and West of I-5. Planning Area K has a gross area of 18. acres. This planning area has a land use designation of OS.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.

16. Planning Area L

Planning Area L is located north of Batiquitos Lagoon and Planning Area K and separating Planning Areas A-4 from Planning Area J. Planning Area L has a gross area of 4.6 acres. This planning area has a land use designation of O-S.

Land within this planning area has been conveyed to the State Lands Commission as a requirement of the BLEP Master Plan and approved Coastal Development Permit. The area is subject to the Batiquitos Lagoon Enhancement Plan and any activities in this area shall be consistent with the approved enhancement plan. No activities contrary to that plan shall be allowed.

17. Planning Area M

Planning Area M has a land use designation of O-S. This area shall be developed as a private Community Recreation Center and will be located adjacent to Avenida Encinas between Planning Areas A-1 and B-1. The Recreational Facility Center has a gross acreage of 2 acres and a net acreage of 2 acres.

This facility will be available to all homeowners within the Poinsettia Shores Master Plan area, except as outlined in the Poinsettia Shores Master Plan within the development standards of Planning Area M.

THE ABOVE LAND USE CATEGORIES REFLECT THE PLANNING AREAS WITHIN THE POINSETTIA SHORES MASTER PLAN -- THIS LCP AMENDMENT INCLUDES ADDITIONAL AREA TO THAT OF THE POINSETTIA SHORES MASTER PLAN. THE FOLLOWING LAND USE CATEGORY COVERS THOSE AREAS OUTSIDE THE POINSETTIA SHORES MASTER PLAN, BUT WITHIN THIS AMENDMENT.

18. West Batiquitos Lagoon

Public Resources Code Section 30233(c) identifies Batiquitos Lagoon as one of 19 priority wetlands and limits the types of uses and activity that may occur there. This area is Open Space (O-S) in order to preserve the function of the lagoon and the immediately adjacent uplands as a viable wetland ecosystem and habitat for resident and migratory wildlife. Uses shall be limited to activities related to habitat enhancement, educational and scientific nature study, passive recreation which will have no significant adverse impacts on habitat values, and aquaculture having no significant adverse effect on natural processes or scenic quality.

B. AGRICULTURAL LANDS

(approximately 100 acres originally identified as non-prime, of which 60 remain)

Non-prime agricultural lands identified during the review of the Batiquitos Lagoon Educational Park Plan are shown on Map C. Of the original 100 acres, 60 acres remain undeveloped. Forty acres have been converted to urban uses in accordance with the provisions of the West Batiquitos Lagoon/Sammis Properties Local Coastal Program and the Batiquitos Lagoon Educational Park Master Plan. An agricultural conversion mitigation fee of $5,000/acre was set by the California Coastal Commission with approval of the project. At the same time, the State Coastal Commission agreed to accept a bond and recorded deed restriction securing the balance of payment due for conversion of the remaining 60 acres of agricultural land. In September of 1986, $200,000 was paid by the property owner to the State Coastal Conservancy for conversion of 40 acres to urban uses in accordance with the project conditions.

The remaining 60 acres of land may be converted to urban uses as specified in this plan and the Poinsettia Shores Master Plan, upon the payment of an agricultural conversion mitigation fee. This fee implements Public Resources Code Section 30171.5. Unconverted agricultural land may be used for purposes specified in the Carlsbad E-A zone, Carlsbad Municipal Code, 21.07, or the Coastal Agricultural zone if adopted pursuant to the "Mello II" segment of the Carlsbad LCP as amended.

<u>Agricultural Conversion Mitigation Fee</u>:

Conversion of non-prime agricultural lands shall be permitted upon payment of an agricultural conversion fee which shall mitigate the loss of agricultural resources by preserving or enhancing other important coastal resources. The amount of the fee shall be determined by the City Council at the time it considers the proposal for development and shall reflect the per acre cost of preserving prime agricultural land pursuant to Option 1 of the "Mello II" portion of the Carlsbad LCP, as amended, but shall not be less than $5,000 nor more than $10,000 per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund and shall be expended by the State Coastal Conservancy in the following order of priority:

1. Restoration of natural resources and wildlife habitat in Batiquitos Lagoon;

2. Development of an interpretive center at Buena Vista Lagoon;

3. Restoration of beaches managed for public use in the coastal zone in the City of Carlsbad;

4. Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council;

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

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

C. GRADING AND EROSION CONTROL

a. Because the area is located close to environmentally sensitive habitats, all development must include mitigation measures for the control of urban runoff flow rates and velocities, urban pollutants, erosion and sedimentation in accordance with the requirements of the City's Grading Ordinance, Storm Water Ordinance, Standard Urban Storm Water Mitigation Plan (SUSMP), City of Carlsbad Drainage Master Plan, and the following additional requirements. The SUSMP, dated April 2003 and as amended, and the City of Carlsbad Drainage Master Plan are hereby incorporated in the LCP by reference. Development must comply with the requirements of the Jurisdictional Urban Runoff Management Program (JURMP) and the San Diego County Hydrology Manual to the extent that these requirements are not inconsistent with any policies of the LCP.

b. Drainage and runoff shall be controlled so as not to exceed the capacity of the downstream drainage facilities or to produce erosive velocities and appropriate measures shall be taken on and/or off the site to prevent the siltation of the Batiquitos Lagoon and other environmentally sensitive areas.

c. All graded areas shall be hydroseeded prior to October 1st with either temporary or permanent materials. Landscaping shall be maintained and replanted if not established by December 1st.

d. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earth-moving equipment, stockpiling or earthwork material, or other disturbances within the open space areas.

e. Any necessary temporary or permanent erosion control devices required for the development of a specific planning area, such as desilting basins, shall be developed and installed prior to any on, or off, site grading activities within the specific planning area requiring the mitigation, or, concurrent with the grading, provided all devices required for that planning area are installed and operating prior to October 1st, and installation is assured through bonding or other acceptable means.

f. The developer must provide for the long-term maintenance of drainage improvements and erosion control devices.

g. 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.

h. Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

i. 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.

j. Development projects should be designed to comply with the following site design principles:

1. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
2. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
3. Preserve, and where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffer zones. Land acquisition of such areas shall be encouraged.
4. Provide development-free buffer zones for natural water bodies.
5. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
6. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
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.
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.
9. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
10. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

k. Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and in the SUSMP.

l. 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.

m. Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and draining directly to" that are found in the SUSMP.

n. The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.

o. The City will encourage and support public outreach and education regarding the potential water quality impacts of development.

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

q. Projects within 200 feet of the Pacific Ocean shall be dealt with as "Projects Discharging to Receiving Waters 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%.

r. 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 of, 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.

s. 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.

t. The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:

   a. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be infeasible or impractical.)
   b. Addition of new development categories as Priority Projects.
   c. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
   d. Reductions in the area of impervious surfaces used to designate a specific category of Priority Projects.

u. 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 LPC

amendment for the changes.

Note: The Poinsettia Shores Master Plan provides additional specific standards which relate to grading - see standards for individual planning areas and the Master Plan Grading and Earthwork Chapter.

D. LANDSCAPING

In order to guard against introduction of any species which are inherently noxious to, or incompatible with, the adjacent lagoon habitat, drought tolerant plants and native vegetation shall be used to the maximum extent feasible.

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

Note: The Poinsettia Shores Master Plan provides additional specific standards which relate to landscaping - see standards for individual planning areas and the Master Plan Theme Elements Chapter.

E. ENVIRONMENTALLY SENSITIVE HABITATS

The environmentally sensitive habitats located on the affected area (i.e., wetlands and bluff slopes) shall be preserved as open space.

These sensitive areas are protected from any significant disruption through fee dedication of wetland areas and recordation of open space easements. The dedication of the designated wetland areas has been completed and accepted by the California Coastal Conservancy. Recordation of several open space easements has occurred with the existing development along the blufftop in the area identified as Planning Area J. Recordation of additional open space easements along the bluff and railroad right-of-way shall occur upon recordation of the final maps for Planning Areas A-3 and A-4, G and H. Furthermore, development on the blufftops shall maintain setbacks as identified in the Poinsettia Shore Master Plan from the bluff edges to prevent possible impacts on adjacent environmentally sensitive habitats. No grading or manufactured slopes associated with the adjacent private residential developments shall occur within the public open space and setback areas.

Any future restoration, enhancement and preservation of Batiquitos Lagoon shall be consistent with a Batiquitos Lagoon Enhancement Plan. The Batiquitos Lagoon Enhancement Plan has been adopted by the City of Carlsbad and certified by the California Coastal Commission. This plan is currently included as an attachment to the Carlsbad Local Coastal Program. Any other lagoon enhancement plans must also be approved by the City of Carlsbad and certified by the California Coastal Commission in conformance with the California Coastal Act.

F. PUBLIC ACCESS

A pedestrian walkway shall be provided along the western portion of areas G and H from approximately Avenida Encinas on the north to the San Marcos Creek Bridge on the south. The walkway shall be permanently open to use by the public.

Lagoon accessways, blufftop accessways or equivalent overlook areas, and a bike path/pedestrian walkway, shall be provided if agricultural land on the north shore of Batiquitos Lagoon is developed. Each planning area containing a segment of the trail shall be conditioned to require construction and

maintenance of that portion of the trail within the planning area, unless otherwise specified in the Batiquitos Lagoon Enhancement Plan. Each planning area containing a segment of the trail shall be conditioned to construct its trail segment prior to issuance of any building permits for that planning area. Such accessways shall be preserved for public use by requiring irrevocable offers of dedication of those areas as a condition of development and, prior to the issuance of any building permits for those planning areas, the trail dedications shall be accepted by the City of Carlsbad if the City agrees and it adopts a Citywide Trails Program that includes provisions for maintenance and liability. Otherwise, prior to the issuance of any building permits, the obligation for acceptance, construction, maintenance, and liability shall be the responsibility of another agency designated by the City or the responsibility of the Homeowners Association. Upon acceptance of the dedication, including maintenance and liability responsibilities, and completion of the trail improvements, the trail shall be open for public use. The accessways shall not adversely impact environmentally sensitive habitats.

A Trail Construction Plan shall be provided for all planning areas containing public trails. The public trails alignment shall be as shown on the attached exhibit. The plan shall indicate that all trail alignments will be atop of the lagoon or railroad slopes and shall be constructed in the least environmentally-damaging manner. The public trail shall be a minimum width of ten feet measured inland from the top of the bluff edge or railroad embankment. The trail improvements shall include a minimum 5 foot wide improved accessway, fencing, trash receptacles and interpretive signage. In addition to the existing trailhead at Windrose Circle, two additional trailheads shall be provided: one at the southwest corner of Planning Area A-4 adjacent to the railroad right-of-way and one at the northwest corner of Planning Area A-3, adjacent to Avenida Encinas. These trailheads shall include appropriate directional signage and identification. The plan shall also include construction specifications, maintenance standards, and specify what party(ies) shall assume maintenance and liability responsibilities.

The public facilities and improvements specified by the Poinsettia Shores Master Plan shall be provided by the developer - see the Public Facilities and Open Space Chapters of the Master Plan.

G. ARCHAEOLOGY

A program of preservation and/or impact mitigation regarding archaeological sites located on the affected area shall be completed prior to any development.

H. STATE LANDS COMMISSION REVIEW

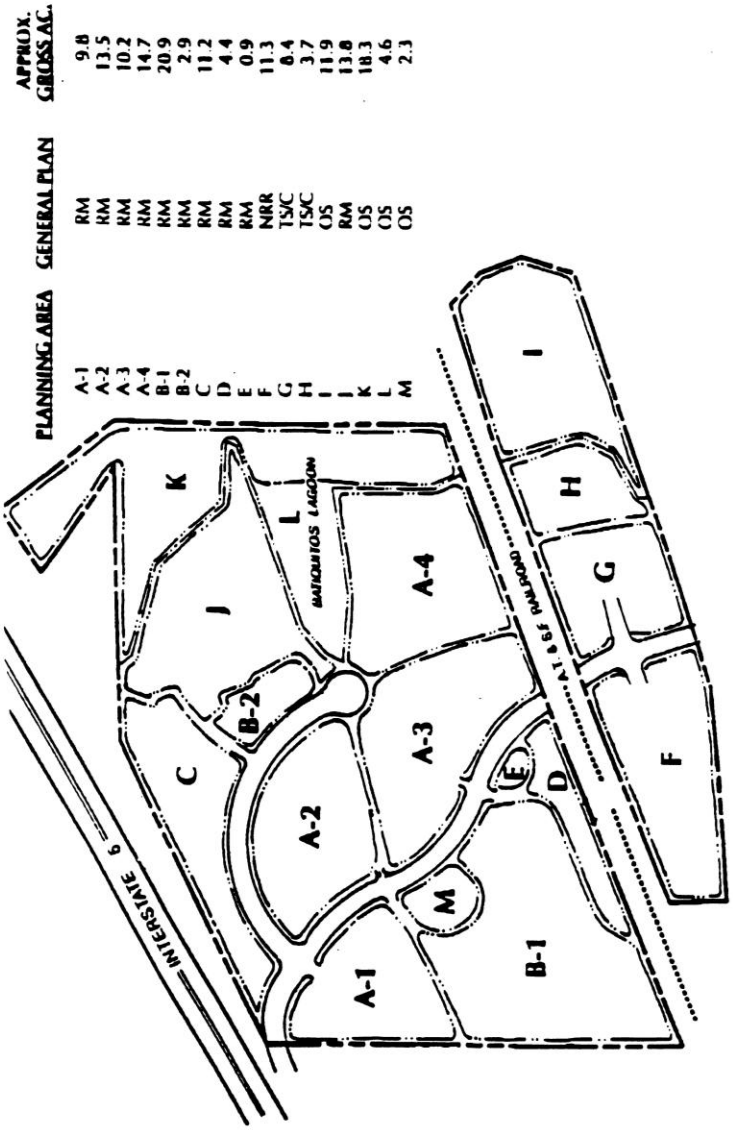
Prior to issuance of a coastal development permit, the permittee shall obtain a written determination from the State Lands Commission that:

1. No State Lands are involved in the development, or
2. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or
3. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

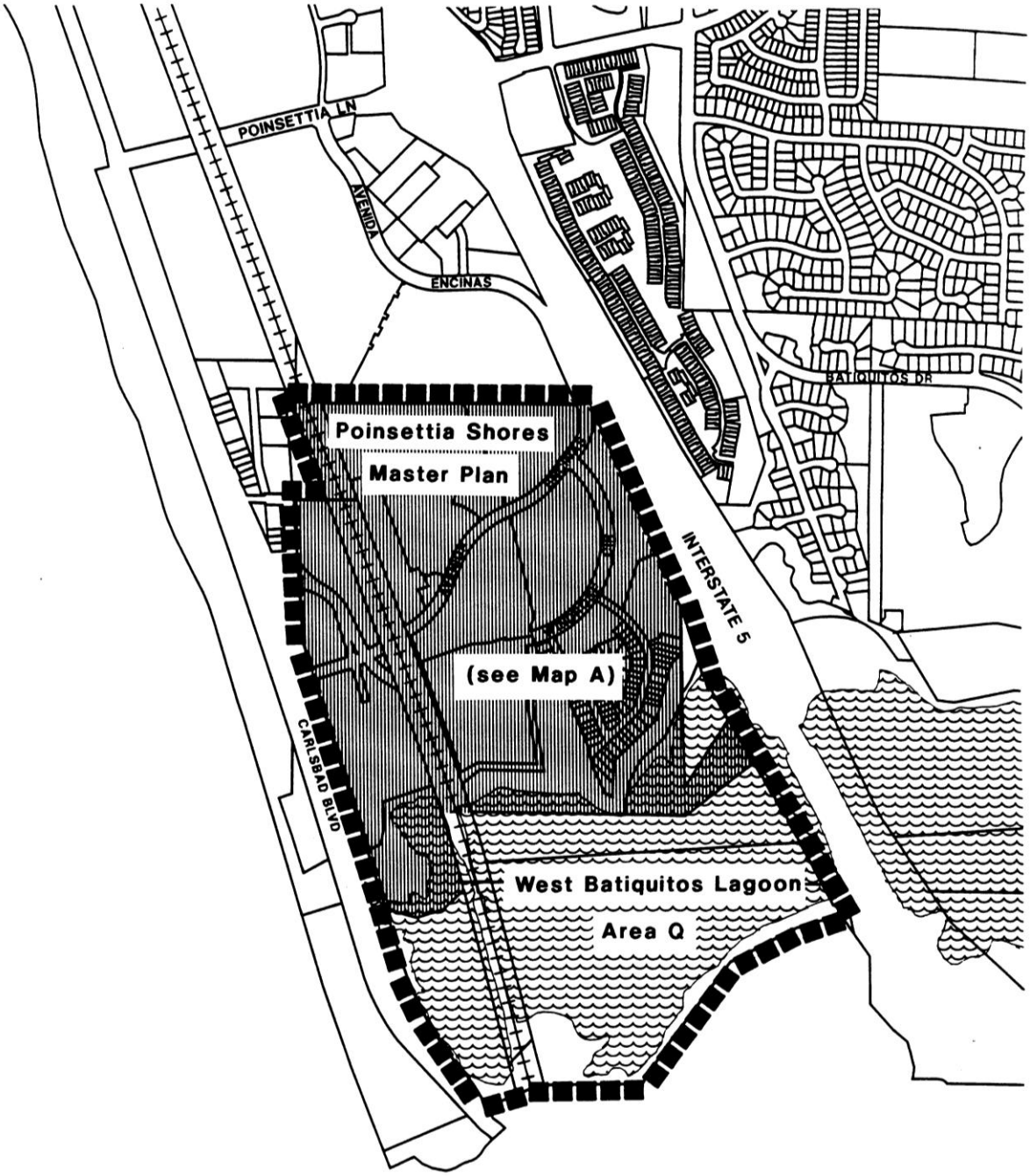
I. MASTER PLAN APPROVAL

The Poinsettia Shores Master Plan as adopted by the Carlsbad City Council Ordinance No. NS-266 and certified by the California Coastal Commission is approved as the Implementing Ordinance for this Local Coastal Land Use Plan. Upon final certification by the California Coastal Commission, this portion of the Carlsbad Local Coastal Program shall be deemed certified.

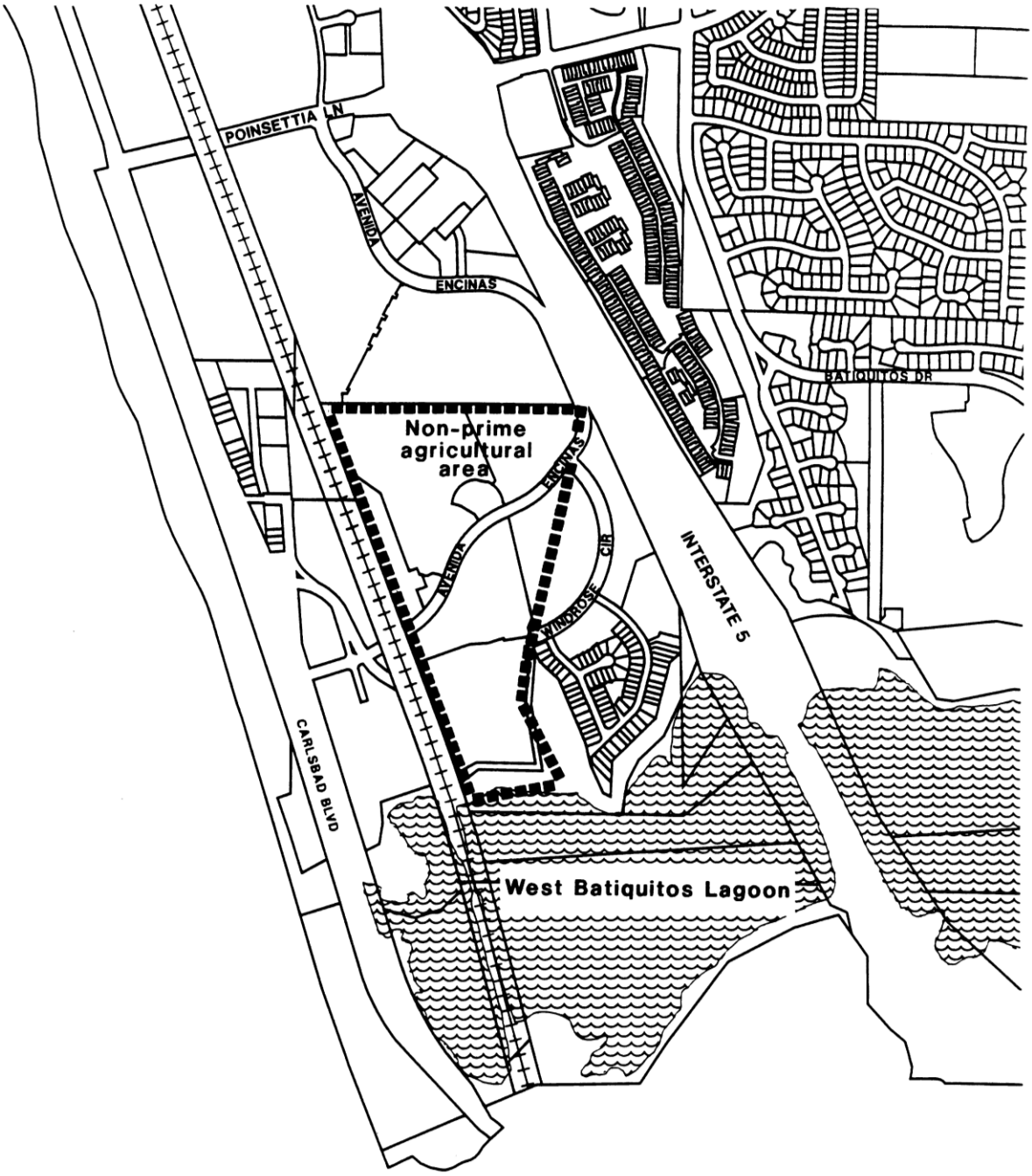
Map A: Poinsettia Shores Master Plan



Map B: LCP Amendment Boundary



Map C: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CARLSBAD BLVD
West Batiquitos Lagoon

II-4. East Batiquitos Lagoon/Hunt Properties

A. Background

This Local Coastal Program creates a new segment of the Carlsbad Local Coastal Program by addressing the properties within the City of Carlsbad's coastal zone - outside the Mello I and Mello II areas. The subject geographical area is east of I-5 and generally includes the north shore of the Batiquitos Lagoon, Batiquitos Lagoon, and Green Valley. The area was, prior to annexation into the City of Carlsbad in 1984, part of the San Dieguito LCP. This segment was certified in 1985.

B. Land Use Policies

1. Land Use Categories
Sub-areas (see map in back of document)

(1) North Shore Batiquitos Lagoon (outside the wetland boundary).

All non-agricultural land use and development is subject to the provisions of the Pacific Rim Master Plan as adopted by Carlsbad City Council and as approved or modified by the California Coastal Commission. No development inconsistent with the Master Plan shall be permitted. To the extent that there are inconsistencies between the Master Plan and this LCP the most restrictive requirements shall prevail.

It is understood that Sub-Area No. 1 is part of a larger holding on the north shore owned by Hunt Properties or its successors in interest. These other contiguous properties are included in the Mello I and Mello II segments of the Carlsbad LCP. All contiguous north shore properties including the lagoon which are owned by Hunt Properties or its successors shall be the subject of a single master plan.

(a) Land Uses Permitted Pursuant to a Master Plan

Unless otherwise noted herein, uses permitted by the Master Plan shall be consistent with those allowed by the Carlsbad General Plan as adopted as of March 1, 1988. In general, the Master Plan and Carlsbad General Plan allow for a combination of residential, commercial, and open space uses. Specifically, the uses shall be as follows:

1) Residential - the Mesa (Planning Area 30) shall be designated Residential Medium Density (RM 4-8 du/ac) but constraints to development permit a maximum of 135 du. All other residential areas subject to this LCP segment are designated Residential Low-Medium density (RLM 0-4 du/ac).

2) Commercial - Portions of Planning Areas 10 and 11 that are subject to this plan are designated Recreation Commercial (RC). In addition to the uses permitted under this designation, other uses may include restaurants.

3) Open Space - Portions of Planning Area 1, 1A, and 1B are designated Open Space (OS). In addition to uses permitted under this designation, other uses may

include public and/or private golf course plus accessory uses such as clubhouse facilities. Uses in this open space area shall be designated so that there will be no significant adverse impacts on environmentally sensitive habitats. Also designated for open space is the lagoon wetland and a buffer (transition habitat Planning Areas 31A and 31B). The only uses allowed within the wetland shall be consistent with Section 30233 (Public Resources Code - See discussion in Policy C-1 below). The only uses allowed within the wetland buffer is lateral public access trail system, including signing and fencing as required consistent with the Batiquitos Lagoon Enhancement Plan prepared by the California Coastal Conservancy and/or as approved by the Coastal Commission in Coastal Development Permit No. 6-87-680. The trail shall be designed so as to, maintain and preserve sensitive wetland areas from disturbance, encroachment, human or domestic pet interference.

(2) Batiquitos Lagoon

The lagoon wetland area as determined by California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (FWS) is designated Open Space (OS) with a Special Treatment Area Overlay. The general boundaries are shown on Exhibit _____. The precise wetland boundaries as determined by the above agencies are depicted on a map on file in the Carlsbad Planning Department.

(3) Green Valley (approximately 280 acres)

The area south of La Costa Avenue and west of El Camino Real is designated for a combination of uses as follows:

(a) Riparian corridor of Encinitas Creek (approximately 40 acres) designated Open Space (OS) with a Special Treatment Overlay.

1) Steep Slopes - Slopes 40% or greater are designated Open Space (OS) and constrained from development. Slopes 25% to 40% may also be constrained from development. (See Grading Section.)

(b) Upland (approximately 240 acres) is designated for a combination of Residential (Medium High Density - RMH - 9-15 du/ac), Commercial (C), and Office (O) uses. The maximum height of new development shall be limited to 35 feet consistent with the Carlsbad Municipal Code. Additionally, the intensity of development shall be compatible with the currently planned road capacities of La Costa Avenue and El Camino Real. Approval of these land uses shall not be considered precedent for increasing the road capacity of these two corridors. Development of the entire 280 acres of Green Valley shall be pursuant to a Master Plan which is consistent with the uses allowed by the Carlsbad General Plan adopted as of March 1, 1988.

2. Agriculture/Planned Development

Prior to the approval (by Carlsbad and the Coastal Commission or its successor) of a master plan for either Sub-area No. 1 (Northshore) or Sub-area No. 3 (Green Valley) the uses permitted on either Sub-

area shall be consistent with those allowed by the Mello II LCP Segment Policy 2-1C (Permitted Uses on Agricultural Lands). Conversion of these non-prime agricultural lands to urban uses pursuant to the approved master plan(s) shall be consistent with the Coastal Act Section 30171.5 (Public Resources Code) which requires a mitigation fee.

Development pursuant to the approved master plan(s) shall be consistent with the provisions of the Carlsbad Planned Community Zone with the additional requirement that all development as defined by the Coastal Act shall require approval of a Coastal Development Permit.

3. Environmentally Sensitive Habitats

The environmentally sensitive habitats (wetlands, riparian areas, and areas greater than 25% slope) shall be preserved as open space with the following additional requirements:

(1) Batiquitos Lagoon Special Treatment Overlay - The wetlands as defined and determined by CDFG and FWS shall be constrained from development. Pursuant to Section 30233(C) (Public Resources Code) any alteration of the wetlands shall be limited to minor incidental public facilities, restorative measures, and nature studies. Furthermore, any alteration of the wetlands must be approved by the City of Carlsbad and the Coastal Commission. The latter because it will retain Coastal Development Permit jurisdiction. In addition, any wetland alteration will require federal approval through an Army Corps of Engineers (COE) permit.

(2) Wetlands Buffer - The lagoon Special Treatment Overlay shall include a buffer area outside the wetlands boundary as mapped by CDFG and FWS. The buffer shall be of sufficient width (minimum 100 feet unless approved by the Coastal Commission or its successor as part of a Coastal Development Permit) so as to provide a transition habitat as well as provide a protective area to reduce possible disruptive impacts to the lagoon's wildlife and habitats. No development shall occur within the wetlands buffer except for the lateral public access trail described in Policy A1C above.

(3) Green Valley Riparian Corridor - The riparian corridor (approximately 40 acres) shall be constrained from all development. In addition, a 50 foot wide buffer area shall be preserved in open space upland of the boundaries of the riparian corridor. Unless otherwise specified herein, development within the buffer area shall be limited to the construction of a pedestrian path with fencing and other improvements deemed necessary to protect the riparian habitat in the upper (upland) half of the buffer area. Any alteration of the riparian corridor shall be limited to the following and shall require Carlsbad approval, a Coastal Development Permit, Stream Alteration Agreement, and COEP permit:

(a) Access - A maximum of two (2) crossings shall be permitted to provide access to the developable portions of Green Valley. The access crossings shall be designed to minimize adverse impacts to the habitat value of the riparian corridor and shall be mitigated by the creation of and maintenance of new riparian habitat at a ratio of 3 square feet of new riparian area for each 1 square foot of disturbance associated with construction of the accessways. All mitigation required shall be located onsite and contiguous with the existing riparian corridor.

(b) Flood and sediment control projects - shall be allowed adjacent to the riparian corridor provided such projects do not involve any removal of riparian habitat or diversion of non-flood water flows upon which the habitat is dependent provided there are no less environmentally damaging feasible alternatives and/or public health, safety, and welfare or protection of the lagoon is found to be a mutually exclusive higher priority.

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

The above environmentally sensitive areas shall be protected from any significant disruptive impacts through fee dedication of the wetlands and recordation of open space easements over the lagoon buffer and riparian corridor and recordation of open space deed restrictions over the riparian corridor buffer and constrained steep slopes. For the wetlands of Batiquitos Lagoon and the upland 100 foot wide buffer area and designated steep slope areas constrained from development north of the lagoon, recordation of such open space easements and recordation of open space deed restrictions shall be required as conditions of approval of the Pacific Rim Master Plan. For the environmentally sensitive areas of Green Valley, recordation of an open space easement over the riparian corridor and recordations of open space deed restrictions over the riparian buffer area and steep slope areas constrained from development shall be required as conditions of development at the time of review of the required Master Plan for the area under the coastal development permit process.

4. Grading, Drainage and Erosion Control

(1) Batiquitos Lagoon is the primary coastal resource within the subject area and warrants stringent controls on upstream development activities. Downstream impacts of possible erosion and sedimentation due to development must be limited to insignificant levels. Many slope areas on the property contain sensitive vegetation and support a variety of wildlife species. Slope areas also pose possible geologic hazards and require close development review.

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

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

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

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

25% may be made in order to provide access to flatter areas if there is no less environmentally damaging alternative available.

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

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

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

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

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

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

4) If the area proposed to be disturbed is predominated by steep slopes and is in excess of 10 acres, no more than one third of the total steep slope area shall be subject to major grade changes.

5) If the area proposed to be disturbed is predominated by steep slopes and is less than 10 acres, complete grading may be allowed only if no interruption of significant wildlife corridors occurs.

6) Because north-facing slopes are generally more prone to stability problems and in many cases contain more extensive natural vegetation, no grading or removal of vegetation from these areas will be permitted unless all environmental impacts have been mitigated. Overriding circumstances are not considered adequate mitigation.

(c) Drainage and runoff shall be controlled so as not to exceed at any time the rate associated with property in its present state, and appropriate measures shall be taken on and/or offsite to prevent siltation of lagoons and other environmentally sensitive areas.

(d) The appropriate erosion control measures shall be installed prior to onsite grading.

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

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

1) Submittal of a runoff control plan designated by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the developed site over the greatest discharge expected from the existing undeveloped site as a result of a 10-year frequency storm. Runoff control shall be accomplished by a variety of measures, including, but not limited to, onsite catchment basins, detention basins, siltation traps, and energy dissipators and shall not be concentrated in one area or a few locations.

2) Detailed maintenance arrangements and various alternatives for providing the ongoing repair and maintenance of any approved drainage and erosion control facilities.

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

4) All areas disturbed by grading, but not completed during the construction period, including graded pads, shall be planted and stabilized prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control measures and native vegetation. The use of temporary erosion control measures, such as berms, interceptor ditches, sandbagging, filtered inlets, debris basins, and silt traps shall be utilized in conjunction with plantings to minimize soil loss from the construction site. Said plantings shall be accomplished under the supervision of a licensed landscape architect and shall consist of seeding, mulching, fertilization, and irrigation adequate to provide 90% coverage within 90 days. Planting shall be repeated, if the required level of coverage is not established. This requirement shall apply to all disturbed soils, including stockpiles.

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

6) 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 increase in peak runoff rate.

7) Water pollution prevention methods shall be implemented to the maximum extent practicable, and supplemented by pollutant source controls and treatment. Small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4) shall be utilized.

8) 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.

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

   a. Protect slopes and channels to decrease the potential for slopes and/or channels from eroding and impacting storm water runoff.
   b. To the extent practicable, cluster development on the least environmentally sensitive portions of a site while leaving the remaining land in a natural undisturbed condition.
   c. 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.
   d. Provide development-free buffer zones for natural water bodies.
   e. Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment.
   f. Where feasible implement site design/landscape features to slow runoff and maximize on-site infiltration of runoff.
   g. 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.
   h. 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.
   i. Limit disturbances of natural water bodies and natural drainage systems caused by development including roads, highways and bridges.
   j. Design streets and circulation systems to reduce pollutants associated with vehicles and traffic resulting from development.

10) Priority projects identified in the SUSMP will incorporate structural BMPs and submit a Water Quality Technical Report as specified in the NPDES permit and SUSMP.

11) 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.

12) Priority projects will include projects increasing impervious area by more than 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 definitions of "adjacent to" and "draining directly to" that are found in the SUSMP.

13) The City shall include requirements in all coastal development permit approvals to inspect and maintain required BMPs for the life of the project.

14) The City will encourage and support public outreach and education regarding the potential water quality impacts of development.

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

16) Projects within 200 feet of the Pacific Ocean shall be dealt with as "Projects Discharging to Receiving Waters 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%.

17) 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 of, 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.

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

19) The following minor revisions may occur to the Carlsbad SUSMP Storm Water Standards dated April 2003 without an LCP amendment:

a. Addition of new Best Management Practices (BMPs) found to be more protective of water quality than current BMPs or removal of BMPs found to be ineffective. (This does not include removal of BMPs or categories of BMPs on the basis that the City finds them to be feasible or impractical.)
b. Addition of new development categories as Priority Projects.
c. Addition of new coastal waters to the map of Environmentally Sensitive Areas.
d. Reduction in the area of impervious surfaces used to designate a specific category of Priority Projects.

20) 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.

5. Landscaping

In order to guard against introduction of any species which are inherently noxious to or incompatible with adjacent lagoon habitat, drought tolerant plants and native vegetation shall be used in areas of proximity to the wetland, to the maximum extent feasible.

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

6. Scenic and Visual Qualities

The scenic and visual qualities of the area are of great value to the region. Again, the focal point for these qualities is Batiquitos Lagoon. The viewshed to the lagoon and from the lagoon shoreline are important resources. Many of the requirements previously established by this document address visual quality components, such as:

- setbacks;
- preservation of slope areas;
- preservation of lagoon and riparian habitats;
- enhancement of the lagoon environments; and
- controlled grading.

(1) In addition to these provisions, the following shall be provided to further address the important scenic and visual character of the area:

(a) La Costa Avenue should be established as scenic corridor pursuant to the City of Carlsbad General Plan Scenic Highway Element.

(b) Scenic corridor status shall be pursued for any public roadway to be established along a part or the entire lagoon north shore.

(c) Existing, mature, healthy vegetation such as eucalyptus stands, shall be preserved where possible.

(d) Offsite signing along public roadways shall be prohibited.

(e) If a Master Plan is pursued for the property, the provisions of the City of Carlsbad Scenic Preservation Overlay Zone should be utilized where appropriate.

(f) View points shall be established along the north and south shore areas (if and where environmentally sound and physically possible) to provide varied visual access to the lagoon.

(g) View points should offer a mix of accessibility for pedestrian, bicycle, and motor vehicles.

7. Public Access

La Costa Avenue is designated a major arterial providing coastal access from inland areas to the east. Construction of La Costa Avenue to major arterial standards shall be designed so as to limit environmental impacts including a limit of maximum of four traffic lanes, with a median, and pedestrian walkways/sidewalks on only the south side of the roadway. Any road construction that involves wetlands impacts shall require a coastal development permit issued by the Coastal Commission. Wetlands impact mitigation shall be a condition of the permit.

A public access trail system along the north shore of Batiquitos Lagoon with adequate trailhead public parking areas shall be required as a condition of approval for any development along the north shore pursuant to the Pacific Rim Master Plan. The trail shall be conveyed to an appropriate agency or non-profit organization (subject to Carlsbad approval) through a recorded public access easement.

Public access along the south shore shall be provided as part of La Costa Avenue improvements. Access shall include but not be limited to a pedestrian walkway and bicycle lane along the entire south shore length covered by this LCP segment.

Lagoon accessways and overlook areas along the north shore shall be provided. The responsibility for construction and maintenance of such facilities shall be with the developer as a condition of any permit approval unless otherwise specified in the Batiquitos Lagoon Enhancement Plan (on file with the City of Carlsbad) and/or as approved by the Coastal Commission in Coastal Development Permit No. 6-87-680. Such accessways shall be preserved for public use by requiring appropriate offers of entitlement of those areas as a condition of the implementation of the Batiquitos Lagoon Enhancement Plan. The accessways shall not adversely impact environmentally sensitive habitats.

8. State Lands Commission Review

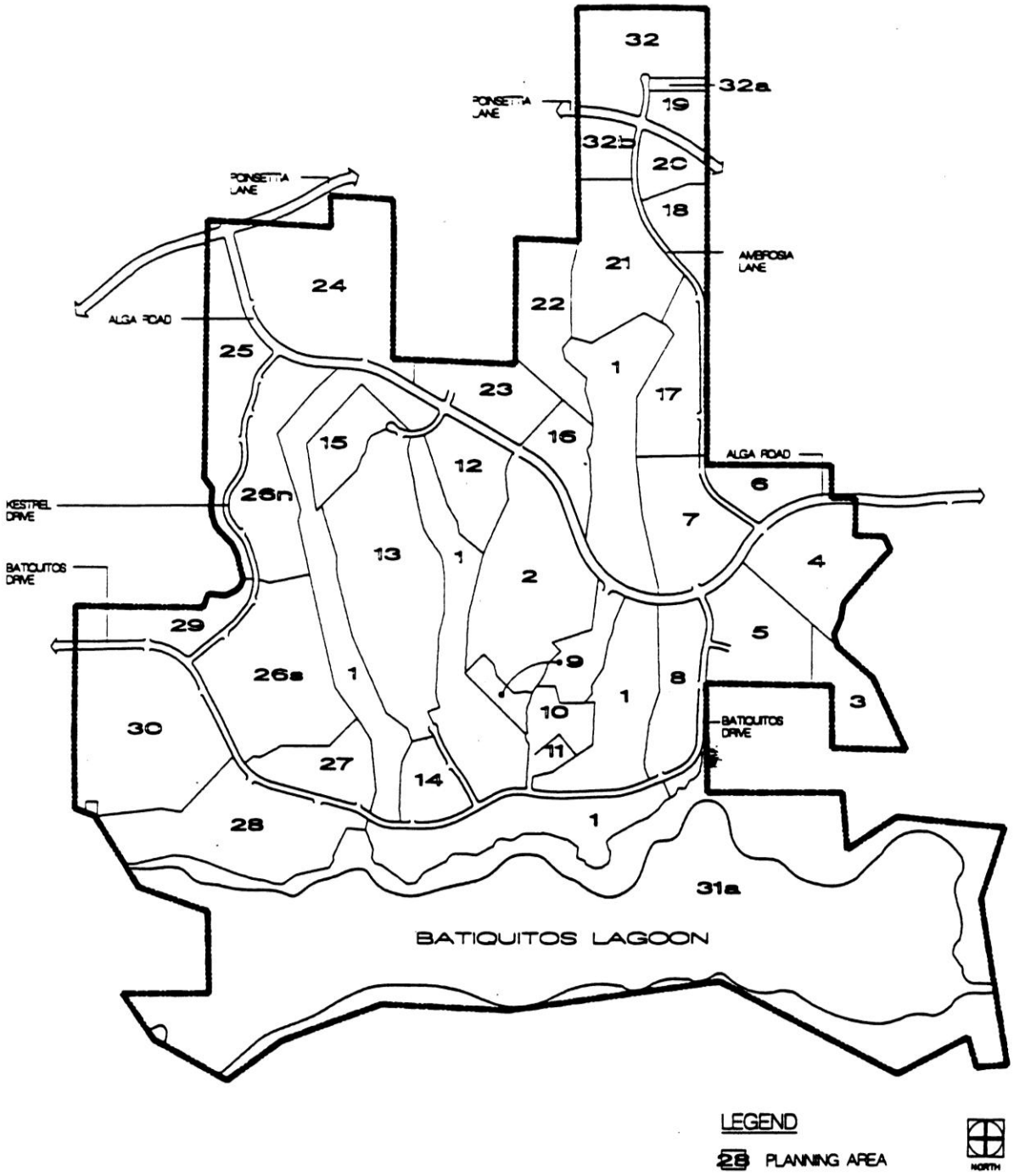
(1) Prior to issuance of a coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:

(a) No State lands are involved in the development, or

(b) State lands are involved in the development and all permits required by the State Lands Commission have been obtained, or

(c) State land may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

Exhibit Planning Sub-Area Map



III. Implementation

The Policy/Implementation Connection

The Local Coastal Program Land Use Element is the long range guide for the City, its citizens and property owners, and other regulatory agencies relative to conservation, management, and development within the Carlsbad Coastal Zone. The City assumes primary responsibility for implementing the plan as it affects private land use. The LCP will be used as the standard for evaluating and making decisions on land use proposals in the Coastal Zone. The policies of the Land Use Element are implemented by the City's codes, policies and procedures.