

CALIFORNIA COASTAL COMMISSION

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 Staff Report: 4/21/22
 Hearing Date: 5/11/22

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-22-0071

Applicant: City of Carlsbad

Agent: John Maashoff

Location: 4600 Carlsbad Blvd, Carlsbad, San Diego County.
(APN 210-010-47)

Project Description: Provide temporary fire station by placing 1,782 sq.ft. and 1,404 sq.ft. modular housing and office structures and 3,200 sq.ft. garage sprung structure on existing concrete slab on 89.38 acre lot.

Staff Recommendation: Approval with conditions.

SUMMARY OF STAFF RECOMMENDATION

The proposed temporary fire station would be located on the site of the decommissioned Encina Power Station, which is currently being demolished. Siting and operation of a fire station in this location would bring the City's Fire Department into conformance with the City's Standards of Coverage for emergency services while the City locates a suitable site and constructs a new permanent fire station. Although the proposed fire station is consistent with the existing certified LCP land use designation of Public Utility, the City is proposing to redesignate the power plant site for Visitor Serving and Open Space land uses and require a future planning process to establish development standards to guide future redevelopment here through a pending LCP Amendment request (LCP-6-CAR-21-0087-3). The site's proximity to both Agua

Hedionda Lagoon and Carlsbad State Beach make it an attractive site for future redevelopment for visitor serving and coastal recreation uses.

Special Condition #1 requires the City to submit final plans to confirm the proposed work area and all components of the project. To ensure that the fire station is temporary, **Special Condition #2** authorizes the construction of the fire station and its operation for a limited term expiring December 20, 2028, consistent with the term of the City's local approval.

Commission staff recommends that the Commission **APPROVE** coastal development permit application 6-22-0071, as conditioned. The motion is on page 4. The standard of review is Chapter 3 of the Coastal Act.

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EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Site Plan](#)

I. MOTION AND RESOLUTION

Motion:

I move that the Commission **approve** the coastal development permit applications included on the consent calendar in accordance with the staff recommendation.

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of Commissioners present.

Resolution:

The Commission hereby approves the Coastal Development Permit for the proposed project and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the applicant or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the applicant to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Final Plans.

- a. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director, a full-size set of final plans that conform with the plans submitted to the Commission titled "City of Carlsbad Temporary Fire Station 7" by Ferguson Pape Baldwin Architects dated December 1, 2021.
- b. The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Permit Term.

- a. This coastal development permit authorizes development on a temporary basis only. The proposed fire station is authorized until December 20, 2028, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease.
- b. **Prior to the expiration of Coastal Development Permit No. 6-22-0071**, the permittee shall either: (1) remove all development installed pursuant to this permit or (2) submit a complete coastal development permit or amendment application to the California Coastal Commission to continue operation of the fire station and retain the development for an additional term. Failure to either (1) remove all development or (2) obtain a new permit or amendment to this coastal development permit authorizing the permittee to retain the development for an additional term shall constitute a violation of terms and conditions of this coastal development permit.

IV. FINDINGS AND DECLARATIONS

A. Project Description and Background

The City of Carlsbad proposes to provide a temporary fire station by locating modular structures on a developed site at 4600 Carlsbad Blvd, Carlsbad ([Exhibit 1](#)). One 1,782 sq. ft. and one 1,404 sq. ft. modular structure will provide housing for up to seven Fire Department personnel and contain two offices. One 3,200 sq. ft. garage sprung structure will contain an ambulance, lifeguard rescue watercraft, and other equipment ([Exhibit 2](#)). Temporary traffic control devices will be installed on Carlsbad Blvd consisting of pavement marking, emergency vehicle signs, and preemption equipment at the project entrance.

The City Fire Department's Standards of Coverage evaluation identified a need for a temporary fire station in the area of Cannon Road west of Interstate 5. The proposed

project would meet this need while the City locates an alternative site and constructs a permanent fire station.

The subject parcel is owned by Cabrillo Power I, LLC, which is not a co-applicant but has authorized the City to apply for the subject CDP. The site currently contains the decommissioned Encina Power Station and the proposed structures would be located on an existing concrete slab where a warehouse associated with the power station was recently demolished.

The project site is located on the south shore of the outer basin of Agua Hedionda Lagoon and approximately 400 feet from Carlsbad State Beach ([Exhibit 2](#)). Agua Hedionda Lagoon was originally dredged in 1954 out of a historical 230-acre salt marsh slough to provide cooling water for the Encina Power Station. Although the Encina Power Station has been decommissioned, the Claude “Bud” Lewis Carlsbad Desalination Plant and an aquaculture facility are also located on the south shore of the outer basin and share access from Carlsbad Boulevard.

The fire station is consistent with the existing certified LCP land use and zoning designations of Utility and Public Utility. However, the City recently amended the site’s land use designation to Visitor Commercial/Open Space and rezoned the site to Commercial Tourist/Open Space. These changes are included in an LCP Amendment request currently under review by Commission staff (LCP-6-CAR-21-0087-3) and will not be in effect until the Commission certifies the LCP Amendment. As proposed by the City in LCP Amendment No. LCP-6-CAR-21-0087-3, the power plant site would be required to be redeveloped with a mix of visitor commercial uses and community-accessible open spaces. A comprehensive planning process such as a specific plan or master plan approved by the City and the Coastal Commission would be required. Community gathering spaces, outdoor dining, and other features would be encouraged.

The Coastal Act prioritizes visitor-serving commercial and recreational uses. The site’s proximity to both Agua Hedionda Lagoon and Carlsbad State Beach make it an attractive site for future redevelopment for visitor serving and coastal recreation uses. In order to ensure that the proposed fire station will be temporary, **Special Condition #2** limits the permit term to December 20, 2028, the date that the City’s conditional use permit approval expires. The City’s approval states that the expiration may be extended for an additional 2-year period an unlimited number of times. If the City needs to extend the CDP term at a later date, it may apply for a permit amendment before the permit term expires.

Although the temporary fire station would be located on a site that is adjacent to the lagoon, the proposed fire station would be sited approximately 400 feet from the lagoon waters. Disturbance at the site will be limited through the use of modular and sprung structures on an existing concrete pad. Therefore, the construction and operation of the fire station is not expected to have adverse impacts on sensitive lagoon waters. **Special Condition #1** requires submittal of final plans to confirm the proposed work area.

The City of Carlsbad has a certified LCP; however, development will occur within a deferred certification area, the Agua Hedionda plan area, where the Commission retains

permitting authority. Therefore, the Chapter 3 policies of the Coastal Act are the standard of review with the City's certified LCP used as guidance.

B. Biological Resources

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protects sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact any natural steep slopes or sensitive habitat, and will not result in erosion or adverse impacts to water quality. Thus, the project is consistent with the resource and visual protection policies of Chapter 3 of the Coastal Act.

C. Community Character/Visual Quality

The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

D. Public Access/Parking

As conditioned, the proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. Adequate parking exists on site for the proposed use. As conditioned, the proposed project conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

E. Growth Inducement

As proposed, this development will not be growth-inducing. The temporary fire station will be located within a developed parcel and is intended to meet the City's current need for Standards of Coverage. System capacity is not being increased, consistent with Section 30250 of the Coastal Act.

F. Local Coastal Planning

The LUP for the Agua Hedionda segment of the City of Carlsbad was certified in 1982 but no implementation plan has been developed as yet, and Chapter 3 of the Coastal Act remains the legal standard of review. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

G. California Environmental Quality Act

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The City of Carlsbad found the proposed project to be exempt from CEQA pursuant to Section 15301 "Existing Facilities", Section 15303 "Construction or Conversion of Small Structures, and Section 15304 "Minor Alterations to Land".

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. Mitigation measures, including conditions addressing the permit term will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- City of Carlsbad Agua Hedionda Land Use Plan

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MAY 11, 2022

EXHIBITS

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