



# **THREE ON GARFIELD PROJECT**

## **DRAFT ENVIRONMENTAL IMPACT REPORT**

SCH No. 2022110423

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*Prepared for:*



Community Development Department  
Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008



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# 1. INTRODUCTION

## 1.1 Purpose of an EIR

This Environmental Impact Report (EIR) is an informational document intended for use by the City of Carlsbad (city) decision-makers and members of the general public in evaluating the potential environmental effects of the Three on Garfield project (project). This document has been prepared in accordance with, and complies with, all criteria, standards, and procedures of the California Environmental Quality Act (CEQA) of 1970 as amended [Public Resources Code Section 21000 et seq.] and CEQA Guidelines [Title 14, California Code of Regulations (CCR) Section 15000 et seq.]. This document represents the independent judgment of the city as lead agency (CEQA Guidelines Section 15050).

In accordance with CEQA Guidelines Section 15161 and as determined by the city, this document constitutes a “project EIR.” The project would demolish an existing three-unit residential air-space condominium and construct a new three-unit residential air-space condominium project on a 0.16-acre site located at 2685, 2687, and 2689 Garfield Street, within the Mello II Segment of the Local Coastal Program and Beach Area Overlay Zone (BAOZ). The project requires a Planned Development Permit, Site Development Permit, Site Development Plan, Coastal Development Permit, Tentative Parcel Map, and Nonconforming Construction Permit.

This EIR provides decision makers, public agencies, and the general public with detailed information about the potential significant adverse environmental impacts of the project. By recognizing the environmental impacts of the project, decision makers will have a better understanding of the physical and environmental changes that would accompany implementation of the project. This EIR includes required mitigation measures that, when implemented, would reduce or avoid project impacts, to the extent feasible. Alternatives to the project are presented to evaluate feasible alternative development scenarios that can further reduce or avoid any significant impacts associated with the project. Refer to Chapter 5, *Alternatives*, for a description of the project alternatives.

## 1.2 EIR Adequacy

The principal use of this EIR is to evaluate and disclose potential environmental impacts associated with the implementation of the proposed project. An EIR is an informational document and is not intended to determine the merits or recommend approval or disapproval of a proposed project. Ultimately, the city decision-makers must weigh the environmental effects of a proposed project among other considerations, including planning, economic, and social concerns.

City staff will prepare a “staff report” that synthesizes pertinent environmental and planning information into a single document. The staff report will be presented to the city decision-makers. Given the important role of the EIR in this planning and decision-making process, it is imperative that the information presented in the EIR be factual, adequate, and complete. The standards of adequacy of an EIR, defined by CEQA Guidelines Section 15151, are as follows:

*“An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and good faith effort at full disclosure.”*

## 1.3 Document Organization

The content and organization of this EIR are in accordance with the most recent guidelines and amendments to CEQA and the CEQA Guidelines. Technical studies have been summarized within individual environmental issue sections and/or summary sections, and full technical studies have been included in the appendices to this EIR and are available for review during the public comment period.

This EIR has been organized in the following manner:

- Chapter 1, *Introduction*, provides a discussion regarding the purpose of the EIR and EIR adequacy, discusses document organization, distribution of the notice of preparation and public noticing, environmental topics to be discussed, and environmental procedures/solicitation of public comments.
- Chapter 2, *Summary*, outlines the conclusions of the environmental analysis and a summary of the project as compared to the alternatives analyzed in this EIR. The Executive Summary also includes a table summarizing all identified environmental impacts, along with the associated mitigation measures proposed to reduce or avoid each impact. In addition, this section includes a discussion of areas of controversy known to the city, including those issues identified by other agencies and the public during the scoping process.
- Chapter 3, *Project Description*, provides a detailed description of the project, including its location, existing environmental setting, project site background, project objectives, project characteristics, project construction details, and required project approvals and regulatory requirements.
- Chapter 4, *Environmental Impact Analysis*, provides a detailed impact analysis for each environmental issue addressed in detail. For each topic, there is a discussion of baseline environmental conditions, regulatory framework, the thresholds identified for the determination of significant impacts, and an evaluation of the impacts associated with implementation of the project. Where the impact analysis demonstrates the potential for a significant adverse impact on the environment, mitigation measures that would minimize the significant effects are provided. The EIR indicates whether the mitigation measures would reduce impacts to below a level of significance.
- Chapter 5, *Alternatives*, provides a description and evaluation of alternatives to the project. This section addresses the mandatory No Project Alternative, a Full Rehabilitation Alternative, and a Partial Rehabilitation Alternative.



- Chapter 6, *Other CEQA Considerations*, addresses environmental issues determined not to have the potential for significant adverse impacts as a result of the project. The section addresses other items required by CEQA, including cumulative impacts. Growth-inducing impacts, significance and irreversible environmental changes, and unavoidable significant environmental impacts.
- Chapter 7, *Report Preparers*, lists all individuals that participated in the preparation of this EIR.
- Chapter 8, *References*, contains the source materials and document references relied upon in the EIR analysis.
- Appendices to the EIR presents data supporting the analysis or contents of this EIR.

## 1.4 Notice of Preparation

The development of the proposed project is subject to the requirements of CEQA because it is an action subject to discretionary approval by a public agency (in this case, the City of Carlsbad) that has the potential to result in a physical change in the environment.

The City of Carlsbad began the environmental review process pursuant to CEQA by sending out a NOP, including a project description and the location of the project site (**Appendix A, Notice of Preparation and Notice of Preparation Comments**). The NOP was distributed locally to interested local public agencies, nearby landowners and the general public, and to the State Clearinghouse (SCH) for distribution to state responsible and trustee agencies.

The locally-distributed NOP was filed with the County Clerk on November 23, 2022. The NOP was also provided on the city's website. The CEQA-required 30-day NOP review period began on November 17, 2022, and ended on December 17, 2022, and identified that the city intended to prepare an EIR for the proposed project. The NOP served as a chance for interested local public agencies and the general public to comment on the proposed project and the scope and content of environmental issues to be examined in the EIR.

Comments regarding the proposed project were received by the city and are included in Appendix A. **Table 1-1, Summary of Notice of Preparation Comments**, provides a summary of the NOP comments received.

**TABLE 1-1  
SUMMARY OF NOTICE OF PREPARATION COMMENTS**

<b>Organization or Affiliation</b>	<b>Name</b>	<b>Comment Summary</b>	<b>EIR Chapter/Section Addressing Comment</b>
Native American Heritage Commission (NAHC)	Pricilla Torres-Fuentes	CEQA requires preparation of an EIR if a project may cause a substantial adverse effect on the environment; Assembly Bill (AB) 52 and Senate Bill (SB) 18 have tribal consultation requirements; provides lists of AB 52 and SB 18 requirements, and NAHC recommendations for Cultural Resource Assessments.	Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>
San Diego County Archaeological Society	James W. Royle, Jr.	Buildings appear relatively new. EIR should state what, if any, cultural resources studies were accomplished when structures were constructed, if there were archaeological and Native American monitoring of grading with negative findings, and if grading for the proposed new construction would not be deeper, another monitoring program may not be necessary.	Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>
Architect and residents	Ted Smith and petitioners	Petition to save existing structure; rebuttal to Historical Analysis Letter Report (disagreement with conclusions that the existing structure is not historically or architecturally significant); PowerPoint presentation regarding Post Modern Practice.	Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>
Architect and residents	Ted Smith and petitioners	Provides an alternative to demolishing the structure by relocating the façade to Magee Park.	Chapter 5, <i>Alternatives</i>
Resident	Dustin Wailes	Demolition of current structure and replacement with a new updated structure would be an improvement for the neighborhood. The current structure is dated, no longer attractive. Commenter doesn't agree with assertion that the building is architecturally significant.	Section 4.2, <i>Aesthetics</i> , and Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>

## 1.5 Environmental Topics Addressed

Pursuant to CEQA Guidelines Section 15060(d), if a lead agency can determine that an EIR will be clearly required for a project, the agency does not need to prepare an initial study and can begin work directly on the EIR. Because the city did not prepare a formal initial study for the proposed project, all CEQA environmental issue areas are addressed in the EIR. Specifically, the environmental topics listed below are analyzed in this EIR, with analysis of three topics included in Chapter 4, *Environmental Impact Analysis*, and the remaining seventeen topics analyzed in Chapter 6, *Other CEQA Considerations*:

- Topics Analyzed in Chapter 4, *Environmental Impact Analysis*:
  - Aesthetics
  - Historical, Cultural, and Tribal Cultural Resources
  - Land Use and Planning
- Topics Analyzed in Chapter 6, *Other CEQA Considerations* (specifically in the *Effects Found Not to Be Significant* subsection):
  - Agriculture and Forestry Resources
  - Air Quality
  - Biological Resources
  - Energy
  - Geology and Soils
  - Greenhouse Gas Emissions
  - Hazards and Hazardous Materials
  - Hydrology and Water Quality
  - Mineral Resources
  - Noise
  - Paleontological Resources
  - Population and Housing
  - Public Services
  - Recreation
  - Transportation
  - Utilities and Service Systems
  - Wildfire

## 1.6 EIR Processing

This Draft EIR has been distributed to various federal, state, regional, county, and city agencies and interested parties for a 45-day public review period in accordance with CEQA Guidelines Section 1508. In addition, this Draft EIR, including supporting technical documentation, is available to the general public for review during normal operating hours at the City of Carlsbad Planning Division at 1635 Faraday Avenue, Carlsbad, CA 92008. Copies are available to the public upon payment of a charge for reproduction. Copies are also available for review at the following locations: (1) City Clerk's Office, 1200 Carlsbad Village Drive; (2) Carlsbad City (Dove) Library, 1775 Dove Lane; and (3) Georgina Cole Library, 1250 Carlsbad Village Dr. The Draft EIR is also posted on the City of Carlsbad's official website at <https://www.carlsbadca.gov/departments/community-development/california-environmental-quality-act>.

## 1.7 Comments Requested

Interested parties may provide written comments on the Draft EIR before the end of the 45-day public review and comment period. Written comments on the Draft EIR must be submitted to:

Eric Lardy, City Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Comments may also be e-mailed to [Eric.Lardy@carlsbadca.gov](mailto:Eric.Lardy@carlsbadca.gov).

Following the 45-day public review and comment period for the Draft EIR, the city will prepare a written response for each written comment received on the Draft EIR. The written comments and city responses to those comments, as well as any required EIR changes, will be incorporated into a Final EIR. The Final EIR will be reviewed by the city at the time the proposed project is considered for approval.

## **2. SUMMARY**

### **2.1 Introduction**

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15123, this section of the Environmental Impact Report (EIR) contains a summary of the Three on Garfield project (proposed project) and its environmental effects. More detailed information regarding the proposed project and its potential environmental effects is provided in the following sections of this EIR. The City of Carlsbad (city) is the lead agency for the proposed project. The summary includes an overview of the project location and setting, the project objectives, project characteristics, project approvals, an overview of project alternatives, a general description of areas of known controversy and issues to be resolved, and a table providing a summary of the project's impacts and proposed mitigation measures.

### **2.2 Project Location and Setting**

The subject 0.16-acre infill site is located at 2685, 2687, and 2689 Garfield Street in the northwestern portion of the city. The city is bordered to the north by the city of Oceanside, to the south by the city of Encinitas, to the east by the cities of Vista and San Marcos, and on the west by the Pacific Ocean. The project site is located approximately 250 feet east of the beach and cliffs along the Pacific Ocean and immediately west of the Carlsbad Downtown Village. Regional access to the project site is provided by Interstate 5 (I-5) and State Route 78 (SR-78) with local access provided by Carlsbad Village Drive and Carlsbad Boulevard. The property is situated at the northwest corner of Garfield Drive and Beech Avenue.

The project site is located within California's Coastal Zone, defined as the area between the seaward limits of the state's jurisdiction and 1,000 yards landward from the mean high tide line. In Carlsbad, the coastal zone boundary generally encompasses the area east of the Pacific Ocean to El Camino Real. The City of Carlsbad's Local Coastal Plan (LCP), adopted in 1996, includes the city's land use plans, policies, and standards and an implementing ordinance (the Zoning Ordinance) for the city's Coastal Zone. The city's LCP includes six planning areas or segments that cover approximately one-third of the city. The property is within the Mello II Segment of the LCP, Beach Area Overlay Zone (BAOZ) and Coastal Resource Protection Overlay Zone. The site is also located within the appealable jurisdiction of the California Coastal Commission.

### **2.3 Project Objectives**

The project applicant has identified the following objectives for implementing the proposed project:

1. Demolish the existing structure and construct three condominium units with an updated architectural design.
2. Eliminate ongoing structural deterioration of the building and façade, foundation degradation and mold that have been caused by age and documented moisture intrusion.
3. Eliminate roof and deck leaks and site drainage problems associated with the current building.

4. Construct condominiums that fully comply with current building code and development standards.
5. Redevelop an infill residential site that retains the city's housing supply.
6. Utilize contemporary project design features to reflect a modernized appearance while ensuring compatibility with adjacent residential land uses.
7. Increase the amount of window area and natural light entering each condominium unit.
8. Update the design to adjust for obstructed views and take better advantage of views that remain.
9. Update internal configuration of the condominiums to improve accessibility and to allow for a more contemporary design that incorporates a traditional floor plan for each of the three units.
10. Construct a structure that would not obstruct views of the coastline from public lands or public rights-of-way in the Coastal Zone.

## 2.4 Project Characteristics Summary

The project proposes the construction of three attached, three-story residential air-space condominiums to replace the existing units on site, which are collectively referred to as the Victor Condo. Each home includes an attached two-car garage with direct entrance into the unit for a total of six parking spaces. In addition, one guest parking space would be provided along the building exterior on the north side of the site. Two residential units would contain two bedrooms, while the third unit would feature three bedrooms. The units would range in size from 1,701 square feet (SF) to 1,713 SF, for a total structure size of 5,118 SF. All units would feature private balconies on the third floor. The units' entry doors and porches would be oriented toward Garfield Street on the building's eastern elevation. Vehicular access would be provided via a new driveway along the western side of the lot connecting to Beech Avenue.

The project proposes a contemporary architectural style that is commonly seen in southern California coastal communities and has been designed to comply with the latest building code requirements which contain structural protections against water intrusion. Design elements would include a new foundation and drainage system, sloped roofs and exterior decks with additional slope, drainage features and materials. The project interiors would have a more contemporary and open style. Interior layouts of each unit would include larger rooms and fewer small spaces. Bathroom sinks, showers and toilets are combined into one room, rather than being on different floors in some instances. Additional windows are included on the eastern elevation of the structure to take advantage of views of Magee Park, while windows on the other elevations would be positioned to take advantage of coastal view opportunities between and around existing development. The building would be finished with complementary building materials, fiber-concrete panels, synthetic wood-grain siding, stone veneer, and stucco. Other finishes include glass balcony railings, black vinyl recessed windows, and a 3:12 pitch asphalt-shingle roof. The proposed roofline would be below the 30-foot height limit in the Beach Area Overlay for roofline with a 3:12 pitch and lower in elevation than the existing 35- to 43-foot-high flat rooftop on the existing structure.

Landscaping, consisting of various native and/or drought tolerant trees, shrubs and ground cover species, would be installed along walls and in raised planters throughout the common areas surrounding the building and along the driveway. Decorative pavement or permeable pavers would be used to reconstruct the on-site drive aisle which would connect to a wider curb cut and concrete apron constructed at the driveway connection with Beech Avenue. The existing sidewalk and Americans with Disabilities Act (ADA) ramp at the northwest corner of Beech Avenue and Garfield Street would be reconstructed as part of the project. The building would receive services from existing utility connections on the site. Trash and recycling containers would be individually stored inside each unit's garage and staged for pick-up along the driveway.

## 2.5 Project Approvals

The project meets the city's standards for planned developments and subdivisions and is in compliance with the General Plan, Subdivision Ordinance, and relevant zoning regulations of the Carlsbad Municipal Code (CMC). Development of the proposed condominiums requires the processing and approval of a Planned Development Permit, Site Development Plan, Coastal Development Permit and Nonconforming Construction Permit, as follows:

- **Planned Development Permit** (PUD 2021-0003) – A Planned Unit Development (PUD) to facilitate individual ownership of units.
- **Site Development Plan** (SDP 2021-0008) – A Site Development Plan is required pursuant to CMC Section 21.82.040 as the property is located within the BAOZ.
- **Coastal Development Permit** (CDP 2021-0010) – A CDP is required to construct the proposed project. This permit is necessary as the project site is located in the Coastal Zone within the Mello II Segment of the LCP and is within the appealable jurisdiction of the California Coastal Commission.
- **Tentative Parcel Map** (MS2023-0002) – Minor subdivision to create the air-space condominiums.
- **Nonconforming Construction Permit** (NDP 2021-0001) – A Nonconforming Construction Permit would allow the continuation of the legally established use of three dwelling units on the property where two dwelling units are normally permitted.
- **Final EIR Certification** (EIR 2022-0005) – After the required public review of the Draft EIR, the city will respond to comments, edit the document, if necessary, and produce a Final EIR to be certified by the city decision-maker as complete and providing accurate information concerning the environmental impacts from the implementation of the proposed project, prior to issuance of the above permits.

## 2.6 Overview of Project Alternatives

In addition to the proposed project, this EIR evaluates the potential environmental impacts resulting from implementation of alternatives to the proposed project, at a qualitative level of detail. The alternatives are summarized below, with a detailed discussion of the alternatives provided in Chapter 5, *Alternatives*, of this EIR.

- **No Project Alternative.** This alternative assumes that the project would not occur, and the project site would remain in its current condition, developed with an existing three-unit air-space condominium.
- **Full Rehabilitation Alternative.** This alternative would preserve the existing three-unit air-space condominium at the project site but would rehabilitate and preserve the structure in accordance with the Secretary of Interior *Standards for the Treatment of Historic Properties*. The rehabilitation of the Victor Condo would focus on the building's structural issues, repair of foundation and stabilization of the site. Repair of water damage and prevention of future moisture infiltration would also be addressed. The Full Rehabilitation Alternative would require replacement, repair, and/or stabilization of many of the features at the project site, most notably, the reconstruction of the wood-framed false front façade, and the wood deck and front stairs at the east façade. The paint scheme of the Victor Condo is part of the character-defining features of the structure; thus, the Full Rehabilitation Alternative would require a retention of the existing paint scheme, although fresh paint would be used after reconstruction of the façade.
- **Partial Rehabilitation Alternative.** The Partial Rehabilitation Alternative would reconstruct the façade of the Victor Condo for use when finishing the new building. The unique design of Victor Condo, which involves a clear separation between the façade and the rest of the structure, allows for possible retention of the façade, the most significant character-defining feature of the building. However, the façade is in poor condition, with significant dry rot throughout. Due to its condition, the façade would require reconstruction rather than rehabilitation under this alternative. The façade would be detached and reconstructed, while the existing building behind the façade would be demolished. The paint scheme of the Victor Condo is part of the character-defining features of the structure, thus, the Partial Rehabilitation Alternative would require a retention of the existing paint scheme, although fresh paint would be used after reconstruction of the façade. A new building would be constructed. The design of the proposed building would have to be modified to provide surfaces on the east elevation for the reattachment of the reconstructed Victor Condo façade. The east elevation would also be redesigned to incorporate or reference character defining features visible to the public, such as the glass block, and skylight "chimneys", provided the new structure conforms with the 30-foot building height requirement in the city regulations.



## 2.7 Areas of Controversy and Issues to Be Resolved

CEQA Guidelines Section 15123(b)(2) requires that an EIR identify areas of controversy known to the lead agency, including issues raised by other agencies and the public. As lead agency, the city prepared and circulated a Notice of Preparation (NOP), to all responsible and trustee agencies, as well as various government agencies, including the Office of Planning and Research's State Clearinghouse. Comments on the NOP were received from the Native American Heritage Commission (NAHC), the San Diego Archaeological Society, as well as members of the public. Table 1-1, in Chapter 1, *Introduction*, of this EIR contains a summary of the comments received on the NOP during the public review period. As shown in the table, the comments from the NAHC and the San Diego County Archaeological Society discuss requirements associated with preparation of an EIR and Cultural Resources Assessments, tribal consultation associated with Assembly Bill 52 and Senate Bill 18, previous cultural resource investigations and the project site, and whether another monitoring program would be required for the project.

An Historic Analysis Letter Report was previously prepared for the Victor Condo (Moomjian 2021), which concluded that the Victor Condo was not historically and/or architecturally significant under local, state, and national criteria. Comments from the public during the NOP comment period included a petition to save the existing structure at the project site, a rebuttal to a Historical Analysis Letter Report previously prepared for the project (Moomjian 2021) and a disagreement with the conclusion of that report that the structure is not historically or architecturally significant. As discussed in Section 4.3, *Historical Resources*, the lead agency retains discretion to make its own determination that the Victor Condo qualifies as an historical resource, provided it is supported by substantial evidence in light of the whole record. Additionally, public comments provided information regarding Post Modern practice and an alternative to demolishing the structure by relocating the façade to Magee Park. An additional public comment was received indicating that the existing structure is dated, no longer attractive, and is not architecturally significant. Each of the concerns raised in the responses to the NOP has been addressed in specific sections of this EIR, including Section 4.2, *Aesthetics*; Section 4.3, *Historical, Cultural, and Tribal Cultural Resources*; Section 4.4, *Land Use and Planning*; and Chapter 5, *Alternatives*. Where necessary and appropriate, mitigation measures are provided to reduce significant effects to the extent feasible.

CEQA Guidelines Section 15123(b)(3) also requires a discussion of issues to be resolved, including a choice of alternatives and whether or how to mitigate any significant effects. Based on all the information included in the record of proceedings, the lead agency must decide whether or not the EIR was prepared in compliance with CEQA (Public Resources Code Section 21000 et seq.) and Guidelines for Implementation of CEQA (California Code of Regulations Section 15000 et seq.). Prior to EIR certification, the city will need to consider whether to adopt the mitigation measures recommended by this EIR and whether any other modifications should be required of the project, including consideration of the alternatives analyzed in Chapter 5, *Alternatives*, of this EIR.

## **2.8 Summary of Significant Environmental Impacts and Mitigation Measures That Reduce or Avoid the Significant Impacts**

**Table 2-1**, *Summary of Significant Project Impacts and Proposed Mitigation Measures*, summarizes significant environmental impacts, mitigation measures, and level of significance after mitigation associated with the proposed project. Detailed analysis of these topics is included within each corresponding section in this EIR.

**TABLE 2-1  
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES**

Impact	Mitigation Measures	Analysis of Significance after Mitigation
<b>Aesthetics</b>		
No significant aesthetic impacts were identified.	No mitigation measures are required.	N/A
<b>Historical, Cultural, and Tribal Cultural Resources</b>		
<p>The project would result in demolition of the Victor Condo building, which is considered an historical resource. Thus, the project would result in a substantial adverse change to the historical resource pursuant to CEQA Section 21084.1.</p>	<p><b>Mitigation Measure CR-1: Historic American Building Survey (HABS) Documentation.</b> Prior to the issuance of the demolition permits, the Victor Condo building shall be documented to Historic American Buildings Survey (HABS) Level 2 standards according to the outline format described in the <i>Historic American Building Survey Guidelines for Preparing Written Historical Descriptive Data</i>. The documentation shall be undertaken by a qualified professional who meets Secretary of the Interior's <i>Professional Qualification Standards</i> (36 CFR, part 61) for architectural history. The documentation shall consist of the following:</p> <ul style="list-style-type: none"> <li>• Photographic Documentation: Documentation should follow the Photographic Specification– Historic American Building Survey, including 15 to 20 archival quality, large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details should be documented, especially noting the measurements, hardware, and other features that tie architectural elements to a specific date.</li> <li>• HABS Historical Report: A written historical narrative and report completed according to the HABS Historical Report Guidelines.</li> <li>• Original architectural plans shall be archivally reproduced, following HABS standards, or included as figures in the HABS historical report.</li> </ul> <p>Three copies of the HABS documentation package, with one copy including original photo negatives, shall be produced, with at least one copy placed in an archive or history collection accessible to the general public, such as the Carlsbad Public Library and San Diego History Center.</p> <p><b>Mitigation Measure CR-2: Interpretation.</b> Prior to the issuance of demolition permits, the project applicant, in coordination with, and subject to approval by the City Planner, shall develop an interpretative opportunity that would communicate the significance of the Victor Condo building to the local community. The opportunity could consist of a permanent plaque or sign with general information at the project site with an opportunity for the public to digitally link to additional information, such as historic photographs, HABS documentation or other materials that are maintained by the city or other organization, such as the Historical Society. The interpretive exhibit</p>	Significant

**TABLE 2-1  
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Analysis of Significance after Mitigation</b>
	<p>shall be developed by a qualified team including a historian and graphic designer or other professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner. The exhibit should be located at the project site, or at some other location determined as appropriate by the qualified team and the City Planner.</p> <p><b>Mitigation Measure CR-3: Architectural Salvage.</b> Prior to the issuance of demolition permits that would remove character-defining features of the building, the developer shall consult with city Planning Department staff as to whether any such features may be salvaged. This could include both interior and exterior features for preservation on or off-site or for sale or use in another structure. The developer shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. The developer shall prepare a salvage plan for review and approval by the City Planner prior to issuance of any site demolition permit.</p>	
<p>Construction within undisturbed native sediments could result in the discovery of unknown historic and/or prehistoric artifacts.</p>	<p><b>Mitigation Measure CR-4: Construction Monitoring.</b> Prior to the commencement of any ground disturbing activities, the project developer shall enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with a Traditionally and Culturally Affiliated Luiseño tribe (TCA Tribe). This agreement will contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist. Such agreement shall include at minimum, that, if a possible tribal cultural resource is uncovered during ground disturbing activities, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor and Archaeological Monitor have had the opportunity to evaluate the find. If a Qualified Tribal Monitor or Archaeological Monitor determines that the object or artifact appears to be a potentially significant tribal cultural resource, the City of Carlsbad shall notify the affiliated Tribes to conduct a site visit and make recommendations to the City regarding the monitoring of future ground disturbance activities and the treatment and disposition of any discovered tribal cultural resources. A copy of said archaeological contract and Pre-Excavation Agreement shall be provided to the City of Carlsbad prior to the issuance of a grading permit. A Luiseño Native American monitor shall be present during all ground disturbing activities. Ground disturbing activities may include, but are not be limited to, archaeological studies, geotechnical investigations, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities. Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:</p>	<p>Less than Significant</p>

**TABLE 2-1  
SUMMARY OF SIGNIFICANT PROJECT IMPACTS AND PROPOSED MITIGATION MEASURES**

<b>Impact</b>	<b>Mitigation Measures</b>	<b>Analysis of Significance after Mitigation</b>
	<ul style="list-style-type: none"> <li>The find should be preserved in place or left in an undisturbed state unless the project would damage the resource.</li> <li>All collected artifacts, if not human remains or other mortuary objects, shall be repatriated to the affiliated Tribes for reburial on the project site.</li> </ul>	
Construction within undisturbed native sediments could result in the discovery of unknown human remains.	<p><b>Mitigation Measure CR-5: Discovery of Human Remains.</b> In the event human remains are encountered, State Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e)(1) state that no further disturbance shall occur to the area of the find until the County Coroner has made a determination of origin and disposition of the human bone pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and shall make their determination within two working days of being notified. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) by phone within 24 hours, and the NAHC shall then immediately determine and notify a Most Likely Descendant. With the permission of the landowner or his/her authorized representative, the Most Likely Descendant may inspect the site of the discovery. The Most Likely Descendant shall complete the inspection and make recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site. The Most Likely Descendant's recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.</p>	Less than Significant
Construction within undisturbed native sediments could result in the discovery of unknown tribal cultural resources.	Mitigation Measures CR-4 and CR-5.	Less than Significant
<b>Land Use and Planning</b>		
No significant land use impacts were identified.	No mitigation measures are required.	N/A

NOTE: N/A = not applicable

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### 3. PROJECT DESCRIPTION

#### 3.1 Project Location

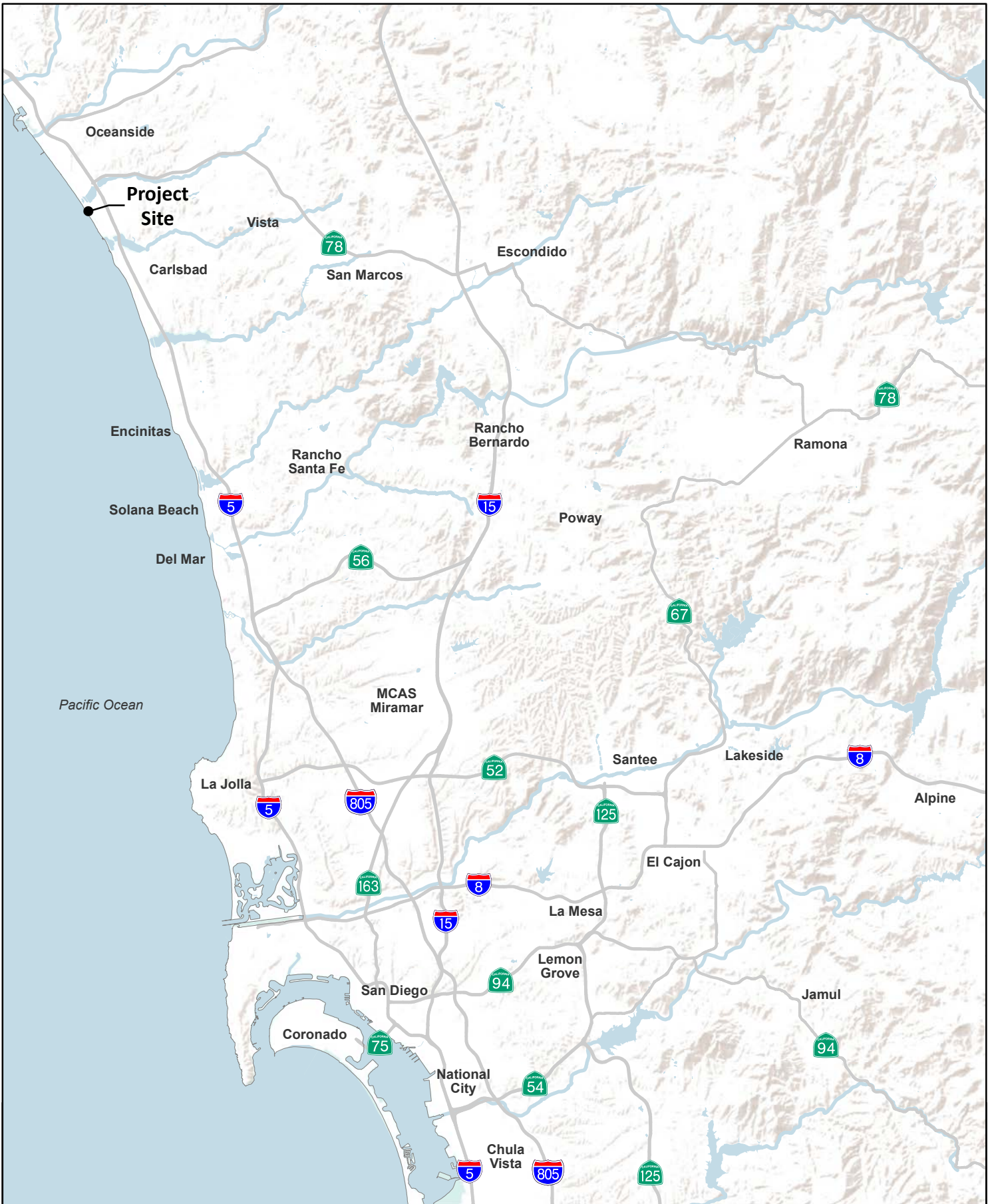
The subject 0.16-acre infill site is located at 2685, 2687, and 2689 Garfield Street in the northwestern portion of the City of Carlsbad (city). The city is bordered to the north by the city of Oceanside, to the south by the city of Encinitas, to the east by the cities of Vista and San Marcos, and on the west by the Pacific Ocean. The project site is located approximately 250 feet east of the beach and cliffs along the Pacific Ocean and west of the Carlsbad Downtown Village. Regional access to the project site is provided by Interstate 5 (I-5) and State Route 78 (SR-78) with local access provided by Carlsbad Village Drive and Carlsbad Boulevard. The property is situated at the northwest corner of Garfield Drive and Beech Avenue. **Figure 3-1**, *Regional Location Map*, and **Figure 3-2**, *Project Vicinity Map*, depict the location of the project site in a regional and local context.

As shown on Figure 3-2, the project site is located within California's Coastal Zone, defined as the area between the seaward limits of the state's jurisdiction and 1,000 yards landward from the mean high tide line. In Carlsbad, the coastal zone boundary generally encompasses the area east of the Pacific Ocean to El Camino Real. The City of Carlsbad's Local Coastal Plan (LCP), adopted in 1996, includes the city's land use plans, policies, and standards and an implementing ordinance (the Zoning Ordinance) for the city's Coastal Zone. The city's LCP includes six planning areas or segments that cover approximately one-third of the city. The property is within the Mello II Segment of the LCP, Beach Area Overlay Zone (BAOZ) and Coastal Resource Protection Overlay Zone (CRPOZ). The site is also located within the appealable jurisdiction of the California Coastal Commission (CCC). The property is immediately west of the Village and Barrio Master Plan area.

#### 3.2 Existing Setting

The property is currently developed with an attached, three-unit residential air-space condominium building, which are collectively referred to as the Victor Condo (**Figure 3-3**, *Project Site Photographs*). The common area includes a private drive aisle and landscaped areas; site access is via a driveway/curb cut along Beech Avenue. Topographically, the site is mildly sloped with elevations ranging between approximately 46 feet above mean sea level (MSL) on the west and 53 feet above MSL on the east. The site does not contain any sensitive vegetation. The site is landscaped with turf and shrubs; no mature trees occur on site. Due to its proximity to the coast, direct and indirect views of the Pacific Ocean are available from the property. Overhead power lines occur along the project's frontages.

The existing building was constructed in 1982 but is currently experiencing structural, foundation and moisture/mold issues. Substantial water and moisture intrusion has occurred at the structure, with corresponding mold and moisture damage. There is also evidence that the foundation's structural integrity is compromised due to water intrusion. Additionally, the internal layout is non-traditional, inconvenient and a safety concern for residents. The exterior of the building, including the front false façade, front stairs and decorative wood railings, concrete masonry units foundation walls, windows, and exterior doors are in poor condition (Heritage Architecture and Planning 2023). The interiors of the residential air-space condominium are in varying condition. The interior of the northern-most unit (2685 Garfield Street) is deteriorated and in need of maintenance, repair or



Sources: Esri, USGS, NOAA

Figure 3-1



# Regional Location Map



THREE ON GARFIELD





 Project Boundary  
 Coastal Zone Boundary

Source: CDFW, California Coastal Commission; Aerial Photo: USDA NAIP 2020



Figure 3-2

**Project Vicinity Map**

THREE ON GARFIELD





Source: Baranek Consulting 2023

Figure 3-3

## Project Site Photographs

THREE ON GARFIELD

replacement, while the middle unit (2687 Garfield Street) is in fair/good condition, and the southernmost unit (2689 Garfield Street) is in fair condition.

Surrounding the site are residential properties containing a mix of single- and multi-family residential units that are both one- and two-story structures. To the east and directly across Garfield Street from the units is a city-owned park. The 2.1-acre Magee Park contains a picnic area, restrooms, a rose garden, the L. John Simons Twin Inns Gazebo, and several historic buildings: Magee House, Heritage Hall, and Granary. Although there are Pacific Ocean views from local roads in the area, there is limited visibility of the Victor Condo from the travel lanes of the closest major thoroughfare, Carlsbad Boulevard, due to intervening structures and landscaping.

The city's General Plan and LCP designate the project site R-15 Residential (8–15 du/ac), while the property is zoned Multiple-Family Residential (R-3) within the BAOZ.

### 3.3 Project Objectives

The project applicant has identified the following objectives for implementing the proposed project:

1. Demolish the existing structure and construct three condominium units with an updated architectural design.
2. Eliminate ongoing structural deterioration of the building and façade, foundation degradation and mold that have been caused by age and documented moisture intrusion.
3. Eliminate roof and deck leaks and site drainage problems associated with the current building and site design.
4. Construct condominiums that fully comply with current building code and development standards.
5. Redevelop an infill residential site that retains the city's housing supply.
6. Utilize contemporary project design features to reflect a modernized appearance while ensuring compatibility with adjacent residential land uses.
7. Increase the amount of window area and natural light entering each condominium unit.
8. Update the design to adjust for obstructed views and take better advantage of views that remain.
9. Update internal configuration of the condominiums to improve accessibility and to allow for a more contemporary design that incorporates a more traditional floor plan for each of the three units.
10. Construct a structure that would not obstruct views of the coastline from public lands or public rights-of-way in the Coastal Zone.

### 3.4 Project Characteristics

The project proposes the construction of three attached, three-story residential air-space condominiums to replace the existing units on site. Each home includes an attached two-car garage with direct entrance into the unit for a total of six parking spaces. In addition, one guest parking space would be provided along the building exterior on the north side of the site. Two residential

units would contain two bedrooms, while the third unit would feature three bedrooms. The units would range in size from 1,701 square feet (SF) to 1,713 SF, for a total structure size of 5,118 SF. All units would feature private balconies on the third floor. The units' entry doors and porches would be oriented toward Garfield Street on the building's eastern elevation. Vehicular access would be provided via a new driveway along the western side of the lot connecting to Beech Avenue.

The project proposes a contemporary architectural style that is commonly seen in southern California coastal communities and has been designed to better protect against future water intrusion. Design elements include a new foundation and drainage system, sloped roofs and exterior decks with additional slope, drainage features, and materials to prevent leaks. The project interior has a more contemporary and open style. Interior layout of each unit would include larger rooms and fewer small spaces. Bathroom sinks, showers and toilets are combined into one room, rather than being on different floors in some instances. Additional windows are included on the east side to create views towards Magee Park, and windows in other locations are located to take advantage of view opportunities between and around existing development. The building would be finished with complementary building materials, fiber-concrete panels, synthetic wood-grain siding, stone veneer, and stucco. Other finishes include glass balcony railings, black vinyl recessed windows, and a 3:12 pitch asphalt-shingle roof. **Figure 3-4, Project Site Plan, Figure 3-5a, Building Elevations, and Figure 3-5b, Building Elevations**, provide graphic illustrations of the project design features. The proposed roofline would be below the 30-foot height limit for sloped rooflines and lower in elevation than the existing 35- to 43-foot-high flat rooftop on the existing structure. **Figure 3-6, Renderings**, provides images of the project from several public vantage points.

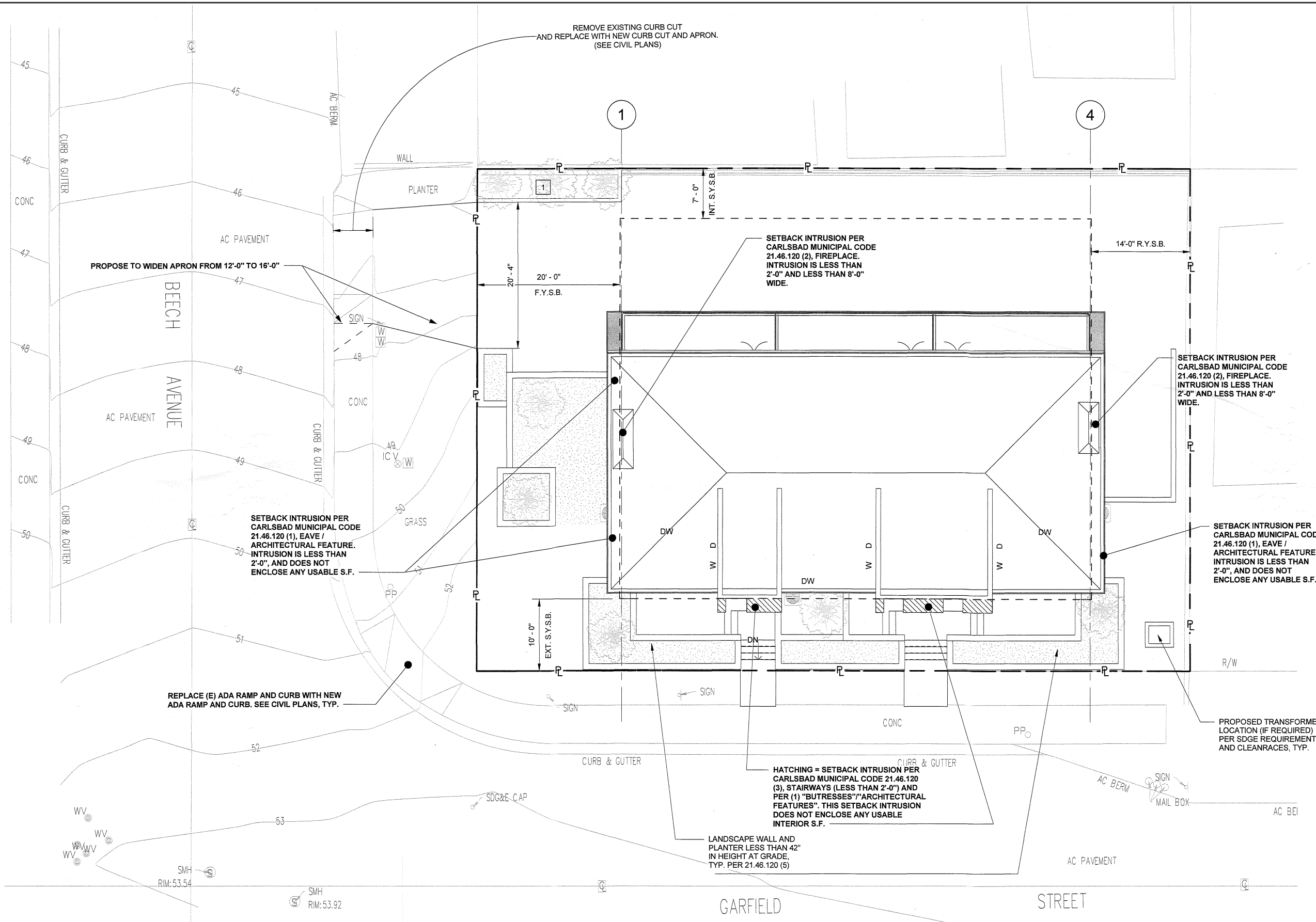
Landscaping, consisting of various native and/or drought tolerant trees, shrubs, and ground cover species, would be installed along walls and in raised planters throughout the common areas surrounding the building and along the driveway. Decorative pavement or permeable pavers would be used to reconstruct the on-site drive aisle which would connect to a wider curb cut and concrete apron constructed at the driveway connection with Beech Avenue. The existing sidewalk and Americans with Disabilities Act (ADA) ramp at the northwest corner of Beech Avenue and Garfield Street would be reconstructed as part of the project. The building would receive services from existing utility connections on the site. Trash and recycling containers would be individually stored inside each unit's garage and staged for pick-up along the driveway.

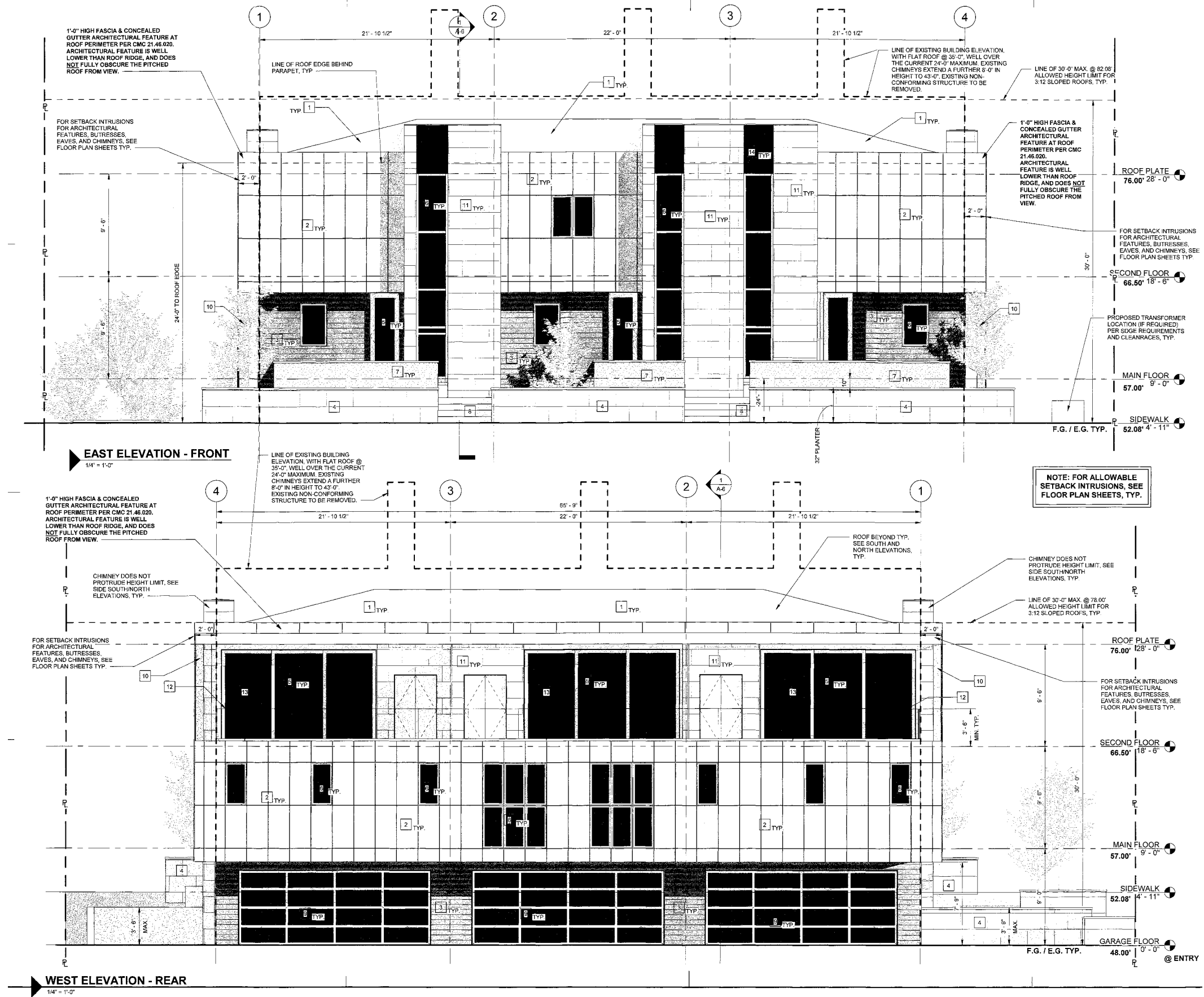
The project would comply with all applicable development standards for Planned Unit Developments (CMC Chapter 21.45). The project requires the city to issue a number of permits which are listed below under *Project Approvals and Regulatory Requirements*.

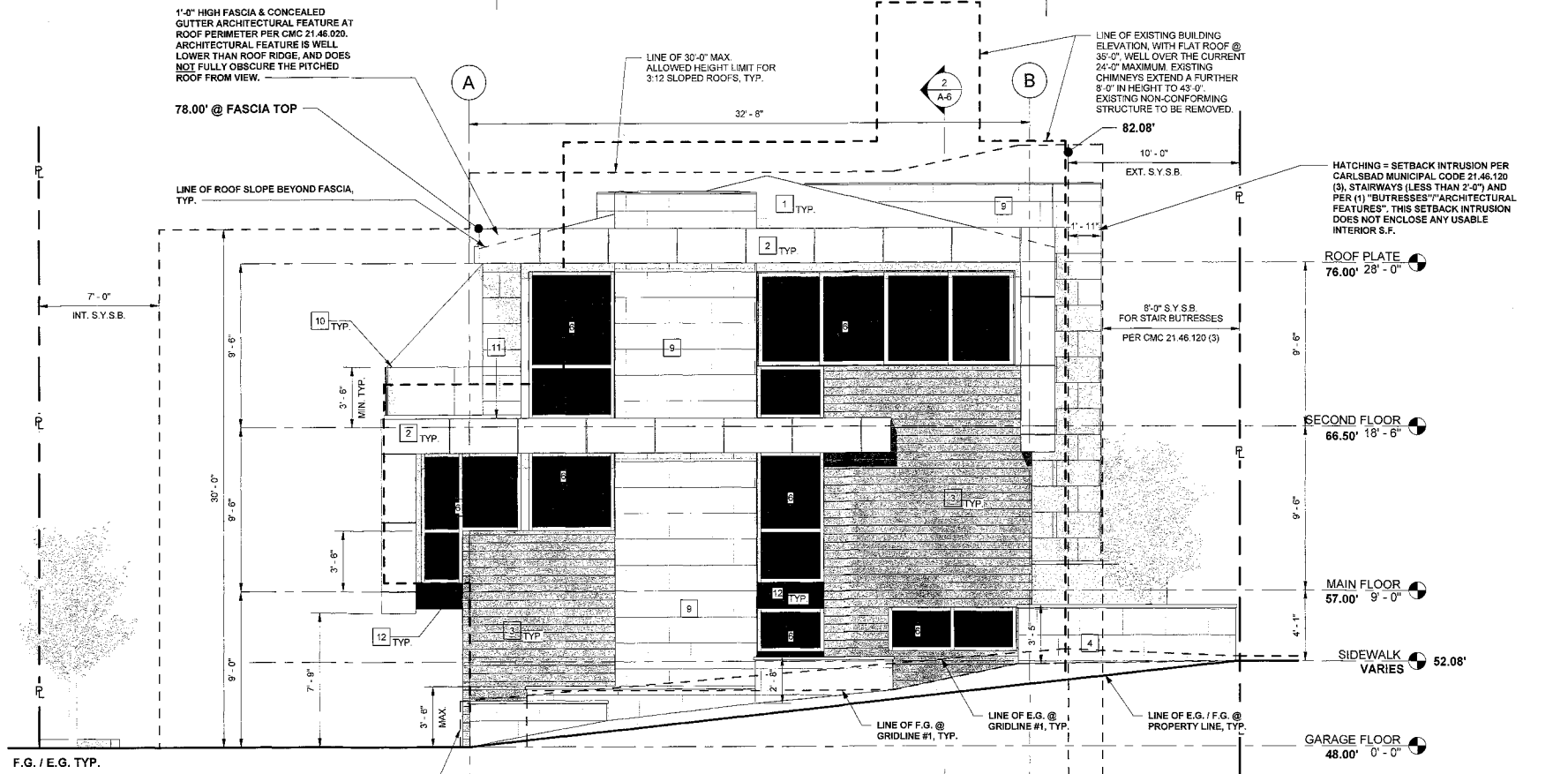
## 3.5 Project Construction

Grading for the proposed project requires a grading permit and requires 233 cubic yards of cut, 93 cubic yards of fill, 140 cubic yards of export, and 434 cubic yards of remedial grading to improve site drainage. The project would reduce the impervious surface area on site from 4,422 SF to 3,032 SF. Existing retaining walls along the western and northern property lines would be retained in place. New retaining walls would also be constructed along the northern and eastern areas of the property. Construction would commence after the permits are obtained from the city and is expected to commence in February 2025.





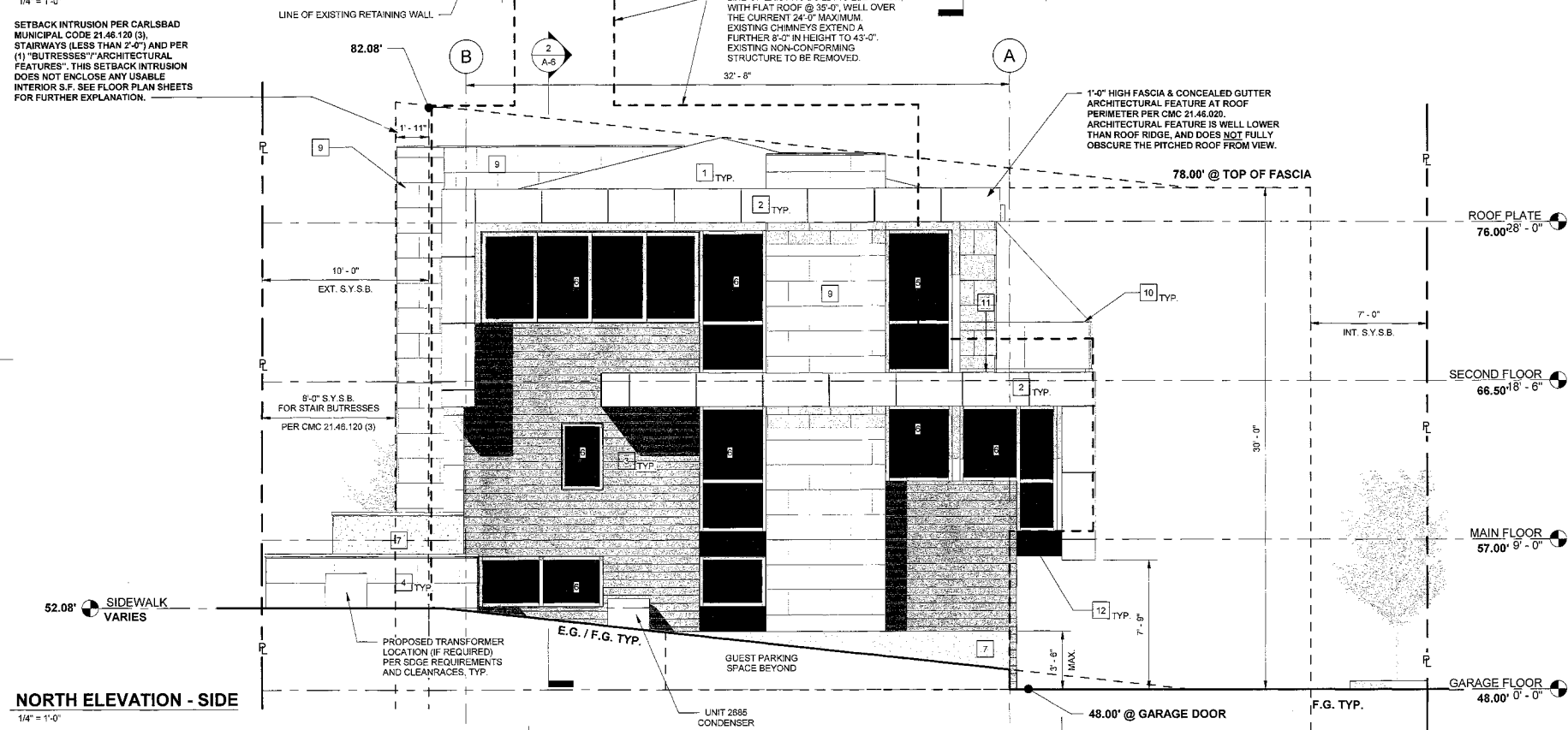




**SOUTH ELEVATION - SIDE**

1/4" = 1'-0"

SETBACK INTRUSION PER CARLSBAD MUNICIPAL CODE 21.46.120 (3), STAIRWAYS (LESS THAN 2'-0") AND PER (1) "BUTRESSES" ARCHITECTURAL FEATURES". THIS SETBACK INTRUSION DOES NOT ENCLOSE ANY USABLE INTERIOR S.F. SEE FLOOR PLAN SHEETS FOR FURTHER EXPLANATION.



**NORTH ELEVATION - SIDE**

1/4" = 1'-0"





**South Street Level**



**Southwest Street Level**



**Northeast Corner**



**North Street Level**



## 3.6 Project Approvals and Regulatory Requirements

The project meets the city's standards for planned developments and subdivisions and is in compliance with the General Plan, Subdivision Ordinance, and relevant zoning regulations of the Carlsbad Municipal Code (CMC). Development of the proposed condominiums requires the processing and approval of a Planned Development Permit, Site Development Plan, Coastal Development Permit, Tentative Parcel Map, and Nonconforming Construction Permit, as follows:

- **Planned Development Permit** (PUD 2021-0003) – A Planned Unit Development (PUD) to facilitate individual ownership of units.
- **Site Development Plan** (SDP 2021-0008) – A Site Development Plan is required pursuant to CMC Section 21.82.040 as the property is located within the Beach Area Overlay Zone.
- **Coastal Development Permit** (CDP 2021-0010)- A CDP is required to construct the proposed project. This permit is necessary as the project site is located in the Coastal Zone within the Mello II Segment of the LCP and is within the appealable jurisdiction of the California Coastal Commission.
- **Tentative Parcel Map** (MS2023-0002) – Minor subdivision to create the air-space condominiums.
- **Nonconforming Construction Permit** (NDP 2021-0001) – A Nonconforming Construction Permit would allow the continuation of the legally established use of three dwelling units on the property where two dwelling units are normally permitted.
- **Final EIR Certification** (EIR 2022-0005) – After the required public review of the Draft EIR, the city will respond to comments, edit the document, if necessary, and produce a Final EIR to be certified by the city decision-maker as complete and providing accurate information concerning the environmental impacts from the implementation of the proposed project, prior to project approval and issuance of the above permits.

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## 4. ENVIRONMENTAL IMPACT ANALYSIS

### 4.1 Introduction

This chapter lists the impact areas that will be discussed in subsequent sections, discusses the organization of each topical section and the terminology used in the environmental analysis, and describes the methodology related to the cumulative analysis.

As discussed in Chapter 6, *Other CEQA Considerations*, impacts associated with agriculture and forestry resources, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, paleontological resources, population and housing, public services, recreation, transportation, utilities and service systems, and wildfire, would be less than significant and, thus, are not addressed further within this chapter of the Draft Environmental Impact Report (EIR).

The following impact areas are addressed in this chapter of the EIR:

- Aesthetics
- Historical, Cultural, and Tribal Cultural Resources
- Land Use and Planning

The analysis of each environmental issue area includes the following elements:

- **Existing Conditions:** Describes the existing physical conditions with regard to the environmental resource area reviewed within and in the vicinity of the project site. Each environmental topic provides a description of the baseline physical conditions by which the City of Carlsbad, as lead agency, determines whether an impact is significant (additional details regarding existing conditions may also be provided in the individual impact assessments).
- **Regulatory Framework:** Describes the federal, state, regional, and local laws and regulations that will shape the way development occurs on the project site. Development of the project would require adherence to a variety of regulatory requirements, codes, and ordinances. When regulations or codes (in whole or in part) are required, establish specific performance standards (e.g., design requirements or construction or engineering standards), and do not require any discretionary action by a governmental agency in implementation, it is assumed they would be adhered to with project implementation.
- **Thresholds and Methodology:** Presents the criteria against which the significance of impacts is determined and identifies how impacts on an environmental issue were determined.
- **Impact Analysis:** Presents the determination made for each threshold of significance.
- **Level of Significance before Mitigation:** Summarizes the impact determination made prior to any applicable mitigation measures.
- **Mitigation Measures:** Presents all applicable mitigation measures.
- **Level of Significance after Mitigation:** Summarizes the impact level after applying any applicable mitigation measures.

### 4.1.1 Terminology Used in This Environmental Analysis

When evaluating the impacts of the proposed project and project alternatives, the level of significance is determined by applying the threshold of significance (significance criteria) presented for each resource evaluation area. The following terms are used to describe each type of impact:

- **No Impact:** No adverse impact on the environment would occur, and mitigation is not required.
- **Less-than-Significant Impact:** The impact does not reach or exceed the defined threshold of significance.
- **Less-than-Significant Impact with Mitigation:** The impact reaches or exceeds the defined threshold of significance and mitigation is therefore required. Feasible mitigation measures, when implemented, will reduce the significant impact to a less-than-significant level.
- **Mitigation Measures:** Mitigation refers to feasible measures that would be implemented to avoid or lessen potentially significant impacts. Mitigation may include:
  - Avoiding the impact completely by not taking a certain action or parts of an action
  - Minimizing the impact by limiting the degree or magnitude of the action and its implementation
  - Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
  - Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action
  - Compensating for the impact by replacing or providing substitute resources or environments

The mitigation measures would be proposed as a conditions of project approval and would be monitored to ensure compliance and implementation.

- **Unavoidable impact.** The impact has been mitigated to the extent feasible but will remain significant after implementation of all feasible mitigation measures.

## 4.2 Aesthetics

This section provides an evaluation of the impacts of the proposed project on scenic vistas, scenic resources, visual character, and light and glare. Figures containing architectural elevations and graphic perspectives of the project are provided in Chapter 3, *Project Description*.

### 4.2.1 Existing Conditions

The project site is located approximately 250 feet east of the beach and cliffs along the Pacific Ocean and immediately west of the Carlsbad Downtown Village. The property is developed with an attached, three-unit residential air-space condominium building, which are collectively referred to as the Victor Condo (as shown in Figure 3-3, *Project Site Photographs*, in Chapter 3, *Project Description*). The common area includes a private drive aisle and landscaped areas; site access is via a driveway/curb cut along Beech Avenue. The existing structure features a 35- to 43-foot-high flat rooftop. Topographically, the site is mildly sloped with elevations ranging between approximately 46 feet above mean sea level (MSL) on the west and 53 feet above MSL on the east. The site does not contain any sensitive vegetation. The site is landscaped with turf and shrubs; no mature trees occur on site. Due to its proximity to the coast, direct and indirect views of the Pacific Ocean are available from the property. Overhead power lines occur along the project's frontages.

Surrounding the site are residential properties containing a mix of single- and multi-family residential units that are both one- and two-story structures. To the east and directly across Garfield Street from the units is a city-owned park. The 2.1-acre Magee Park contains a picnic area, restrooms, a rose garden, the L. John Simons Twin Inns Gazebo, and several historic buildings: Magee House, Heritage Hall, and Granary. Although there are Pacific Ocean views from local roads in the area, there is limited visibility of the Victor Condo from the travel lanes of the closest major thoroughfare, Carlsbad Boulevard, due to intervening structures and landscaping.

#### 4.2.1.1 Scenic Vistas

Scenic vistas in Carlsbad consist of the scenic corridors and views to and from the coastline, open spaces, and hillsides. Natural areas and open spaces, including watershed features, hillsides, habitats, parks, and vistas, are some of the most defining and integral components of the city's form and structure. Watershed drainages give Carlsbad its rolling topography in the east, resulting in areas with steep slopes ideal for protected habitat. Hillsides layered with trees and brush create unique, intimate spaces where many of Carlsbad's master planned communities and resorts are located. The project site is located west of Carlsbad Boulevard, which is one of the city's designated scenic corridors (City of Carlsbad 2015b). There are no designated state scenic highways or scenic vistas in the project area. Informal views of the Pacific Ocean horizon are available in the project area from the project site, from the travel lanes of Carlsbad Boulevard when looking down Beech Avenue as it descends west toward the coast, and near the intersection of Beech Avenue and Garfield Drive near the southern facade of the project site.

#### 4.2.1.2 Scenic Resources

Consistent with CEQA Guidelines Appendix G, significant visual resources can include visually significant trees, rock outcroppings, and historic buildings, including where such are visible from a

state scenic highway. The city also recognizes that landforms, vegetation, and water features can be visually significant (City of Carlsbad 2015a). According to the General Plan, the project site does not contain water features, landforms, rock outcroppings or historic buildings that are considered significant. Views of the Pacific Ocean horizon are afforded from the project site and from properties in the project vicinity, including those that front the ocean whose water views are more comprehensive in scope. No mature trees, rock outcrops or water features exist on the project site. The existing building on the project site is recommended as eligible for listing on the California Register of Historic Resources and would be eligible for listing as an historic resource on the Carlsbad Historic Resource, provided there was owner consent, as noted in Section 4.3, *Historical, Cultural, and Tribal Cultural Resources*, of this EIR but is not within the viewshed of a state scenic highway.

### **4.2.1.3 Visual Character**

The site's visual character and surrounding area is predominately suburban residential and commercial in nature featuring buildings that range in height from one to three stories. The streets are generally laid out in a grid pattern. A variety of architectural styles occur in the project area, including more traditional as well as more modern structures. Magee Park is situated across the street from the subject property and contains parkland featuring mature landscaping, formal gardens and historic structures set back from the local roadways. Larger institutional structures also occur in the project vicinity including the Army Navy Academy, Samuel Warfield Peterson Library, St. Michaels by-the-Sea Episcopal Church and Carlsbad by-the-Sea Retirement Community. In addition to Magee Park, commercial structures occur along Carlsbad Boulevard in the project vicinity. The topography of the project area is generally level to sloping gently downward toward the cliffs edging the Pacific Ocean, with homes on the adjacent Ocean Street directly fronting the water.

### **4.2.1.4 Light and Glare**

The project site currently contains night lighting related to wayfinding and security around the existing building. Similarly, residential and commercial structures in the project area feature some form of night lighting. In addition, there is overhead lighting at intersections associated with the adjacent roads, such as Beech Avenue and Garfield Drive, as well as automobile headlights that generate additional light along the streets in the area. Light levels are typical of heavily developed areas of the city and generally low to moderate in intensity both on and off the project site.

## **4.2.2 Regulatory Framework**

### **4.2.2.1 State**

The following state regulations provide an overall context for the consideration of site-specific issues at the project site.

#### ***California Scenic Highways Program***

The California Scenic Highways Program protects the value of scenic areas and the value of views from roads within California. The California State Legislature established the California Scenic Highway Program in 1963. This legislation sees scenic highways as "a vital part of the all-

encompassing effort...to protect and enhance California's beauty, amenity and quality of life." Under this program, a number of state highways have been designated as eligible for inclusion as scenic routes. No designated state scenic highways are located in the vicinity of the project site.

### ***California Coastal Act***

The California Coastal Act authorizes the State of California to regulate development within the state coastal zone, defined as the area between the seaward limits of the state's jurisdiction and 1,000 yards landward from the mean high tide line. In Carlsbad, the coastal zone boundary generally encompasses the area east of the Pacific Ocean to El Camino Real. While scenic resources are not specifically mentioned, Public Resources Code Section 30001.5 calls to "protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources." The project site is located in the coastal zone (City of Carlsbad 2019).

#### **4.2.2.2 Local**

The city enforces ordinances, regulations and policies that are related to aesthetics that are applicable to the project. Where provisions are required by code or ordinance, it is assumed that the proposed project would adhere to the requirements. Where policies or guidelines are provided that are not specific regulatory requirements, the analysis contained in this section addresses the project's consistency.

### ***City of Carlsbad General Plan***

The city's General Plan contains goals and policies that address aesthetic resources within its jurisdiction. Specific policies pertaining to aesthetics that are applicable to the project are contained in the Land Use and Community Design Element and are listed in Table 4.4-2, *City of Carlsbad General Plan Consistency Determination*, in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*. The project's consistency with the General Plan is discussed in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*, of this EIR.

### ***City of Carlsbad Zoning Ordinance (Carlsbad Municipal Code, Title 21)***

With regard to light and glare issues, the Carlsbad Municipal Code (CMC) does not have a specific section dedicated to the prevention of nuisance light and glare through regulation; instead, lighting is addressed for each land use type in the city's Zoning Ordinance (CMC Title 21).

The BAOZ supplements the underlying residential zoning regulations by providing additional regulations for development within designated beach areas. These additional regulations are intended to ensure that development would be compatible with surrounding developments in the beach area and to protect the unique mix of residential development and aesthetic quality in the area, among other provisions.

### ***City of Carlsbad Local Coastal Plan***

The city's LCP, adopted in 1996, includes the city's land use plans, policies, and standards and the Zoning Ordinance for the city's coastal zone. The LCP meets the requirements and implements the provisions and policies of the California Coastal Act. The city's LCP includes six planning areas or

segments that cover approximately one-third of the city. The project site is located within the Mello II Segment of the city's LCP. With regard to aesthetics, the Mello II Segment Land Use Plan addresses the topical areas of visual access and scenic and visual resources. The project's consistency with the LCP is discussed in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*, of this EIR.

#### ***City Council Policy 44 – Neighborhood Architectural Design Guidelines***

City Council Policy 44 establishes architectural guidelines to ensure that a variety of architectural elements are incorporated into single-family homes and two-family structures. These guidelines are intended to ensure that single-family homes and two-family structures are visually interesting, have sufficient building articulation to reduce their bulk and mass, are in scale to their lot size, and strongly contribute to the creation of livable neighborhoods. Specific Neighborhood Architectural Design Guidelines apply depending on whether the new single-family and two-family residential projects consist of two to four homes, or five or more homes. As the project consists of three units, architectural guidelines 1–4, 9–11, and 13–18 would apply to the project. The applicable design guidelines are specific to floor plans and elevations, single-story requirements, multiple building planes, windows/doors, front porches, front entries, chimneys, and garage doors. The project's consistency with these guidelines is discussed in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*, of this EIR.

#### ***City Council Policy 66 – Livable Neighborhoods Design Guidelines***

City Council Policy 66 is the policy established for principles for the development of livable neighborhoods. Livable neighborhoods have a sense of identity and community where residents are encouraged to walk instead of using their cars; where homes are in scale to the size of their lots; where streets are pedestrian-friendly with walkways to common destinations such as schools, parks, stores, and transit; where houses are interesting to look at with strong architectural elements; and where open spaces form focal points, gathering places, and recreational spaces for a variety of age groups. The policy provides principles specific to building facades, front entries, and porches; garages; street design; parkways; pedestrian walkways; and centralized community recreation areas. The project's consistency with these guidelines is discussed in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*, of this EIR.

#### ***City of Carlsbad Landscape Manual***

The policies, programs, and requirements of the city's Landscape Manual apply to all public and private development requiring discretionary permits or submittal of landscape plans for development permits. The Landscape Manual contains policies and requirements associated with planting, irrigation, water conservation, streetscape, slope revegetation/erosion control, and fire protection. These policies and requirements are minimum standards and projects are encouraged to exceed the standards whenever possible. However, variances may be granted from the policies and requirements of the manual if undue hardships or special circumstances make a variance request necessary. The project's consistency with the Landscape Manual is discussed in the *Impact Analysis* subsection of Section 4.4, *Land Use and Planning*, of this EIR.



## 4.2.3 Thresholds and Methodology

### 4.2.3.1 Thresholds

Pursuant to CEQA Guidelines Appendix G, a significant impact would occur to aesthetics if the proposed project would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

### 4.2.3.2 Methodology

This visual impact analysis is based on field observations and policy analysis. The analysis of potential impacts was based on changes to the existing visual character that would result from project implementation. In making a determination of the extent and implications of the visual changes, consideration was given to specific changes in the visual composition, character, and valued qualities of the affected environment and the extent to which the affected environment contained places or features that have been designated in plans and policies for protection or special consideration.

## 4.2.4 Impact Analysis

### 4.2.4.1 Impact 4.2-1: Scenic Vistas

The project proposes the construction of three attached, three-story residential air-space condominiums to replace the existing units on site. Demolition of the existing condominium building and construction of the proposed condominium building, in compliance with the development regulations in the BAOZ and R-3 zone, would reduce the building's overall height above grade by 5 to 13 feet and preserve existing views in the project area. Elimination of the three existing light-well chimney features along the upper roofline of the existing building would also reduce intrusions into the upper horizon views offered from local roads and Magee Park. The proposed three-story structure would not obstruct views of the coastline as seen from public lands or the public right-of-way, nor otherwise damage the visual resources of the coastal zone. In fact, views of the coastline from public roads and Magee Park would be enhanced due to the reduction in building height associated with the construction of a new contemporary building that conforms to the Coastal Zone height limit of 30 feet. Although changes to the site would be visible from the travel lanes of Carlsbad Boulevard, the project would not result in any new obstruction or impediment of views from the road. Therefore, the proposed project would not adversely affect scenic vistas, and impacts would be *less than significant*.

#### 4.2.4.2 Impact 4.2-2: Scenic Resources

The project is an infill development project that would not remove rock outcroppings, mature trees, vegetated slopes, or water features considered scenic resources. The project proposes to remove a locally important historic structure; however, the existing structure is not located adjacent to a state scenic highway. The proposed project is proposed on a site that is already graded and developed with a residential use. Therefore, the project would not damage or remove any scenic resources within a state scenic highway, and impacts would be *less than significant*.

#### 4.2.4.3 Impact 4.2-3: Visual Character

The proposed project would redevelop the site with a condominium building that would not substantially degrade the visual character or quality of the site. Given the existing multi-family residential character of the site and the proposed structure's compliance with the development regulations in the BAOZ and R-3 zone in terms of building height, roof pitch and setbacks, the proposed project would not substantially change the residential character of the property. In addition, the project would comply with the policies of the General Plan in terms of community design, as demonstrated in Section 4.4, *Land Use and Planning*. Specifically, the project would be consistent with General Plan Goals 2-G.5, 2-G.17, and 2-G.18 related to aesthetics.

Upon construction of the proposed project, three residential condominium units would be retained, the entrances to the proposed structure would be oriented toward Garfield Drive along the east elevation, and vehicular access would continue to be provided via Beech Avenue with parking garages along the west elevation, similar to the existing building (refer to Figure 3-5a, *Building Elevations*, Figure 3-5b, *Building Elevations*, and Figure 3-6, *Renderings*, in Chapter 3, *Project Description*). As compared to the existing structure, the proposed structure's design would appear more contemporary in character as shown in Figures 3-5a, 3-5b, and 3-6 in Chapter 3 of the EIR. The architectural style and materials of the proposed structure would be compatible with other residential properties in the project area. Specifically, the building would be finished with complementary building materials, fiber-concrete panels, synthetic wood-grain siding, stone veneer, and stucco. Other finishes would include glass balcony railings, black vinyl recessed windows, and asphalt-shingle roof. The project design would be subject to development and planning review and would be required to conform to the zoning regulations and other applicable policies (i.e., City Council Policy 44 and City Council Policy 66) regarding aesthetic qualities, such as building heights, setbacks, lighting, and landscaping. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality or substantially alter the visual character or quality of the site and surroundings; thus, impacts would be *less than significant*.

#### 4.2.4.4 Impact 4.2-4: Light and Glare

The project site is located in an urbanized area of the city and would entail the redevelopment of an infill housing site, which currently features lighting. The project would replace existing lighting with new lighting that would comply with the city lighting standards. The structure would not be constructed using expansive glazing that would increase reflective light in the project surroundings. Thus, compliance with the applicable lighting and glare requirements would ensure that the proposed project would not create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area, and impacts would be *less than significant*.

### **4.2.5 Level of Significance before Mitigation**

Implementation of the proposed project would result in less-than-significant impacts to scenic vistas, scenic resources, visual character, or light and glare; therefore, no mitigation measures are required.

### **4.2.6 Mitigation Measures**

No mitigation measures are required.

### **4.2.7 Level of Significance after Mitigation**

Less-than-significant impacts to aesthetics are identified, and no mitigation measures are required.

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## 4.3 Historical, Cultural, and Tribal Cultural Resources

This section provides a description and an assessment of potential impacts to historical, cultural, and tribal cultural resources that could result from implementation of the proposed project. The analysis in this section is based on the Historical Resources and Assessment Report (HRAR) prepared for the project by ASM (ASM 2023), the Cultural Resource Record Search and Survey for the project prepared by LSA (LSA 2023a), and from consultation information provided by the City of Carlsbad (city). A copy of these reports is included as **Appendix B, *Historical Resources Assessment Report***, and **Appendix C, *Cultural Resources Record Search and Survey***, to this EIR. A Feasibility Study documenting the condition of the Victor Condo building was prepared by Heritage Architecture & Planning (Heritage Architecture & Planning 2023) and is included as **Appendix D, *Feasibility Study***, to this EIR.

### 4.3.1 Existing Conditions

#### 4.3.1.1 Brief History of Carlsbad

Carlsbad has abundant historic resources representing human settlements that date thousands of years into the past. The following historical information is derived from the Arts, History, Culture, and Education Element of the *Carlsbad General Plan* (City of Carlsbad 2015a) and the *Carlsbad Tribal, Cultural and Paleontological Resources Guidelines* (City of Carlsbad 2017).

#### ***Native American Histories***

Prior to 1798, two Native American tribes were known to occupy the area that is currently known as Carlsbad: the Luiseños and the Diegueños (or Kumeyaay). The Luiseños inhabited the area just north of the San Luis Rey River, east toward Pala and south to Agua Hedionda Lagoon. The Diegueños were a larger group and inhabited an area spanning from the Batiquitos Lagoon south to Baja California. A record search/mapping project completed in 1990 indicated that within city limits, approximately 480 prehistoric sites associated with these two Native American tribes have been recorded. Although the locations of these resources were documented throughout the city, the majority of the prehistoric sites are located on broad mesa tops and along the lagoon terraces. Though few sites remain due to land development over the past 30 years, recorded resources range from single isolated milling features or isolated lithic tools to multi-component settlements indicative of long-term and multicultural occupation.

#### ***Spanish and Mexican Period***

In 1769, Spanish explorers first arrived from Mexico and camped near Agua Hedionda Lagoon. When Mexico achieved independence from Spain in 1821, land ownership and land use patterns evolved, igniting the Rancho period in California history where large tracts of land were granted to settlers and government friends to encourage settlement and cattle raising. In 1833, the mission holdings were secularized and divided into large land grants. Much of greater Carlsbad was part of Rancho Agua Hedionda, a 13,000-acre ranch. The holdings extended from the Pacific Ocean east toward Vista and from the north side of Agua Hedionda Lagoon south to Leucadia in present-day Encinitas. In 1842, Rancho Agua Hedionda was granted to Juan María Marrón, who built a three-room adobe on the property.

### ***Early American Period***

After Mexico lost the Mexican-American War in 1848, the U.S. government took control of California. The rapid population increase brought about by the Gold Rush of 1849 allowed California to become a state in 1850. The U.S. government considered the Luiseño to be Mission Indians who were not U.S. citizens; they would not be granted citizenship until Congress passed the Indian Citizenship Act in 1924. After the Civil War, the development of railroads had an enormous effect on the development of California and the western U.S. The California Southern Railroad, with its link to a transnational railroad, proved crucial to the transformation of the San Diego region from a farming community to a small city of emerging industry, mercantile, and agricultural expansion. The selected route of the railroad determined the future of many coastal town sites, including Carlsbad. The original town of Carlsbad was located outside of Rancho Agua Hedionda on federal land along the coast south of Buena Vista Lagoon. The town began as a station (which became known as Frazier's Station in 1884) on the new California Southern Railroad. The railroad stood as the town's center in Carlsbad Village, and the town grew several blocks in all directions.

John Frazier arrived in the area in 1883 and dug wells to provide water for steam locomotives. Frazier and several businessmen formed the Carlsbad Land and Mineral Water Company in 1886, which laid out a town site and initiated speculative development. The newly formed town was christened Carlsbad because the mineral water found by Frazier contained the same mineral properties as the famous Spa No. 7 in Karlsbad, Bohemia.

### ***20th Century***

Population and economic growth resumed again in the 1910s, spurred by agriculture. In 1914, the South Coast Land Company bought up all the remaining lands of the Carlsbad Land and Mineral Water Company, as well as other adjoining properties. The new company drilled wells to provide water for farming. New settlers arrived and bought farmland, growing winter vegetables, grains, and poultry.

During the 1920s Carlsbad became a major avocado and flower bulb production area. The peak years for avocado production were 1947 and 1948, and in 1949, it was estimated that 90 percent of the nation's freesia bulbs came from Carlsbad's annual production of nearly three million bulbs. Development and infrastructure expanded to accommodate a growing population, although in the 1920 U.S. Census, Carlsbad residential units were still primarily farms. Also at this time, millions of Mexicans fled north from Mexico to seek refuge during the Mexican Revolution, some of whom settled in Carlsbad. These immigrants provided additional farm and railroad labor to the area. They built small simple houses with no electricity or indoor plumbing and later sold the homes to other incoming immigrants. This development provided the foundation for the first neighborhood in Carlsbad, which today is called the Barrio. By 1930, areas near the historic core were divided and subdivided to make room for the newly developing suburban enclaves.

Like the rest of the country, Carlsbad felt the effects of the Great Depression in the 1930s, during which numerous businesses failed and many middle and lower-class residents left the area. After WWII, however, suburban development began to spread throughout Southern California. After a vote about whether to join Oceanside or incorporate, Carlsbad incorporated as a city in 1952. Following a series of annexations beginning in the 1960s, including La Costa in 1972, Carlsbad has grown gradually in area and population.

### 4.3.1.2 Brief History of the Project Site and Victor Condo

Although the project site is currently composed of three parcels, the site originally was divided into two lots, Lot 87 and Lot 86 of Granville Park No. 2 (City of Carlsbad 1979). Historic aerials indicate that the parcels currently occupied by the Victor Condo building were not developed prior to its construction in 1982. An image from 1932 shows the entire block on the west side of Garfield Street was farmland (UC Santa Barbara 1932). Images from 1947, 1953, 1964 and 1969 indicate that although the area around it was built up, the corner of Garfield Street and Beech Avenue remained vacant (UC Santa Barbara 1969).

Building permit number 80-944 for a three-unit condominium was submitted by the prior property owners on November 26, 1980. Westward Construction Inc. is listed as the builder and the architect is listed as Smith and Others. Westward Construction had completed several condominium projects in San Diego County including the Seascape Chateau complex, Lakeridge Park Villas and Saratoga West. They were the winners of the Home Builders Grand Award from the National Association for Home Builders for two years in a row in the late 1970s (*San Diego Union* 1975). The team of Smith and Others consisted of Armistead “Ted” Smith and Kathleen McCormick, who were both starting their careers and collaborating for the first time.

The Victor Condo project had a low budget that had “necessitated building a white box” (*San Diego Union* 1985). But the neighborhood was an eclectic mix of styles and colors, with a Victorian house across the street at Magee Park, and Smith and McCormick wondered how to get it to “blend in” (*San Diego Union* 1985). The design approach Smith referred to as “blendo” involved borrowing forms, materials, and colors from nearby buildings in a way that was both “fresh and familiar” (*Los Angeles Times* 1992). In the case of Victor Condo, the building retained the structure of a stucco box but added a façade which served as a contextual mirror of the neighborhood, incorporating design elements such as the spindle-work frieze and window frames of the Victorian cottage and colors that reflected the park itself. McCormick used 16 shades of green, brown, red, and blue hues to help incorporate the building with its neighborhood and provide visual allusions that are trademarks of post-modern design, such as the point where one façade “kisses” the adjacent one.

Like other Postmodern designs, the building was controversial, even before it was completed. The Notice of Completion was filed in May 1982, but an article appeared in the *Los Angeles Times* in February. The condo described as “too crazy for critics” triggered local city planners to consider mandatory design guidelines for future projects. It was described as “Disneyland by the Sea” and “Frankenstein’s house” (*Los Angeles Times* 1982a). At the same time, support for the building was equally opinionated. A letter to the editor from a local resident declared that the author of the article had “missed the fact that there are other ways of seeing and experiencing architecture than that espoused by close-minded short-sighted and openly power-hungry politicians.” They stated the building was “an imaginative and fresh solution to an architectural form that has been sorely in need of some reevaluation” (*Los Angeles Times* 1982b).

The Victor Condo building received broader recognition as well. In addition to its inclusion in the *California Condition* exhibition in 1982, the AIA publication *Architecture California* published an essay about Victor Condo that same year. In 1983, *Art and Architecture* included the building on a short list of significant new buildings in California. And in 1984, a design issue of *California Magazine* included Victor Condo on the cover along with the “ugly and beautiful” examination of the blendo style. A

Japanese publication, *Global Architecture*, featured Victor Condo along with the work of other San Diego architects in an article called “Three San Diego Postmodernists.” Another international publication, *Techniques & Architecture* (France), published a story about Victor Condo in 1986.

The unit at 2689 Garfield Street was owned by Joseph Vigil until 1985. It was sold again in 1988 and that owner retained ownership until 2016, when it was purchased by the current owner, Renee Wailes. The middle unit at 2687 Garfield Street was sold to Robert Wailes in 1984 until it was transferred to his wife, Renee Wailes, in 2018. The end unit was owned and occupied by John McGrath until his death and was purchased by Wailes in 2020.

### **4.3.1.3 Architectural History Survey Results**

As previously discussed under *Brief History of the Project Site and Victor Condo*, the Victor Condo building was constructed in 1982, and is currently 41 years old. According to criteria for designating historic resources to the local register in city's Municipal Code, an improvement must be at least 50 years old, or have achieved significance within the past 50 years. For any improvement less than 50 years old, “achieved significance” means it is of enduring importance within the appropriate historical cultural or architectural context and it can be demonstrated that sufficient time has passed to understand its authenticity, integrity, value, and/or importance. The city determined that a historical resources assessment report should be prepared to evaluate the significance of the Victor Condo building in light of these criteria (ASM 2023).

Built on a concrete slab and block foundation, the two-story wood frame structure has a rectangular plan. Most of the building has a flat roof with portions capped by a shed roof on the rear façade, and decorative front facing gables clad in composition shingles on the primary façade. Each of the three units has a tall vertical element suggestive of a chimney which functions as a skylight. Most of the building is clad in stucco, with elements of glass block and wood. Refer to Figure 3-3 for photographs of the project site.

The majority of windows on the north, west and south sides of the Victor Condo building have been replaced with vinyl windows. The original fenestration patterns have been retained.

The primary façade facing Garfield Drive features a distinctive false front of wood construction which provides a unique visual identity to each unit. All three units have a circular projection of glass block which encloses the interior spiral stairwell, but each unit has slightly different fenestration. Every unit is accessed by individual steps, narrower with outer balustrades (or supported railings) on the end units, and broader with a central balustrade on the middle unit.

The following is a description of the three units that comprise the Victor Condo building:

#### **2685 Garfield Street**

The primary façade of the unit to the north, 2685 Garfield Street, has a simple gable form of slatted wood that becomes solid in the gable end. There are four diamond cut outs placed randomly between the slats. It is painted blue, with a lower section of green on the south end where it meets the green-painted central unit. There is a square window in the gable end which is the only real fenestration on the false front. There is an arched opening below the window with a frame suggestive of a window but containing no glass. Below the arched opening is the square opening for



the front entrance with a spindle-work frieze with a central pendant creating a triangular shape below. On the north side, the gable is supported by posts with an open frieze above. The balustrade on the north end of the steps has a unique cutout shape with a ball on the newel post. There is an additional balustrade on the south side of the porch adjacent to the front entrance. The balustrades, open frieze, and spindles are painted burgundy red.

The front entrance is south of the glass block and consists of a solid steel door. There is a square fixed-sash window to the south of the door, containing stained glass. There is a slider-sash window above the entrance and a double-hung sash window on the north side of the glass block on the second story. There is an additional slider sash just below and to the south of the projecting skylight.

### ***2687 Garfield Street***

The primary façade of the middle unit at 2687 Garfield Street also has a gable form, but with a central projection in front of the skylight. There are two diamond cut outs on the slats to the north of the window opening and three in a row to the south with an additional oval cut out to the south. The oval forms an “eye” to the shape of lips kissing the unit to the south. The middle unit is painted green, with a solid area with a stepped design below the fascia which is painted red. There is a square window in the gable end which is the only real fenestration on the false front. There is a pair of frames suggesting double-hung sash windows containing no glass below the gable window. Below the frames there is a rectangular opening with a central pier and a spindle-work frieze forming a central triangle.

A slatted balustrade with a ball on the newel post leads from the central pier dividing the steps. To the north of this opening is an arched opening created by narrow posts which leads to the primary entrance. There is an additional entrance to the unit to the south of the glass block where there is also another small balustrade. The balustrades and spindles are painted green with the arched entry colored burgundy red.

Both entrances are solid steel doors. There is a square fixed sash window to the north of the north door, containing stained glass. There is a slider sash window above the north entrance and a double-hung sash window above the south entrance. There is an additional slider fixed square window on the second story near the north end of the unit.

### ***2689 Garfield Street***

The primary façade of the south unit at 2689 Garfield Street also has a stepped gable roof suggestive of a canal house in Amsterdam. The cutouts are a mixture of diamonds, ovals, triangles, and a shape that has an oval top and diamond bottom. There are two of these shapes to the south of the window and a group of 11 to the north. The south unit is painted burgundy, with the stepped fascia painted green. There is a square window in the gable end which is the only real fenestration on the false front. Below the square window is a tripartite frame with a one-over-one central section containing no glass. Below the frames is a rectangular opening with an off-center pier and a spindle-work frieze forming a triangle.

A slatted balustrade with a ball on the newel post leads from the pier on the south end of the steps. The balustrades and spindles are painted red.

The primary entrance is to the north of the glass block and consists of a solid steel door with an aluminum screen door. There is a square fixed-sash window to the north of the door, containing stained glass with a birds of paradise motif. There is a slider-sash window above the entrance and a double-hung sash window to the south of the glass block. There is an additional slider sash just below the projecting skylight. A secondary entrance with a paneled wood door is located on the lower level to the south of the glass block.

The south façade of the building has a decorative section of wall with a cut-out gable shape clad in wood. A cut-out rectangular area is to the east. There is a double-hung window punctuating the center of the decorative gable, and a ribbon window near the top of the rectangular area above a frieze of stained glass with a birds of paradise motif. Fenestration on the second story consists of a pair of one-over-one double-hung sash windows on the west end and a single double-hung sash window to the east.

The west (rear) façade has three garage entrances with metal roll-up doors on the lower level. The first story slightly projects above the garages and is supported by regularly spaced piers. Each unit contains two sets of paired one-over-one double-hung sash windows with no casings. A patio with a metal railing tops the first story of each unit, with dividing storage sections covered with a shed roof. Set back behind the patio is the second story punctuated by multiple windows to take advantage of the view to the Pacific Ocean. The south unit has a sliding glass door leading to the patio with a pair of double-hung sash to the south and a large fixed square window over the door. There is an additional square window to the north topped by another square window above. A pair of steel doors provides access to the maintenance/storage area to the north. The fenestration on the middle unit is similar, with a sliding glass door topped by a fixed square window with two large picture windows to the north and a double-hung sash to the south. The doors to the maintenance shed are to the north. The north unit has the same fenestration with the steel doors to the shed area to the south and a rounded solid wall on the north end of the patio.

Unlike the south façade, the north façade has no decorative elements and is clad only in stucco. A service entrance consisting of a pair of metal doors is at the east end of the ground level. There is a small, square fixed sash to the west. A maintenance shed is west of the window. On the first story, there is a one-over-one double-hung sash window on the east end, and three evenly spaced square fixed sash windows to the west. The second story has a large, square fixed sash to the west with a narrow rectangular window below. To the east is a pair of double-hung sash with another rectangular window below.

Because the units had different owners at various times, the interiors have a variety of finishes and a range of alterations. However, the basic floor plans and major decorative elements remain primarily consistent. Entering from the garage, all units have a storage area and laundry room on the ground level. A metal and wood spiral staircase enclosed with glass block leads to the first story containing bedrooms. On the second story there is a kitchen and a large open living room with a fireplace and loft area. Each loft has a stepped back triangular area containing the square window in the front gable ends. The solid loft balustrade contains large circular and undulating shapes. Each fireplace has a unique shape with a pipe exhaust visible at the top.

### 4.3.1.4 Condition of Property

As documented in the Feasibility Study prepared for the Victor Condo (Heritage Planning & Architecture 2023), the exterior and interior of the structure is in varying states, ranging from good condition to poor condition. The exterior of the building, including the front false façade, the front stairs and decorative wood railings, the concrete masonry units (CMU) foundation walls, windows, and exterior doors are in poor condition. The primary east-facing false façade has significant dry rot throughout. The existing CMU foundation walls have significant efflorescence and some structural cracks. Portions of the wooden steps have been rebuilt using painted pressure treated lumber but are in poor overall condition. All of the original windows have been replaced with the exception of three small casement windows of the east façade, one double-hung wood garage window on the south façade, and two stained glass windows on the east façade; however, all of the windows are generally in poor condition. The garage doors on the west side have also been replaced and are no longer original. The interiors of the residential air-space condominium are in varying condition. The interior of the northern-most unit (2685 Garfield Street) is generally deteriorated. The existing interior features and finishes in this unit are in need of maintenance, repair, or replacement. The interior of the middle unit (2687 Garfield Street) is in fair/good condition, and the southern-most unit (2689 Garfield Street) is in fair condition.

## 4.3.2 Regulatory Framework

### 4.3.2.1 State

#### ***California Environmental Quality Act***

CEQA requires state and local public agencies to identify the environmental impacts of proposed discretionary activities or projects, determine if the impacts will be significant, and identify feasible alternatives and mitigation measures that will substantially reduce or eliminate significant impacts to the environment.

Historical resources are considered part of the environment, and a project that may cause a substantial adverse effect to the significance of a historical resource is a project that may have a significant effect on the environment. "Historical resource" applies to a building and/or structure that:

1. Is listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4850 et seq.); or
2. Is included in a local register of historical resources, or is identified as significant in an historical resource survey meeting the requirements of Public Resources Code Section 5024.1(g); or
3. Is a building or structure determined by the lead agency to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.

Lead agencies have a responsibility to evaluate historical resources prior to making a finding as to a proposed project's impacts. Mitigation of adverse impacts is required if the proposed project will

cause substantial adverse change. Substantial adverse changes include demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of an historical resource that convey its historical significance (i.e., its character-defining features) is considered to materially impair the resource's significance.

If a cultural resource does not meet the definition of a "historic resource" under CEQA Guidelines Section 15064.5, it must be reviewed under Public Resources Code Section 21083.2(g) that defines the significance of an archaeological site in terms of uniqueness. A unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one of the following criteria:

- 1) Contains information needed to answer important scientific questions and there is a demonstrable public interest in that information;
- 2) Has a special and particular quality, such as being the oldest of its type or the best available;
- 3) example of its type; and/or
- 4) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A nonunique archaeological resource indicates an archaeological artifact, object, or site that does not meet the previously listed criteria. Impacts on nonunique archaeological resources receive no further consideration under CEQA, other than the recording of its existence by the lead agency if it so elects.

### ***California Register of Historical Resources***

The CRHR program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. The criteria established for eligibility for the CRHR are directly comparable to the national criteria established for the National Register of Historic Places (NRHP).

To be eligible for listing in the CRHR, a building must satisfy at least one of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Not only must historical resources eligible for listing in the CRHR meet one of the criteria of significance described above, eligible resources must also retain integrity, or enough of their historic character or appearance to be recognizable as historical resources, and to convey the reasons for

their significance. For the purposes of eligibility for the CRHR, integrity is defined as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance” (Office of Historic Preservation 2001). This general definition is strengthened by the more specific definition offered by the NRHP—the criteria and guidelines upon which the CRHR criteria and guidelines are based.

Historical resources achieving significance within the past 50 years are considered for eligibility for the CRHR only if they meet special consideration. To understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance.

### ***California Health and Safety Code***

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment of disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains. California Public Resources Code Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours. The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of the discovery. The inspection must be completed within 48 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

### ***Assembly Bill 52***

Assembly Bill 52 (AB 52), the Native American Historic Resources Protection Act, applies to projects that file a notice of preparation for an EIR or notice of intent to adopt a negative or mitigated negative declaration on or after July 1, 2016. AB 52 adds tribal cultural resources to the specific cultural resources protected under the CEQA. Under AB 52, a tribal cultural resource is defined as a site, feature, place, cultural landscape (must be geographically defined in terms of size and scope), sacred place, or object with cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register or included in a local register of historical resources. A Native American tribe or the lead agency, supported by substantial evidence, may choose at its discretion to treat a resource as a tribal cultural resource. AB 52 also mandates lead agencies to consult with tribes, if requested by the tribe, and sets the principles for conducting and concluding consultation.

### 4.3.2.2 Local

#### ***City of Carlsbad Municipal Code – Historic Preservation (Title 22)***

The CMC establishes a process and criteria for designating historic resources to the local register. Applications for historic designation in the city of Carlsbad can only be submitted by the owner of the resource in question. Once an application has been submitted by an owner, the city council has discretion to make a historic designation pursuant to the following procedures and standards:

- A. Any improvement may be designated as a historic resource if, upon recommendation of the commission, it is found by the city council to meet the following criteria:
  1. The property owner consents to the proposed designation;
  2. The improvement must be at least 50 years old, or have achieved significance within the past 50 years, and exhibit one or more of the following attributes:
    - a. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the historic, cultural, or architectural heritage of California or the United States; or
    - b. It is associated with the lives of persons important to local, California, or United States history; or
    - c. It embodies distinctive characteristics of a region, style, type, period, or method of construction, or is representative of a notable work of an acclaimed builder, engineer, designer, or architect that embodies significant structural, engineering, or architectural achievement; or
    - d. It has yielded or has the potential of yielding information important to the prehistory or history of the local area, California, or the United States.

For any improvement less than 50 years old, “achieved significance” means it is of enduring importance within the appropriate historical cultural or architectural context and it can be demonstrated that sufficient time has passed to understand its authenticity, integrity, value, and/or importance.
  3. The improvement retains enough of its historic, cultural, or architectural character or appearance to be recognizable as a historic resource and to convey the reasons for its significance.
- B. Designation of a Historic Landmark. The commission may recommend to city council that a historic resource also be recognized as a historic landmark. The purpose of identifying a historic resource as a historical landmark is to provide distinctive recognition of improvements that have outstanding character or historical, cultural, or architectural interest or importance as part of the city's cultural, social, economic, political, and architectural history.

#### ***Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines***

In 1990, the City of Carlsbad developed its first set of guidelines for the treatment of cultural resources that fall within the limits of the city. Since 1990, a number of changes have occurred in the regulatory context within which the city operates. These changes occurred at various levels of

jurisdiction, including at the city, state, and national levels and in the thresholds and expectations for best professional practices in cultural resources management. Changes have also occurred in terms of the level of involvement by stakeholders in cultural resources, particularly Native American tribes, as well as historical societies and the general public. In 2017, an updated set of guidelines was prepared by the city and developed in consultation with the San Luis Rey Band of Mission Indians, cultural and paleontological resources professionals, city staff, and the public (City of Carlsbad 2017).

### ***City of Carlsbad General Plan***

The Carlsbad General Plan (City of Carlsbad 2015a) affords consideration for the preservation of cultural resources. The Arts, History, Culture, and Education Element of the *Carlsbad General Plan* contains the following goals and policies to protect and preserve the city's cultural resources which are also listed in Table 4.4-2 of this EIR:

**Goal 7-G.1.** Recognize, protect, preserve, and enhance the city's diverse heritage.

**Policy 7-P.5.** Encourage the rehabilitation of qualified historic structures through the application of the California Historical Building Code.

**Policy 7-P.6.** Ensure compliance with the City of Carlsbad Cultural Resource Guidelines to avoid or substantially reduce impacts to historic structures listed or eligible to be listed in the NRHR or the CRHR.

**Policy 7-P.7.** Implement the City of Carlsbad Cultural Resource Guidelines to avoid or substantially reduce impacts to archaeological and paleontological resources.

**Policy 7-P.8.** During construction of specific development projects, require monitoring of grading, ground-disturbing, and other major earth-moving activities in previously undisturbed areas or in areas with known archaeological or paleontological resources by a qualified professional, as well as a tribal monitor during activities in areas with cultural resources of interest to local Native American tribes. Both the qualified professional and tribal monitor shall observe grading, ground-disturbing, and other earth-moving activities.

**Policy 7-P.9.** Ensure that treatment of any cultural resources discovered during site grading complies with the City of Carlsbad Cultural Resource Guidelines. Determination of the significance of the cultural resource(s) and development and implementation of any data recovery program shall be conducted in consultation with interested Native American tribes. All Native American human remains and associated grave goods shall be returned to their MLD and repatriated. The final disposition of artifacts not directly associated with Native American graves shall be negotiated during consultation with interested tribes; if the artifact is not accepted by Native American tribes, it shall be offered to an institution staffed by qualified professionals, as may be determined by the City Planner. Artifacts include material recovered from all phases of work, including the initial survey, testing, indexing, data recovery, and monitoring.

**Policy 7-P.10.** Require consultation with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information Systems, the NAHC, and Native American groups and individuals) to minimize potential impacts to cultural resources that may occur as a result of a proposed project.

**Policy 7-P.11.** Prior to occupancy of any buildings, a cultural resource monitoring report identifying all materials recovered shall be submitted to the City Planner.

### 4.3.3 Thresholds and Methodology

#### 4.3.3.1 Thresholds

##### ***California Environmental Quality Act***

As defined in CEQA Guidelines Appendix G, project impacts on cultural resources would be considered significant if the proposed project would:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.
- Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.
- In accordance with CEQA Guidelines Section 15064.5, any project with an effect that may cause a substantial adverse change in the significance of a cultural resource, either directly or indirectly, is a project that may have a significant effect on the environment. As a result, such a project would require avoidance or mitigation of impacts to those affected resources. Significant cultural resources must meet at least one of four criteria that define eligibility for listing on the California Register of Historical Resources (CRHR) (Public Resources Code Section 5024.1, Title 14 CCR, section 4852). Resources listed on or eligible for inclusion in the CRHR are considered Historical Resources under CEQA. A Historical Resource is a resource that (1) is listed in or has been determined eligible for listing in the CRHR by the State Historical Resources Commission; (2) is included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k); (3) has been identified as significant in an historical resources survey, as defined in Public Resources Code Section 5024.1(g); or (4) is determined to be historically significant by the CEQA lead agency [CCR Title 14, Section 15064.5(a)]. In making this determination, the CEQA lead agency usually applies the CRHR eligibility criteria. The eligibility criteria for the CRHR are stated above under Section 4.3.2, *Regulatory Framework* (specifically state regulations).

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)]. Impacts to a Historical Resource (as defined by CEQA) are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)].

##### ***City of Carlsbad Historic Preservation – CMC Chapter 22.06***

Per the city's *Tribal, Cultural, and Paleontological Guidelines* (2017), compliance with Title 22 is voluntary as stated in the ordinance. As such, Title 22 is not a regulatory code for the purposes of implementing CEQA.



### 4.3.3.2 Methodology

#### ***Historic Architectural Resources***

The analysis of impacts to historic architectural resources is based on the HRAR (ASM 2023; Appendix B) prepared by qualified personnel who exceed the Secretary of the Interior's *Professional Qualification Standards* in architectural history.

Key steps in completing the assessment included a survey of the historic building, archival research, and field documentation. The Avery Index, newspapers and scholarly publications were used to compile a biography of the architect, Armistead (Ted) Smith, and place the property within the body of his known work. Prior surveys, including the City of Carlsbad Cultural Resources Survey and supplemental Historic Resources Inventory (1990) were reviewed online through the Carlsbad Public Library for mention of the properties or surrounding neighborhood. Building permits were provided by the city and building records were obtained from the San Diego County Assessor's office. A title search for 2685, 2687 and 2689 Garfield Street was conducted to determine the chain of ownership of the units and online resources, such as telephone directories and public records, were consulted to determine whether there were other occupants. Local newspapers and ancestry sources were used to search for any possible significant individuals associated with the properties. Historic maps and aerial photos were referenced to further understand the development of the area over time.

Under CEQA (Public Resources Code Section 21084.1), the evaluation of impacts to historical resources consists of a two-part inquiry: (1) a determination of whether the project site contains or the immediate surroundings contain, any historical resources that may be impacted by the project; and (2) if any such resources exist, a determination of whether the project would result in a "substantial adverse change" to the significance of any such resources.

#### ***Archaeological Resources***

The analysis of impacts to archaeological resources and/or human remains is based on the *Cultural Resource Record Search and Survey of the Three on Garfield Project* (LSA 2023a; Appendix C). The study included a record search and survey of the project area, an online historic aerial/map review and a summary report. On March 1, 2023, a record search of the project area and 0.5-mile buffer area was conducted at the South Coastal Information Center (SCIC), at San Diego State University. The SCIC provided records of all previous surveys, archaeological sites, subsurface investigations, and historic resources more than 45 years old that were recorded within 0.5 miles of the project area. Site records of archaeological sites and bibliographical references for all surveys and investigations within the 0.5-mile search radius were also provided. Historic maps and aerial photographs were reviewed, and the following inventories were examined: National Register of Historic Places, CRHR, California Historical Landmarks, California Historic Properties Directory and California Points of Historical Interest. On March 7, 2023, a survey of the project area was conducted by an archaeologist and a Native American monitor from the Rincon Band of Luiseño Indians.

#### ***Tribal Cultural Resources***

The state requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the CEQA Guidelines. Pursuant to Public

Resources Code Section 21080.3.1, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Significant tribal cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that is either on or eligible for inclusion in the California Historic Register or a local historic register.

Additional information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code Section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation.

Pursuant to Assembly Bill 52, the San Luis Rey Band of Mission Indians, Rincon Band of Luiseño Indians, Torres Martinez Desert Cahuilla Indians, and Mesa Grande Band of Diegueno Mission Indians were contacted on June 13, 2023. The Rincon Band of Luiseño Indians requested to accompany the archaeologist for the pedestrian survey. Rincon Band of Luiseño Indians and San Luis Rey Band of Mission Indians have requested consultation.

## **4.3.4 Impact Analysis**

### **4.3.4.1 Impact 4.3-1: Historic Resources**

As discussed in Chapter 2, *Summary*, a Historic Analysis Letter Report was previously prepared for the Victor Condo (Moomjian 2021) which concluded that the Victor Condo was not historically and/or architecturally significant under local, state, and national criteria. In 2022, the prior report's conclusion was challenged by members of the public, including the Victor Condo project architect. The city's Historic Preservation Commission then recommended the historic value of the Victor Condo property be considered based on the reputation of the architect and the architectural style of the structure. In addition, comments from the public during the NOP comment period included a rebuttal to that Historical Analysis Letter Report (Moomjian 2021) and a disagreement with the conclusion of that report that the structure is not historically or architecturally significant.

Based on the evaluation in the most recent *Historical Resources Assessment Report*, the existing building on the project site, Victor Condo, does not qualify as a historic resource under the first two criteria outlined in CEQA Guidelines Section 15064.5(a)(1) and (2). The Victor Condo is not listed, or determined to be eligible by the State Historical Resources Commission for listing, in the CRHR. The Victor Condo is not included in a local register of historical resources or identified as significant in an historical resource survey meeting the requirements of Public Resources Code Section 5024.1(g). However, under CEQA Guidelines Section 15064.5(a)(3) and (4), the lead agency retains discretion to make its own determination that the Victor Condo qualifies as an historical resource, provided it is supported by substantial evidence in light of the whole record.

As discussed in the *Historical Resources Assessment Report*, the Victor Condo was evaluated for eligibility for listing in the California and local registers. Constructed in 1982, the building is an example of the Postmodern style and was evaluated within the context of Postmodernism in San Diego County. Although the Victor Condo is less than 50 years old and is not the only example of postmodern architecture in the San Diego region, it is the first example of the style in Carlsbad. Additionally, some project features, such as exterior windows and the garage doors, are no longer

original, reducing to some degree the integrity of the buildings historic value. However, the primary east-facing façade of the Victor Condo remains a distinct feature of the building's Postmodern style. Because Victor Condo embodies distinct characteristics of the style and was recognized by both scholarly and popular publications, the building is recommended as eligible for the CRHR under Criterion 3. Provided there was an owner application and consent, the city council could determine that the Victor Condo is eligible as a Carlsbad Historic Resource under criteria a and c because it exemplifies special elements of the city's architectural history, specifically Postmodern architecture. Additionally, although the building is less than 50 years old, sufficient time has passed to understand the authenticity, integrity, and value of the building to meet the special considerations at the state and local level. Taking into consideration all of the factors outlined above, this analysis considers Victor Condo to be a historical resource for the purposes of CEQA.

The project proposes demolition of the Victor Condo building and the construction of a new three-unit condominium building. CEQA Guidelines Section 15064.5(b)(1) define a substantial adverse change as one that would materially impair the significance of an historical resource. Projects that are found to be in conformance with the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties (Standards)* would not result in a substantial adverse change in the significance of a historical resource. According to Section 15064.5(b)(2)(C), "the significance of a historic resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA." As the demolition of an historic property cannot be seen as conforming with the *Standards*, the project would have a substantial adverse change to an historical resource pursuant to CEQA Section 21084.1 and impacts would be considered *significant and unavoidable*.

#### 4.3.4.2 Impact 4.3-2: Archaeological Resources

The project area was surveyed by an archaeologist and Native American monitor from the Rincon Band of Luiseño Indians. The survey consisted of an intensive investigation of all areas of exposed ground not obscured by pavement, concrete, vegetation, or the building. Although the ground was obscured over much of the parcel, ground visibility was optimal where limitations did not exist. Natural sediment was a medium brown sandy loam with organic debris associated with a landscaped environment. No cultural material was observed during the survey.

Although numerous prior cultural resource studies have been conducted within 0.5 miles of the project area, including two surveys and one EIR that included the project area, no previously recorded cultural resources are recorded in the project area. However, the 1887 Magee House, now the home of the Carlsbad Historical Society and located east across Garfield Drive approximately 100 feet from the project area, exhibits local significance. The presence of the 1887 Magee House directly across the street and less than 100 feet from the current project area suggests the possibility that buried resources may exist in the project area. Although the project site has been previously disturbed and graded during the original development of the project site with the existing structure, there is potential for project grading to occur within undisturbed on-site areas and potential to encounter unknown buried historic or prehistoric resources. Impacts would be considered potentially *significant*.

### **4.3.4.3 Impact 4.3-3: Human Remains**

Although the project would not disturb any known human remains, grading associated with the project has the potential to extend into previously undisturbed native sediment. As such, there is the possibility, although it is unlikely given the previous disturbance on the project site, that unknown human remains may be encountered. Impacts to human remains would be considered potentially *significant*.

### **4.3.4.4 Impact 4.3-4: Tribal Cultural Resources**

Based on the Cultural Resource Record Search and Survey prepared for the proposed project (LSA 2023a; Appendix C), there are no known Native American resources in the project site that are listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Additionally, no specific tribal cultural resources were identified in the project site as a result of Native American consultation conducted for the project per Assembly Bill 52.

As such, the project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place or object with cultural value to a California Native American tribe that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). The city, as lead agency, has not identified any potential tribal cultural resources at the project site. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to criteria set forth in Public Resources Code Section 5024.1(c).

No tribal cultural resources were identified on the project site. If any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, state and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural resources professional. Although the project site has been previously disturbed and graded during the original development of the project site with the existing structure, there is potential for project grading to occur within undisturbed on-site areas and potential to encounter unknown buried tribal cultural resources. Impacts to tribal cultural resources would be considered potentially *significant*.

## **4.3.5 Level of Significance before Mitigation**

### **4.3.5.1 Historic Resources**

The project would result in demolition of the Victor Condo building, which is considered a substantial adverse change to the historical resource pursuant to CEQA Section 21084.1. Therefore, according to CEQA guidelines, this action constitutes a significant effect on the environment and material impairment on a historical resource pursuant to CEQA Section 15064.5(b). Impacts would be significant.

### 4.3.5.2 Archaeological Resources

The project would result in the potential to encounter unknown buried historic or prehistoric resources through the disturbance of previously undisturbed sediments. If unknown buried resources are discovered during project construction, impacts to these resources would be potentially significant.

### 4.3.5.3 Human Remains

If unknown human remains are discovered during project construction, the disturbance of human remains, including those interred outside of formal cemeteries, would result in a significant impact.

### 4.3.5.4 Tribal Cultural Resources

The project would result in the potential to encounter unknown buried tribal cultural resources through the disturbance of previously undisturbed sediments. If unknown buried tribal cultural resources are discovered during project construction, impacts to these resources would be potentially significant.

## 4.3.6 Mitigation Measures

### 4.3.6.1 Historic Resources

The project would result in historical resource impacts to the Victor Condo building that cannot be mitigated below a level of significance. Nonetheless, the following mitigation measures shall be implemented to incrementally reduce impacts to the historical resource:

**Mitigation Measure CR-1: Historic American Building Survey (HABS) Documentation.**

Prior to the issuance of the demolition permits, the Victor Condo building shall be documented to Historic American Buildings Survey (HABS) Level 2 standards according to the outline format described in the *Historic American Building Survey Guidelines for Preparing Written Historical Descriptive Data*. The documentation shall be undertaken by a qualified professional who meets Secretary of the Interior's *Professional Qualification Standards* (36 CFR, part 61) for architectural history. The documentation shall consist of the following:

- Photographic Documentation: Documentation should follow the Photographic Specification–Historic American Building Survey, including 15 to 20 archival quality, large-format photographs of the exterior and interior of the building and its architectural elements. Construction techniques and architectural details should be documented, especially noting the measurements, hardware, and other features that tie architectural elements to a specific date.
- HABS Historical Report: A written historical narrative and report completed according to the HABS Historical Report Guidelines.
- Original architectural plans shall be archivally reproduced, following HABS standards, or included as figures in the HABS historical report.

Three copies of the HABS documentation package, with one copy including original photo negatives, shall be produced, with at least one copy placed in an archive or history collection accessible to the general public, such as the Carlsbad Public Library and San Diego History Center.

**Mitigation Measure CR-2: Interpretation.** Prior to the issuance of demolition permits, the project applicant, in coordination with, and subject to approval by the City Planner, shall develop an interpretative opportunity that would communicate the significance of the Victor Condo building to the local community. The opportunity could consist of a permanent plaque or sign with general information at the project site with an opportunity for the public to digitally link to additional information, such as historic photographs, HABS documentation or other materials that are maintained by the city or other organization, such as the Historical Society. The interpretive exhibit shall be developed by a qualified team including a historian and graphic designer or other professional with demonstrated experience in displaying information and graphics to the public in a visually interesting manner. The exhibit should be located at the project site, or at some other location determined as appropriate by the qualified team and the City Planner.

**Mitigation Measure CR-3: Architectural Salvage.** Prior to the issuance of demolition permits that would remove character-defining features of the building, the developer shall consult with city Planning Department staff as to whether any such features may be salvaged. This could include both interior and exterior features for preservation on or off-site or for sale or use in another structure. The developer shall make a good faith effort to salvage materials of historical interest to be utilized as part of the interpretative program. The developer shall prepare a salvage plan for review and approval by the City Planner prior to issuance of any site demolition permit.

#### 4.3.6.2 Archaeological Resources

The following mitigation measures shall be implemented by the project to minimize impacts to unknown buried historic and prehistoric resources:

**Mitigation Measure CR-4: Construction Monitoring.** Prior to the commencement of any ground-disturbing activities, the project developer shall enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with a Traditionally and Culturally Affiliated Luiseño tribe (TCA Tribe). This agreement will contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist. Such agreement shall include at minimum, that, if a possible tribal cultural resource is uncovered during ground-disturbing activities, all work shall cease within a minimum distance of 50 feet from the find until a Qualified Tribal Monitor and Archaeological Monitor have had the opportunity to evaluate the find. If a Qualified Tribal Monitor or Archaeological Monitor determines that the object or artifact appears to be a potentially significant tribal cultural resource, the City of Carlsbad shall notify the affiliated Tribes to conduct a site visit and make recommendations to the City regarding the monitoring of future ground disturbance activities and the treatment and

disposition of any discovered tribal cultural resources. A copy of said archaeological contract and Pre-Excavation Agreement shall be provided to the City of Carlsbad prior to the issuance of a grading permit. A Luiseño Native American monitor shall be present during all ground-disturbing activities. Ground disturbing activities may include, but are not be limited to, archaeological studies, geotechnical investigations, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities. Consistent with Public Resources Code Section 21083.2, the handling, treatment, preservation, and recordation of tribal cultural resources should occur as follows:

- The find should be preserved in place or left in an undisturbed state unless the project would damage the resource.
- All collected artifacts, if not human remains or other mortuary objects, shall be repatriated to the affiliated Tribes for reburial on the project site.

#### 4.3.6.3 Human Remains

The following mitigation measures shall be implemented by the proposed project to minimize impacts to human remains:

**Mitigation Measure CR-5: Discovery of Human Remains.** In the event human remains are encountered during project construction, State Health and Safety Code Section 7050.5 and State CEQA Guidelines Section 15064.5(e)(1) state that no further disturbance shall occur to the area of the find until the County Coroner has made a determination of origin and disposition of the human bone pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately and shall make their determination within two working days of being notified. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) by phone within 24 hours, and the NAHC shall then immediately determine and notify a Most Likely Descendant. With the permission of the landowner or his/her authorized representative, the Most Likely Descendant may inspect the site of the discovery. The Most Likely Descendant shall complete the inspection and make recommendations or preferences for treatment of the remains within 48 hours of being granted access to the site. The Most Likely Descendant's recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials, preservation of Native American human remains and associated items in place, relinquishment of Native American human remains and associated items to the descendants for treatment, or any other culturally appropriate treatment.

#### 4.3.6.4 Tribal Cultural Resources

Mitigation Measures CR-4 and CR-5 would be implemented by the project to minimize impacts associated with the discovery of unknown tribal cultural resources.

## **4.3.7 Level of Significance after Mitigation**

### **4.3.7.1 Historic Resources**

Mitigation Measures CR-1 through CR-3 would be required in order to document and interpret the significance of Victor Condo for the public. These mitigation measures would create preservation materials available to the public to inform future research. The mitigation would partially compensate for the impacts associated with the proposed project; however, these measures would not be enough to avoid, rectify or reduce or compensate for the loss of the building. Because a substantial adverse change would still occur, the impact would be significant and unavoidable after mitigation.

### **4.3.7.2 Archaeological Resources**

Mitigation Measure CR-4 would reduce potentially significant impacts associated with unknown buried historic and prehistoric resources to a less than significant level.

### **4.3.7.3 Human Remains**

Mitigation Measure CR-5 would reduce potentially significant impacts associated with the discovery of human remains to a less than significant level.

### **4.3.7.4 Tribal Cultural Resources**

Mitigation Measures CR-4 and CR-5 would also reduce potentially significant impacts associated with unknown buried tribal cultural resources to a less than significant level.



## 4.4 Land Use and Planning

This section provides information regarding current land use, land use designations, and land use policies pertinent to the project site. CEQA Guidelines Section 15125(d) states that “[t]he EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans.” This section fulfills this requirement for the proposed project. In this context, this section reviews the land use assumptions, designations, and policies of the Carlsbad General Plan and other applicable federal, state, and local requirements, which govern land use within the project area and evaluates the proposed project’s potential to conflict with policies adopted for the purpose of avoiding or mitigating significant environmental effects.

### 4.4.1 Existing Conditions

The site is currently developed with a three-unit residential air-space condominium. The underlying lot is currently held in common interested divided among the three air-space condominiums. The common area includes, but is not limited to, the private drive aisle and landscaped areas.

The project site is designated for R-15 Residential land uses in the city’s General Plan and is zoned with Multiple-Family Residential (R-3) within the Beach Area Overlay Zone (BAOZ) (**Figure 4.4-1, General Plan Land Use Map; Figure 4.4-2, Zoning Map**). The property is immediately west of the Village and Barrio Master Plan area. Adjacent properties have General Plan land use designations of R-15 (to the north, south, and west) and Village Barrio (V-B) to the east. Zoning for adjacent land uses includes the R-3 zone to the north, south, and west, with Village Barrio zone (V-B) to the east. Surrounding land uses include residential to the north and west, vacant property to the south, with Magee Park and Heritage Hall to the east. Existing General Plan land uses, zoning, and current land uses of the project site and adjacent areas are summarized in **Table 4.4-1, Project Site and Surrounding Land Uses**.

**TABLE 4.4-1  
PROJECT SITE AND SURROUNDING LAND USES**

Location	General Plan Land Use Designation	Zoning	Current Land Use
Project Site	R-15 Residential (8 to 15 du/ac)	Multiple-Family Residential (R-3) within BAOZ	Three-unit residential condominium
North	R-15	Multiple-Family Residential (R-3) within BAOZ	Single-family residential
South	R-15	R-3 within BAOZ	Vacant
East	V-B Village Barrio	Village Barrio Zone (V-B)	Park
West	R-15	R-3	Single-family residential



**Project Boundary**

**General Plan Land Use**

- Open Space
- Public
- Residential 8-15 du/ac
- Residential 15-23 du/ac
- Village-Barrio
- Visitor Commercial

Source: City of Carlsbad GeoHub; Aerial Photo: USDA NAIP 2020

Figure 4.4-1






# General Plan Land Use Map



THREE ON GARFIELD





 Project Boundary  
**Zoning**  
 Commercial Tourist  
 Multi-Family Residential  
 Open Space  
 Village-Barrio

Source: City of Carlsbad GeoHub; Aerial Photo: USDA NAIP 2020



Figure 4.4-2

# Zoning Map

THREE ON GARFIELD

## 4.4.2 Regulatory Framework

This section identifies and summarizes the state and local laws, policies, and regulations related to land use and planning that are applicable to the proposed project.

### 4.4.2.1 State

#### ***Coastal Act***

The Coastal Act of 1976 permanently established 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 4-year period. By passing the Coastal Act of 1976, the State Legislature created the mandate for preparation of Local Coastal Programs 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.

### 4.4.2.2 Local

#### ***San Diego Association of Governments – Regional Plan***

The San Diego Association of Governments (SANDAG) Board of Directors adopted the Final 2021 Regional Plan in December 2021. The 2021 Regional Plan provides a long-term blueprint for the San Diego region that seeks to meet regulatory requirements, address traffic congestion, and create equal access to jobs, education, healthcare, and other community resources. The plan combines the Regional Transportation Plan, Sustainable Communities Strategy (SCS), and Regional Comprehensive Plan. The 2021 Regional Plan contains the following goals in support of its vision for a fast, fair, and clean transportation system and a resilient region:

- The efficient movement of people and goods
- Access to affordable, reliable, and safe mobility options
- Healthier air and reduced GHG emissions

Projects, policies, and programs developed to achieve the 2021 Regional Plan's goals are organized around three core strategies: a reimagined transportation system, sustainable growth and development, and innovative demand and system management.

### ***City of Carlsbad General Plan***

The Carlsbad General Plan governs all city actions relating to Carlsbad's physical development and is composed of nine elements: Land Use and Community Design; Mobility; Open Space, Conservation and Recreation; Noise; Public Safety; Arts, History, Culture and Education; Economy, Business Diversity, and Tourism; Sustainability; and Housing. Goals, objectives, and implementing policies and programs have been established for each of the elements.

As discussed in Section 4.4.1, the project site is designated R-15 Residential by the Carlsbad General Plan. Areas within the R-15 designation are intended to be developed with housing at a density of between 8 and 15 dwelling units per acre, and may include two-family dwellings (two attached dwellings, including one unit above the other) and multi-family dwellings (three or more attached dwellings). Detached single-family dwellings may be permitted on small lots of when developed as two or more units on one lot, subject to specific review and community design requirements.

### ***City of Carlsbad Zoning Ordinance (Carlsbad Municipal Code, Title 21)***

The city's Zoning Ordinance provides the physical land use planning criteria for development within the city.

As described in Section 4.4.1, the project site is located within the Multiple-Family Residential (R-3) Zone. The intent and purpose of the R-3 multiple-family residential zone is to implement the residential medium-high density (RMH) and residential high-density (RH) land use designations of the Carlsbad General Plan, and to provide regulations and standards for the development of residential dwellings and other permitted or conditionally permitted uses.

Zoning Ordinance Chapter 21.45 enacts the Planned Development Ordinance. The planned development provision of the Zoning Ordinance is intended to recognize the need for a diversity of housing and product types, provide a method for clustered property development that recognizes that the impacts of environmentally and topographically constrained land preclude the full development of a site as a standard single-family subdivision, and encourages and allows more creative and imaginative design by including relief from compliance with standard zoning regulations. To offset the flexibility in development standards for planned developments, they are required to incorporate amenities and features not normally required of standard residential developments. The planned development provision of the Zoning Ordinance establishes a process to approve, among other developments, condominium projects consisting of two-family and multiple-family dwellings.

The BAOZ is to supplement the underlying residential zoning by providing additional regulations for development within designated beach areas. These additional regulations are intended to ensure that development would be compatible with surrounding developments in the beach area, would provide adequate parking as needed by residential projects, ensure that adequate facilities would exist to serve the beach area, and to protect the unique mix of residential development and aesthetic quality in the area.

### ***Nonconforming Lots, Structures, and Uses***

CMC Chapter 21.48 is intended to allow for the development of nonconforming lots that were legally created. This chapter of the CMC establishes procedures for the abatement of structures and uses that do not comply with all the requirements and development standards of the CMC and that may be adverse to the orderly development of the city and to protect the public health, safety, or welfare of persons or property. This chapter permits the continuation of use and continued occupancy and maintenance of structures that were legally established but do not comply with all the requirements and development standards in a manner that is not adverse to the public safety, or welfare of persons or property; permits the repair, alteration, expansion, or replacement of nonconforming structures subject to requirements included in the chapter, and permits the expansion or replacement of nonconforming uses subject to requirements included in the chapter.

### ***Inclusionary Housing Ordinance***

CMC Chapter 21.85 establishes the city's Inclusionary Housing Ordinance to ensure that all residential development, including residential subdivisions, provide a range of housing opportunities for all economic segments of the population. The ordinance applies to all housing development projects that result in the construction of new residences, including mixed use projects that include residential units and the conversion of apartments to condominiums. The Ordinance states that it is the policy of the city to:

- Require that a minimum of 15% of all approved residential development of seven or more units be restricted to, and affordable to, lower-income households, subject to adjustment based on the granting of an inclusionary credit.
- Require that for those developments which provide ten or more units affordable to lower-income households, at least 10% of the lower-income units shall have three or more bedrooms.
- Under certain conditions, alternatives to on-site construction as a means of providing affordable units; and
- In specific cases, satisfying of inclusionary requirements through the payment of an in-lieu fee as an alternative to requiring inclusionary units to be constructed.

### ***Growth Management Ordinance***

CMC Chapter 21.90 enacts the city's Growth Management Plan (GMP), which guides balanced growth and development within the city by ensuring adequate housing, utilities, and public services and facilities. Pursuant to the GMP and CMC Chapter 21.90, the city is organized into 25 zones with Local Facilities Management Plans (LFMPs) for each zone, which analyze and establish a plan for supplying the public facilities that will be needed to accommodate development. Under the GMP, development can only occur when specific performance standards are met by the development.

### ***Coastal Resource Protection Overlay Zone***

CMC Chapter 21.203 requires that projects demonstrate consistency with the approved Carlsbad Local Coastal Program (LCP) and obtain a Coastal Development Permit (CDP) for developments within the coastal zone. Chapter 21.203 contains development standards that apply to areas within

the coastal resource protection overlay zone as part of the CDP. The development standards include standards related to the following: the preservation of steep slopes and vegetation; drainage, erosion, sedimentation, and habitat; landslides and slope instability; seismic hazards; floodplain development; and additional standards regarding development within Kelly Ranch (which do not apply to the project).

### ***City of Carlsbad Local Coastal Program***

The city's LCP, adopted in 1996, includes the city's land use plans, policies, and standards and the Zoning Ordinance for the city's coastal zone. The LCP meets the requirements and implements the provisions and policies of the California Coastal Act. The city's LCP includes six planning areas or segments that cover approximately one-third of the city.

The project site is located within the Mello II Segment of the city's LCP. The Mello II Segment Land Use Plan addresses the topical areas of land use, agriculture, environmental, geologic hazards, public works, recreation/visitor facilities, shoreline access, and visual resources. The Mello II Land Use Plan has designated the project site as R-15 Residential and zoning of R-3, which are consistent with the city's General Plan and zoning.

### ***City Council Policy 44 –Neighborhood Architectural Design Guidelines***

City Council Policy 44 establishes architectural guidelines to ensure that a variety of architectural elements are incorporated into single-family homes and two-family structures. These guidelines are intended to ensure that single-family homes and two-family structures are visually interesting, have sufficient building articulation to reduce their bulk and mass, are in scale to their lot size, and strongly contribute to the creation of livable neighborhoods. Specific Neighborhood Architectural Design Guidelines apply depending on whether the new single-family and two-family residential projects consist of two to four homes, or five or more homes. As the project consists of three units, architectural guidelines 1-4, 9-11, and 13-18 would apply to the project. The applicable design guidelines are specific to floor plans and elevations, single-story requirements, multiple building planes, windows/doors, front porches, front entries, chimneys, and garage doors.

### ***City Council Policy 66 – Livable Neighborhoods Design Guidelines***

City Council Policy 66 is the policy established for principles for the development of livable neighborhoods. Livable neighborhoods have a sense of identity and community where residents are encouraged to walk instead of using their cars; where homes are in scale to the size of their lots; where streets are pedestrian-friendly with walkways to common destinations such as schools, parks, stores, and transit; where houses are interesting to look at with strong architectural elements; and where open spaces form focal points, gathering places, and recreational spaces for a variety of age groups. The policy provides principles specific to building facades, front entries, and porches; garages; street design; parkways; pedestrian walkways; and centralized community recreation areas.

### ***City of Carlsbad Landscape Manual***

The policies, programs, and requirements of the city's Landscape Manual apply to all public and private development requiring discretionary permits or submittal of landscape plans for development permits. The Landscape Manual contains policies and requirements associated with planting,



irrigation, water conservation, streetscape, slope revegetation/erosion control, and fire protection. These policies and requirements are minimum standards and projects are encouraged to exceed the standards whenever possible. However, variances may be granted from the policies and requirements of the manual if undue hardships or special circumstances make a variance request necessary.

### **4.4.3 Thresholds and Methodology**

#### **4.4.3.1 Thresholds**

Pursuant to CEQA Guidelines Appendix G, project impacts to land use and planning would be considered significant if the proposed project would:

- Physically divide an established community.
- Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

#### **4.4.3.2 Methodology**

The analysis of whether the proposed project would physically divide an established community assesses the physical context of the project site within the greater city and whether the project would adversely alter this context by providing a physical division, including through the construction of large, incongruent structures, closing public streets, or otherwise hindering access through the project site or surrounding areas.

The analysis of the proposed project's consistency with land use plans, policies, and regulations assesses whether the proposed project would be in conformance with (or not conflict with) adopted regional and local plans, policies, and regulations that are applicable to the proposed project and project site. Consistent with the requirements of the CEQA Guidelines, this discussion focuses on those land use goals, policies, and regulations that relate to avoiding or mitigating environmental impacts, recognizing that an inconsistency with a plan, policy, or regulation does not necessarily equate to a significant physical impact on the environment. The analysis, therefore, considers whether any inconsistencies create a significant physical impact on the environment.

### **4.4.4 Impact Analysis**

#### **4.4.4.1 Impact 4.4-1: Division of an Established Community**

The project site contains existing residential uses and is located in a residential neighborhood. The project would include removal of the existing residential use and replacement with a new structure containing an identical number of residential units. The proposed residential uses would be consistent with the existing residential community surrounding the project site. The proposed structure would, for the most part, be of similar size to the existing structure; however, the proposed roofline would be below the 30-foot height limit for sloped rooflines and lower in elevation than the existing 35- to 43-foot-high flat rooftop on the existing structure, which currently exceeds the city's height limit in the BAOZ zone. The proposed project does not include the construction of large structures, the extension of a roadway, or other components that would physically divide the established community. *No impact* would occur.



#### 4.4.4.2 Impact 4.4-2: Consistency with Land Use Plans, Policies, and Regulations

The proposed project's consistency with applicable plans, policies, and regulations is discussed below.

##### ***SANDAG's San Diego Forward: The 2021 Regional Plan***

The Regional Plan's vision for a fast, fair, and clean transportation system and a resilient region is supported by three goals: (1) the efficient movement of people and goods; (2) access to affordable, reliable, and safe mobility options for everyone; and (3) healthier air and reduced GHG emission regionwide. The proposed project would replace existing residential uses on a residentially zoned property with an identical number of residential units. The project is limited to residential uses and is a replacement of an existing residential use. The project site is located in close proximity to Carlsbad Village and its associated urban land uses and services and within half a mile of a transit center (City of Carlsbad 2015a). The nature of the project (a small-scale project that would replace existing residential uses with an identical number of units on an already-developed site) and its proximity to urban land uses and availability of public transportation would be consistent with the overall vision of the Regional Plan. No conflicts with the Regional Plan would occur; *no impacts* are identified.

##### ***City of Carlsbad General Plan***

The General Plan land use designation for the project site is R-15 Residential. The R-15 Residential land use designation allows residential development at a density of 8 to 15 dwelling units per acre (du/ac), with a Growth Management Control Point (GMCP) of 11.5 du/ac. The project site has a net developable acreage of 0.16 acres. The project's proposed density is 18.75 du/ac, which exceeds the R-15 allowable density range of 8 to 15 du/ac and the 11.5 du/ac GMCP. To be consistent with the GCMP, 1.84 dwelling units, or 2, when rounded up per CMC Section 21.53.230(e), would be permitted on the 0.16-acre net developable project site. The project would require approval of a nonconforming construction permit (NCP) to allow the continuation of the legally established use of three dwelling units on the project site. With the approval of the NCP, the project would be consistent with the General Plan land use designation for the project site and the GCMP. The project's consistency with General Plan programs, goals, and policies are contained in **Table 4.4-2, City of Carlsbad General Plan Consistency Determination**. As shown in Table 4.42, the project would be consistent with applicable General Plan policies. *No impact* would occur.

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<b>Land Use and Community Design Element</b>	
<p><u>Goal 2-G.3:</u> Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern.</p>	<p><b>Consistent.</b> The proposed three-unit residential infill development makes efficient use of the existing lot in that it maintains the number of units on the lot. A three-unit development is compatible with the surrounding development and consistent with the R-15 designation.</p>

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<u>Goal 2-G.5:</u> Protect the neighborhood atmosphere and identity of existing residential areas.	<b>Consistent.</b> The project would occur within an existing residential area and would consist of the replacement of an existing residential use with new residential uses, similar in size and scale to the existing use.
<u>Goal 2-G.17:</u> Ensure that the scale and character of new development is appropriate to the setting and intended use. Promote development that is scaled and sited to respect the natural terrain, where hills, public realm, parks, open space, trees, and distant vistas, rather than buildings, dominate the overall landscape, while developing the Village, Barrio, and commercial and industrial areas as concentrated urban-scaled nodes.	<b>Consistent.</b> The scale and character of the project would be consistent with city requirements in regard to building height, massing, and setback requirements similar to the surrounding residential development. No natural terrain would be modified by the project. The proposed structure would be constructed with contemporary design and materials that are commonly seen in southern California coastal communities. and the proposed structure would preserve and enhance westerly views of the Pacific Ocean horizon through the proposed reduction in building height from existing conditions.
<u>Goal 2-G.18:</u> Ensure that new development fosters a sense of community and is designed with the focus on residents, including children, the disabled and the elderly, by providing: safe, pedestrian-friendly, tree-lined streets; walkways to common destinations such as schools, bikeways, trails, parks and stores; homes that exhibit visual diversity, pedestrian-scale and prominence to the street; central gathering places; and recreation amenities for a variety of age groups.	<b>Consistent.</b> The project includes the replacement of an existing three-unit residence with a new three-unit residence. The project would improve the access driveway connection with Beech Avenue with a wider curb cut and concrete apron. Additionally, the project would reconstruct the existing sidewalk and ADA ramp at the northwest corner of Beech Avenue and Garfield Street. Thus, the project would continue the existing sense of community in the area and would maintain the pedestrian connections at the project site. The project landscape includes the placement of three trees along the project frontage to Garfield Street, and a tree along the frontage to Beech Avenue.
<u>Policy 2-P.7:</u> Do not permit residential development below the minimum density range except in certain circumstances.	<b>Consistent.</b> The project would not include residential development below the minimum density range. The three-unit residential project has a density of 18.75 dwelling units per acre, which exceeds the R-15 Residential density range of 8 to 15 du/ac. Approval of a Nonconforming Construction Permit would allow the continuation of the legally established use of three dwelling units on the property.
<u>Policy 2-P.46:</u> Require new residential development to provide pedestrian and bicycle linkages, when feasible, which connect with nearby shopping centers, community centers, parks, schools, points of interest, major transportation corridors and the Carlsbad Trail System.	<b>Consistent.</b> The existing sidewalk and ADA ramp at the northwest corner of Beech Avenue and Garfield Street would be reconstructed as part of the project. No alterations to the connectivity of existing pedestrian and bicycle linkages in the project area are proposed.

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<p><u>Policy 2-P.58</u>: Require compliance with Growth Management Plan public facility performance standards, as specified in the Citywide Facilities and Improvements Plan, to ensure that adequate public facilities are provided prior to or concurrent with development.</p>	<p><b>Consistent.</b> The project consists of the replacement of an existing three-unit residential dwelling with a new three-unit residential dwelling. Existing public facilities would service the new structure; no upgrades would be required. The project site is located within Local Facilities Management Zone 1 in the Northwest Quadrant of the city. The project would comply with the provisions of the adopted LFMP with respect to the provision of public facilities and services.</p>
<b>Mobility Element</b>	
<p><u>Policy 3-P.5</u>: Require developers to construct or pay their fair share toward improvements for all travel modes consistent with the Mobility Element, the Growth Management Plan, and specific impacts associated with their development.</p>	<p><b>Consistent.</b> The project has been designed to meet all of the circulation requirements, including a single driveway access point off Beech Avenue. The applicant would be required to pay any applicable traffic impact fees prior to issuance of the building permit that would go toward future road improvements.</p>
<b>Open Space, Conservation, and Recreation Element</b>	
<p><u>Policy 4-P.56</u>: Ensure that construction and grading projects minimize short-term impacts to air quality.</p> <ol style="list-style-type: none"> <li>a) Require grading projects to provide a storm water pollution prevention plan (SWPPP) in compliance with city requirements, which include standards for best management practices that control pollutants from dust generated by construction activities and those related to vehicle and equipment cleaning, fueling, and maintenance;</li> <li>b) Require grading projects to undertake measures to minimize mononitrogen oxides (NOx) emissions from vehicle and equipment operations; and</li> <li>c) Monitor all construction to ensure that proper steps are implemented.</li> </ol>	<p><b>Consistent.</b> As discussed in Section 6.5, <i>Effects Found Not to Be Significant</i>, the project would not exceed San Diego Air Pollution Control District (SDAPCD) significance thresholds for criteria pollutants during construction and would also comply with SDAPCD regulations for controlling fugitive dust. Operational air quality would not exceed the SDAPCD significant thresholds for NOx.</p> <p>The project does not require the preparation of a storm water pollution prevention plan (SWPPP) because it is less than 1 acre in size; however, as discussed in Section 6.5, <i>Effects Found Not to Be Significant</i>, the project would implement measures to minimize stormwater impacts and would comply with the city's Grading and Drainage Ordinance.</p>
<p><u>Policy 4-P.58</u>: Require developments to incorporate structural and non-structural best management practices (BMPs) to mitigate or reduce the projected increases in pollutant loads. Do not allow post-development runoff from a site that would cause or contribute to an exceedance of receiving water quality objectives or has not been reduced to the maximum extent practicable.</p>	<p><b>Consistent.</b> The project is a "Standard Project" and must comply with "Standard Project" stormwater requirements of the BMP manual. The project would implement source control and site design BMPs to ensure that post-development runoff would not cause or contribute to an exceedance of receiving water objectives.</p>

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<p><u>Policy 4-P.59</u>: Implement water pollution prevention methods to the maximum extent practicable, supplemented by pollutant source controls and treatment. Use small collection strategies located at, or as close as possible to, the source (i.e., the point where water initially meets the ground or source of potential pollution) to minimize the transport of urban runoff and pollutants offsite and into a municipal separate storm sewer system (MS4).</p>	<p><b>Consistent.</b> The project would implement source control and site design BMPs to minimize water pollution.</p>
<b>Noise Element</b>	
<p><u>Goal 5-G.2</u>: Ensure that new development is compatible with the noise environment, by continuing to use potential noise exposure as a criterion in land use planning.</p>	<p><b>Consistent.</b> The project would comply with Title 24 requirements and would be located more than 500 feet away from a noise-producing transportation corridor.</p>
<p><u>Policy 5-P.3</u>: Noise-Attenuation. For all projects that require discretionary review and have noise exposure levels that exceed the standards in Table 5-1 (of the General Plan Noise Element), require site planning and architecture to incorporate noise attenuating features. With mitigation, development should meet the allowable outdoor and indoor noise exposure standards in Table 5-2 (of the General Plan Noise Element). When a building's openings to the exterior are required to be closed to meet the interior noise standard, then mechanical ventilation shall be provided.</p>	<p><b>Consistent.</b> As discussed in Section 6.5, <i>Effects Found Not to Be Significant</i>, the project would not result in long-term noise exposure levels that exceed the standards in General Plan Noise Element Table 5-1. As demonstrated in Section 6.5, the project would meet the allowable outdoor and indoor noise exposure standards identified in the General Plan Noise Element.</p>
<p><u>Policy 5-P.5</u>. Noise Generation. As part of development project approval, require that noise generated by a project does not exceed standards established in Table 5-3 (of the General Plan Noise Element).</p>	<p><b>Consistent.</b> As discussed in Section 6.5, <i>Effects Found Not to Be Significant</i>, noise generated from the project would be the same as is occurring for the existing residences. No long-term (i.e., operational) traffic noise, stationary noise, or vibration impacts would occur as a result of the project. Thus, the project would not result in long-term noise exposure levels that exceed the standards in General Plan Noise Element Table 5-3.</p>

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<p><u>Policy 5.P-6</u>. Berms and Sound Walls. Discourage the use of berms and sound walls for noise mitigation; rather, encourage the use of project design techniques such as increasing the distance between the noise source and the noise sensitive receiver and use non-noise sensitive structures (e.g., a garage) to shield noise sensitive areas. If a berm or wall is determined necessary to mitigate noise, discourage exclusive use of walls in excess of 6 feet in height and encourage use of natural barriers such as site topography or constructed earthen berms. When walls are determined to be the only feasible solution to noise mitigation, then the walls shall be designed to limit aesthetic impacts. When walls over 6 feet in height are necessary to mitigate noise, a berm/wall combination with heavy landscaping, a terraced wall heavily landscaped, or other similar innovation wall design technique shall be used to minimize visual impacts.</p>	<p><b>Consistent.</b> The project does not propose or require berms or soundwalls to mitigate noise impacts because no significant long-term noise impacts would occur as a result of the project. Refer to the noise discussion in Section 6.5, <i>Effects Found Not to Be Significant</i>, for additional detail.</p>
<b>Public Safety Element</b>	
<p><u>Goal 6-G.1</u>: Minimize injury, loss of life, and damage to property resulting from fire, flood, hazardous material release, or seismic disasters.</p>	<p><b>Consistent.</b> The project would be designed in conformance with all seismic design standards and applicable building codes and consistent with applicable fire safety requirements. The project is not located in an area of known geologic instability or flood hazard. The project site is located in a residential area and would not be subject to potential hazardous materials releases. The site is not located in an area prone to wildfires or landslides, or in an area susceptible to accelerated erosion, floods, or liquefaction (refer to Section 6.5, <i>Effects Found Not to Be Significant</i>, which discusses project impacts associated with wildfire, hazardous materials, geologic, and flooding hazards).</p>
<p><u>Policy 6-P.4</u>: Require all proposed drainage facilities to comply with the city's Standard Design Criteria to ensure they are properly sized to handle 100-year flood conditions.</p>	<p><b>Consistent.</b> The project would comply with the city's Standard Design Criteria to ensure that drainage features are properly sized to handle 100-year flood conditions. Compliance with these requirements would be verified by city Planning during plan review checks.</p>
<p><u>Policy 6-P.5</u>: Require installation of protective structures or other design measures to protect proposed building and development sites from the effects of flooding.</p>	<p><b>Consistent.</b> The project would install protective structures or other design measures to protect the proposed project from the effects of flooding. Compliance with these requirements would be verified by city Planning during plan review checks.</p>

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<u>Policy 6-P.6:</u> Enforce the requirements of Titles 18, 20, and 21 pertaining to drainage and flood control when reviewing applications for building permits and subdivisions.	<b>Consistent.</b> The project would comply with Titles 18, 20, and 21 pertaining to drainage and flood control. Compliance with these requirements would be verified by city Planning during plan review checks.
<u>Policy 6-P.12:</u> Require a geotechnical investigation and report of all sites proposed for development in areas where geologic conditions or soil types are susceptible to liquefaction. Also require demonstration that a project conforms to all mitigation measures recommended in the geotechnical report prior to city approval of the proposed development (as required by state law).	<b>Consistent.</b> A Geotechnical Evaluation has been prepared for the project and is discussed in Section 6.5, <i>Effects Found Not to Be Significant</i> . Based on the Geotechnical Evaluation, the potential for the project site to be adversely affected by liquefaction is very low. During the city’s design review and permitting process, the project would be required to demonstrate that it has incorporated all measures recommended in the Geotechnical Evaluation.
<u>Policy 6-P.34:</u> Enforce the Uniform Building and Fire codes, adopted by the city, to provide fire protection standards for all existing and proposed structures.	<b>Consistent.</b> The project would comply with the Uniform Building and Fire codes, which would be verified by city Planning and Carlsbad Fire Department during plan review checks.
<u>Policy 6-P.39:</u> Ensure all new development complies with all applicable regulations regarding the provision of public utilities and facilities.	<b>Consistent.</b> The project would comply with the applicable regulations regarding the provision of public utilizes and facilities, which would be verified by city Planning and Carlsbad Fire Department during plan review checks.
<b>Arts, History, Culture, and Education Element</b>	
<u>Policy 7-P.6:</u> Ensure compliance with the City of Carlsbad Cultural Resource Guidelines to avoid or substantially reduce impacts to historic structures listed or eligible to be listed in the National Register of Historic Places or the California Register of Historical Resources.	<b>Consistent.</b> The project has complied with the requirements of the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines, including records searches, literature reviews, and field surveys, which were conducted to support the Historical Resources and Assessment Report (ASM 2023) and the Cultural Resources Record Search and Survey (LSA 2023a) for the project. Mitigation to document the resource and its historical significance would be required to reduce the project’s impacts, consistent with this policy, as described in Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i> .

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<p><u>Policy 7-P.7:</u> Implement the City of Carlsbad Cultural Resources Guidelines to avoid or substantially reduce impacts to archaeological and paleontological resources.</p>	<p><b>Consistent.</b> No previously recorded cultural resources were identified during the records search, and none were identified during the project site survey, as reported in Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>. Due to the project site's proximity to the Magee House, the project would be required to implement mitigation to monitor for unknown buried cultural resources during initial ground disturbance in undisturbed sediment. All project activities would be conducted in compliance with the requirements of the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines.</p>
<p><u>Policy 7-P.8:</u> During construction of specific development projects, require monitoring of grading, ground-disturbing, and other major earthmoving activities in previously undisturbed areas or in areas with known archaeological or paleontological resources by a qualified professional, as well as a tribal monitor during activities in areas with cultural resources of interest to local Native American tribes. Both the qualified professional and tribal monitor shall observe grading, ground-disturbing, and other earth-moving activities.</p>	<p><b>Consistent.</b> Although the project site was previously disturbed and graded during construction of the existing structure, the project incorporates mitigation requiring monitoring of initial ground disturbance in undisturbed sediment by a qualified archaeologist, as well as a tribal monitor, consistent with this policy.</p>
<p><u>Policy 7-P.9:</u> Ensure that treatment of any cultural resources discovered during site grading complies with the City of Carlsbad Cultural Resource Guidelines. Determination of the significance of the cultural resource(s) and development and implementation of any data recovery program shall be conducted in consultation with interested Native American tribes. All Native American human remains and associated grave goods shall be returned to their most likely descendent and repatriated. The final disposition of artifacts not directly associated with Native American graves shall be negotiated during consultation with interested tribes; if the artifact is not accepted by Native American tribes, it shall be offered to an institution staffed by qualified professionals, as may be determined by the City Planner. Artifacts include material recovered from all phases of work, including the initial survey, testing, indexing, data recovery, and monitoring.</p>	<p><b>Consistent.</b> As required by Mitigation Measure CUL-1 in Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>, the treatment of any cultural resources discovered during site grading would comply with the requirements of the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines.</p>

**TABLE 4.4-2  
CITY OF CARLSBAD GENERAL PLAN CONSISTENCY DETERMINATION**

General Plan Programs, Goals, and Policies	Project Consistency
<p><u>Policy 7-P.10</u>: Require consultation with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information Systems [CHRIS], the Native American Heritage Commission [NAHC], and Native American groups and individuals) to minimize potential impacts to cultural resources that may occur as a result of a proposed project.</p>	<p><b>Consistent.</b> The CHRIS records search for the project (LSA 2023a) was conducted at the South Coastal Information Center (SCIC). The cultural resources site survey was conducted with a Native American monitor from the Rincon Band of Luiseño Indians.</p>
<p><u>Policy 7-P.11</u>: Prior to occupancy of any buildings, a cultural resource monitoring report identifying all materials recovered shall be submitted to the City Planner.</p>	<p><b>Consistent.</b> As required by mitigation measure CUL-1 in Section 4.3, <i>Historical, Cultural, and Tribal Cultural Resources</i>, a cultural resource monitoring report identifying all materials that are recovered, if any, during archaeological monitoring shall be prepared and submitted to the City Planner.</p>
<b>Sustainability Element</b>	
<p><u>Goal 9-G.3</u>: Promote energy efficiency and conservation in the community.</p>	<p><b>Consistent.</b> The project would comply with the latest Title 24 and CALGreen Code standards.</p>
<p><u>Goal 9-G.4</u>: Reduce the city's reliance on imported water.</p>	<p><b>Consistent.</b> The project incorporates water-efficient landscaping, with 89.8 percent low water use planting area. Additionally, the project would include the use of water-efficient plumbing fixtures.</p>
<b>Housing Element</b>	
<p><u>Program 3.1</u>: For all ownership and qualifying rental projects of fewer than seven units, payment of a fee in lieu of inclusionary units is permitted.</p>	<p><b>Consistent.</b> The project maintains the number of owned housing units at three; therefore, payment of an in-lieu fee is not required.</p>
<p><u>Goal 10-G.1</u>: New housing developed with diversity of types, prices, tenures, densities, and locations, and in sufficient quantity to meet the demand of anticipated city and regional growth and to meet or exceed the city's established Regional Housing Needs Allocation (RHNA).</p>	<p><b>Consistent.</b> The project would maintain but not increase nor decrease the number of housing units in the city.</p> <p>The project site is not identified in the city's General Plan Housing Element Residential Sites Inventory for the 6th RHNA Planning Cycle. Because the provision of "no net loss" applies to housing located on any site listed in the city's Housing Element, it would not be applicable to this project.</p>

SOURCES: City of Carlsbad 2015a, 2022a

### ***City of Carlsbad Zoning Ordinance***

The project is subject to the following land use and development standards of the CMC: Multiple-Family Residential (R-3) Zone (CMC Chapter 21.16), Planned Developments (CMC Chapter 21.45), and the Beach Area Overlay Zone (BAOZ) (CMC Chapter 21.82). The proposed project meets or exceeds the requirements of the R-3 zone and the BAOZ (City of Carlsbad 2022a), as outlined in **Table 4.4-3, Zoning and Beach Area Overlay Zone Requirements**. The Planned Development regulations provide



most of the development standards for the project site, beyond those listed in Table 4.4-3. The project's consistency with the Planned Development regulations applicable to the project have been reviewed by city Planning staff and no inconsistencies were identified. No inconsistencies with the City of Carlsbad zoning ordinance, including requirements for the R-3 zone, the BAOZ, and the Planned Development Regulations would occur. Therefore, *no impact* related to regulatory compliance is identified.

**TABLE 4.4-3  
ZONING AND BEACH AREA OVERLAY ZONE REQUIREMENTS**

Standard	Required	Proposed	Project Consistency
<b>Beach Area Overlay Zone (BAOZ)</b>			
Building Height	30 feet with a minimum 3:12 roof pitch provided or 24 feet if less than a 3:12 roof pitch is provided	30 feet with 3:12 roof pitch	Consistent
<b>Multiple-Family Residential (R-3) Zone</b>			
Setbacks	Interior side: 10 percent lot width – 5 feet Rear: 20 percent lot width – 10 feet	Interior side: 20 feet Rear: 14 feet	Consistent

SOURCE: City of Carlsbad 2022a

### ***Nonconforming Lots, Structures, and Uses***

The project site is a 0.16-acre lot, with an allowed density of 8 to 15 dwelling units per acre, consistent with the site's General Plan land use designation (R-15). Based on the lot size and allowable density, a maximum of two units are allowed on the project site. Pursuant to CMC Chapter 21.48.050(E), a nonconforming residential use that is proposed to be voluntarily demolished may be replaced subject to the issuance of all required discretionary and building permits and provided that an application for a nonconforming construction permit is submitted and the decision-maker approves the findings of fact pursuant to CMC Section 21.48.080.D prior to the date of the demolition. Approval of an NCP is required to allow the continuation of the legally established use of three dwelling units on the subject property. The project would comply with the requirements of CMC Chapter 21.48, and the required process to secure an NCP would ensure that the project meets the requirements of the chapter; *no impacts* are identified.

### ***Inclusionary Housing Ordinance***

For all residential development that is less than seven units, the inclusionary housing requirement may be satisfied through the payment of an inclusionary housing in-lieu fee. However, based on CMC Section 21.85.030(D)(3), the construction of a new residential structure which replaces a residential structure that was destroyed or demolished within two years prior to the application for a building permit for the new residential structure is exempt from affordable housing requirements. As the project consists of three units that would replace three existing units (and thus, would not increase the number of units on the property) within the identified time frame, payment of in-lieu housing fee is not required. As such, the project would not conflict with the city's Inclusionary Housing Ordinance, and *no impact* would occur.

### ***Growth Management Ordinance***

The project site is located within Local Facilities Management Zone 1 in the Northwest Quadrant of the city. The project would comply with the provisions of the adopted LFMP with respect to the provision of public facilities and services. The city's GMP policies, which are enforced in the LFMPs, would continue to monitor growth in the area to maintain adequate levels of service for the people living in Carlsbad. With the incorporation of the LFMP process and the city's GMP policies, development cannot proceed until adequate infrastructure is financially guaranteed to meet demand. The proposed project would replace an existing three-unit residential air space condominium with a new three-unit residential air space condominium. The project would be consistent with the LFMP and would not conflict with the GMP, and *no impact* would occur.

### ***Coastal Resource Protection Overlay Zone***

The project would adhere to the city's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual, and Jurisdictional Runoff Management Program to avoid increased urban run-off, pollutants, and soil erosion. The project site is currently developed and does not contain steep slopes (slopes equal to or greater than 25 percent gradient) or native vegetation. Additionally, the project site is not located within an area prone to landslides or susceptible to accelerated erosion, floods, or liquefaction. The project would not conflict with the city's Coastal Resource Protection Overlay Zone. *No impacts* are identified.

### ***City of Carlsbad Local Coastal Program***

The project site is located in the Mello II Segment of the LCP and is within the appealable area of the California Coastal Commission. The project site has an LCP land use designation of R-15 Residential and zoning of R-3, which are consistent with the city's General Plan land use designation and zoning. The proposed project is compatible with the surrounding development of single-, two-, and multi-family residential structures. The proposed three-story structure would not obstruct views of the coastline, as seen from public lands or the public right-of-way, and would not otherwise damage the visual beauty of the coastal zone. No agricultural uses currently exist on the developed site, and no sensitive resources are located on the developable portion of the site. The project is not located in an area of known geologic instability or flood hazard. The project conforms to the standards set forth in the certified LCP and the public access policies set forth in the Coastal Act. Since the site does not have frontage along the coastline, no public opportunities for coastal shoreline access are available from the project site. Furthermore, the residentially designated site is not suited for water-oriented recreation activities. For these reasons, the project would not conflict with the city's LCP; *no impacts* are identified.

### ***City Council Policy 44 –Neighborhood Architectural Design Guidelines***

The city's Neighborhood Architectural Design Guidelines establishes architectural design guidelines for the development of livable neighborhoods. The guidelines applicable to the project, based on the proposed three units, include 1–4, 9–11, and 13–18. These guidelines provide requirements related to floor plan elevations, single-story requirements, multiple building planes, windows/doors, front entries, chimneys, and garage doors. The project's consistency with the applicable principles of the city's Neighborhood Architectural Design Guidelines has been analyzed by city Planning staff, and no

inconsistencies have been identified. No conflict or inconsistency with City Council Policy 44 would occur; *no impact* would occur.

### **City Council Policy 66 – Livable Neighborhoods Design Guidelines**

The city's Livable Neighborhoods Design Guidelines establishes six principles for the development of livable neighborhoods. These six principles are related to: building façade, front entries, porches; garages; street design; parkways; pedestrian walkways; and centralized community recreation areas. The street design, pedestrian walkways, and centralized community recreation areas principles are not applicable to the project. The project's consistency with the applicable principles of the city's Livable Neighborhoods Design Guidelines has been analyzed by city Planning staff, and no inconsistencies have been identified. No conflict or inconsistency with City Council Policy 66 would occur; *no impact* would occur.

### **City of Carlsbad Landscape Manual**

The policies, programs, and requirements of the Landscape Manual apply to all public and private development requiring discretionary permits or submittal of landscape plans for development permits. The project is required to comply with the provisions of the Landscape Manual with respect to planting, irrigation, water conservation, streetscape, slope revegetation/erosion control, and fire protection.

The project would install landscaping in compliance with the city's Landscape Manual, including the placement of new trees, shrubs, vines, and ground cover. As described in Chapter 3, *Project Description*, of this EIR, project landscaping would include various native and/or drought tolerant trees, shrubs and ground cover species, installed along walls and in raised planters throughout the common areas surrounding the building and along the driveway. The project would provide 3,068 square feet of landscape area on the project site, above the city's Water Efficient Landscape Ordinance threshold for rehabilitated landscapes, with 89.8 percent low water use planting area. *No impact* would occur.

## **4.4.5 Level of Significance before Mitigation**

The project would not result in the physical division of a community, and no impact associated with this issue would occur.

The project would be consistent with all applicable programs, goals, and policies of the General Plan. The project would also be consistent with other applicable plans and policies, including SANDAG's Regional Plan, the City of Carlsbad Zoning Ordinance, Inclusionary Housing Ordinance, Growth Management Ordinance, Coastal Resource Protection Overlay Zone, the city's LCP, City Council Policy 44, City Council Policy 66, and the city's Landscape Manual. *No impact* would occur.

## **4.4.6 Mitigation Measures**

No mitigation measures are required.

### **4.4.7 Level of Significance after Mitigation**

No land use impacts are identified, and no mitigation measures are required.

## 5. ALTERNATIVES

### 5.1 Introduction

In accordance with CEQA Guidelines Section 15126.6(a), an EIR must contain a discussion of “a range of reasonable alternatives to the project, or to the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that “the range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.”

The following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the project, even if the alternative would impede the attainment of some project objectives or would be more costly. In accordance with CEQA Guidelines Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site. No one of these factors establishes a fixed limit on the scope of reasonable alternatives. An alternative does not need to be considered if its environmental effects cannot be reasonably ascertained and if implementation of such an alternative is remote or speculative.

The evaluation of individual alternatives considered in detail is provided in Section 5.4, with summary of the project alternatives and identification of the environmentally superior alternative outlined in Sections 5.5 and 5.6, respectively. A matrix comparing the alternatives analyzed in detail is provided thereafter.

### 5.2 Criteria for Alternative Analysis

As required in CEQA Guidelines Section 15126.6(a), in developing the alternatives to be addressed in this section, consideration was given regarding an alternative’s ability to meet most of the basic objectives of the project. These objectives are presented in Chapter 3, *Project Description*, of this EIR and are provided below for ease of reference.

#### 5.2.1 Project Objectives

The project applicant has identified the following objectives for implementing the proposed project:

1. Demolish the existing structure and construct three condominium units with an updated architectural design.
2. Eliminate ongoing structural deterioration of the building and façade, foundation degradation and mold that have been caused by age and documented moisture intrusion.
3. Eliminate roof and deck leaks and site drainage problems associated with the current building and site design.

4. Construct condominiums that fully comply with current building code and development standards.
5. Redevelop an infill residential site that retains the city's housing supply.
6. Utilize contemporary project design features to reflect a modernized appearance while ensuring compatibility with adjacent residential land uses.
7. Increase the amount of window area and natural light entering each condominium unit.
8. Update the design to adjust for obstructed views and take better advantage of views that remain.
9. Update internal configuration of the condominiums to improve accessibility and to allow for a more contemporary design that incorporates a more traditional floor plan for each of the three units.
10. Construct a structure that would not obstruct views of the coastline from public lands or public rights-of-way in the Coastal Zone.

### **5.2.2 Significant Impacts of the Proposed Project**

Based on the analysis contained in Chapter 4, *Environmental Impact Analysis*, the project would result in the potential for significant impacts to historical, cultural, and tribal cultural resources (direct impact to a significant historic structure and unknown buried historic, prehistoric or tribal cultural resources). Mitigation measures have been identified that would reduce impacts to the significant historic structure, to the extent feasible, but impacts to historic resources would remain significant and unavoidable. Potential impacts to cultural and tribal cultural resources would be mitigated to less-than-significant levels.

In accordance with CEQA Guidelines Section 15126.6(c), the following analysis of project alternatives is preceded by a brief description of the rationale for selecting the alternatives to be discussed. In addition, alternatives that were considered but rejected are also identified.

It should be noted that CEQA does not compel a lead agency to adopt an alternative that is less environmentally damaging than the project, but only to identify feasible alternatives that could avoid or substantially lessen the project's significant environmental effects. The California Legislature declared in CEQA that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof" (Public Resources Code Section 21002).

## **5.3 Alternatives Eliminated from Detailed Consideration**

The following alternatives were considered but rejected either because they are infeasible, the applicant does not control the potential alternative locations, or the alternative fails to meet most of the basic project objectives. Each of the alternatives eliminated from detailed consideration, and the reasons for eliminating them from consideration, are discussed in more detail below.

### 5.3.1 Alternative Project Location

In accordance with CEQA Guidelines Section 15126.6(f)(2)(A), alternative locations for the project would be considered if “any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.” Factors that need to be considered when identifying an off-site alternative include the size of the site, its location, the General Plan (or other applicable planning document) land use designation, availability of infrastructure, jurisdiction, and whether or not the applicant can reasonably acquire, control, or otherwise have access to the alternative site.

An alternative project location alternative would keep the existing structure intact at the project site and would construct a three-unit air-space condominium elsewhere within the city. The project is located within a developed portion of the city, and adjacent/near to the historic Village and Barrio neighborhoods of the city. Due to the age of surrounding development, a residentially zoned site of similar size in the area may similarly contain older structures which could contribute to a loss of historic structures. Additionally, the applicant does not currently own any similarly sized undeveloped or developed residentially zoned (R-3) parcels within the project area, and the applicant cannot reasonably acquire, control, or otherwise have access to a sufficiently sized alternative site.

Given that some of the primary objectives of the project are to remove the existing structure that has structural, foundation and moisture/mold issues and construct a new structure in its place, the use of an alternative project location would not allow the applicant to utilize the project site that they currently own or deal with the existing structural, foundation, and moisture/mold issues that exist at the project site. For these reasons, no other reasonable alternative locations for the project would meet the project’s objectives. Therefore, an alternative project location was not further studied.

### 5.3.2 Façade Relocation Alternative

The Façade Relocation Alternative would consist of removing the wood constructed façade (or false front) of the Victor Condo and moving it to the northeast corner of Magee Park, which is located east of the project site across Garfield Street, as part of a new cafe and festival stage. The concept of this alternative was suggested by a member of the public during the Notice of Preparation (NOP) public review period. Under this alternative, following façade relocation, the building at the project site would be demolished and the same residential structure proposed for the project would be constructed at the project site. The Parks & Recreation Department Master Plan does not identify the need for these types of facilities at Magee Park (City of Carlsbad 2015d). Additionally, the Parks & Recreation Department Master Plan identifies park needs to meet 2018 facility standards, which include playgrounds, dog parks, multipurpose rectangular fields for adults, tennis courts, and indoor facilities. A new café and festival stage would not meet any of the existing needs identified in the Parks & Recreation Master Plan. Additionally, as documented in the Feasibility Study (Heritage Architecture & Planning 2023), the façade is in poor condition with significant dry rot throughout. Relocation of the façade would require reconstruction or repair of the façade, similar to that discussed below for the project alternatives evaluated in detail. Further, although this alternative would meet the project objectives through the demolition and replacement of the on-site structure, the façade relocation portion of this alternative does not support any of the project objectives.

## 5.4 Evaluation of Alternatives

### 5.4.1 No Project Alternative

Consideration of a no project alternative is required by CEQA Guidelines Section 15126.6(e). The analysis of a no project alternative must discuss the existing conditions at the time the NOP was published (i.e., November 18, 2022), as well as “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services [CEQA Guidelines Section 15126(e)(2)]. Under the No Project Alternative, the existing condominium building would remain and require ongoing efforts to address the structural and water-related problems that currently exist on site.

The No Project Alternative would not accomplish any of the project objectives, which are directed towards demolition of the existing structure, eliminating ongoing structural deterioration and documented moisture intrusion associated with the existing building, development of completely new condominiums with a more contemporary design that complies with current building and development standards for the area and constructing a structure that would not obstruct views of the coastline from public lands or public rights-of-way in the Coastal Zone.

#### 5.4.1.1 Environmental Analysis

##### ***Aesthetics***

Under the No Project Alternative, no visual changes would occur at the project site. The existing three-unit multi-family residence would continue to occupy the site. The No Project Alternative would not result in changes to views in the project area. Retention of the project site in its current developed condition would not damage any scenic resources. No changes to existing lighting at the project site would occur. All of the project’s less-than-significant aesthetic impacts would be avoided under the No Project Alternative.

##### ***Historical, Cultural, and Tribal Cultural Resources***

No changes to the existing historic resource present at the project site would occur under the No Project Alternative. No mitigation to reduce significant impacts of the project to historical resources would be required under this alternative. No ground disturbance would occur at the project site under the No Project Alternative, and as such, no impacts to unknown buried historic, prehistoric, or tribal cultural resources would occur. Mitigation for monitoring during initial ground disturbance in undisturbed sediment would not be required under this alternative. The No Project Alternative would avoid the project’s significant, but mitigable impacts associated with unknown buried cultural resources, and would avoid the project’s significant and unmitigable impacts to historical resources.

##### ***Land Use and Planning***

The No Project Alternative would not result in the physical division of an established community, as the existing residential use would remain on the project site, with no changes. Although the existing residential use exceeds the allowed density based on the project site’s land use designation, the existing residential use is a legally established nonconforming use, and continuation of use of the



project site by the legally established nonconforming use would not result in land use impacts. The building height would continue to exceed height limitations for the Beach Area Overlay Zone (BAOZ) zone. With the exception of the existing building height in excess of the maximum established height for the BAOZ, the No Project Alternative would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect. Similar to the project, this alternative would not result in land use impacts.

## 5.4.2 Full Rehabilitation Alternative

In an effort to avoid significant and unavoidable historic resources impacts associated with demolishing the Victor Condo, a historic resource recommended as eligible for listing in the CRHR and the local register, the Full Rehabilitation Alternative was developed. Under this alternative, the historic structure would be retained on site and rehabilitated. Under the Full Rehabilitation Alternative, the existing residence would be preserved and rehabilitated in accordance with the Secretary of Interior *Standards for the Treatment of Historic Properties*. The rehabilitation of the building would focus on the structural issues, repair of foundation and stabilization of the site. Repair of water damage and prevention of future moisture infiltration would also be addressed. The paint scheme of the Victor Condo is part of the character-defining features of the structure, thus, the Full Rehabilitation Alternative would require a retention of the existing paint scheme, although fresh paint would be used after reconstruction of the façade. The Full Rehabilitation Alternative would require replacement, repair, and/or stabilization of many of the features at the project site, most notably, the reconstruction of the wood-framed false front façade, and the wood deck and front stairs at the east façade. This alternative would require the stabilization and partial reconstruction of the existing curved glass block walls, intervention to stabilize the foundation of the building, and replacement of existing wood-framed stucco-clad structural columns on the garage level of the west façade. Replacement of all existing windows (excluding the six original windows that remain) and all exterior doors would be required, along with repair of interior damage related to water leaks and various interior improvements to rehabilitate the structure. The three existing residential units would be retained. The Full Rehabilitation Alternative would accomplish project objectives 2 and 3. The Full Rehabilitation Alternative would not accomplish project objectives 1 or 4 through 10.

### 5.4.2.1 Environmental Analysis

#### *Aesthetics*

The Full Preservation Alternative would rehabilitate the Victor Condo building to Secretary of Interior standards. The paint scheme of the Victor Condo is part of the character-defining features of the structure, and the Full Rehabilitation Alternative would require a retention of the existing paint scheme, although fresh paint would be used in the rehabilitation activities. As the Full Rehabilitation Alternative would not alter the height or physical dimensions of the Victor Condo building, it would not result in changes to views in the project area, including those from Magee Park; however, the building height would continue to exceed height limitations for the BAOZ zone causing continued obstruction of views of the Pacific Ocean horizon from public vantage points. Full rehabilitation of the structure would not damage any scenic resources. The Full Rehabilitation Alternative would result in minor temporary visual changes during construction activities; however, following the completion of the building rehabilitation, the structure would retain its visual aesthetic. Any changes

to existing lighting associated with the Full Rehabilitation Alternative would be minimal, if any, and would comply with city lighting standards. Aesthetic impacts associated with the Full Rehabilitation Alternative would be less than significant and reduced as compared to the project's less-than-significant aesthetic impacts.

### ***Historical, Cultural, and Tribal Cultural Resources***

The Full Rehabilitation Alternative would result in rehabilitation of the structure, including structural issues, repair of foundation and stabilization of the site. Repair of water damage and prevention of future moisture infiltration would also be addressed. Work on the structure would conform to the Secretary of Interior *Standards for the Treatment of Historic Properties*, following the rehabilitation approach to ensure the work would not result in impacts to the structure. No mitigation for impacts to historical resources would be required under this alternative. The Full Rehabilitation Alternative would avoid the project's significant and unavoidable impacts to historical resources caused by the proposed demolition of the structure.

While minor ground disturbance could occur at the project site under the Full Rehabilitation Alternative directly adjacent to the structure for addressing structural and foundation repairs, ground disturbance is expected to be minor and within the limits of areas previously disturbed for the construction of the Victor Condo building. As such, cultural resource monitoring would not be required under this alternative. The Full Rehabilitation Alternative would avoid the project's significant, but mitigable impacts associated with unknown buried cultural resources and tribal cultural resources because ground disturbance would be limited to discrete locations where structural repairs would be implemented.

### ***Land Use and Planning***

The Full Rehabilitation Alternative would not result in the physical division of an established community, as the existing structure would remain on the project site, with no changes to its height or physical dimensions. The Full Rehabilitation Alternative would not result in land use policy impacts, similar to the project. However, the building and façade would continue to exceed the height limitations of the BAOZ zone, as it does in the existing condition. With the exception of exceeding the maximum building height for the BAOZ, which is an existing condition, the Full Rehabilitation Alternative would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect. This alternative would result in similar land use impacts as the project, with no land use impacts occurring.

## **5.4.3 Partial Rehabilitation Alternative**

The Partial Rehabilitation Alternative would require reconstruction of the wood façade of the Victor Condo, due to significant dry rot throughout, for use when finishing the new building. The unique design of Victor Condo, which involves a clear separation between the façade and the rest of the structure, allows for possible retention of the façade, the most significant character-defining feature of the building; however, based on the current condition of the façade, reconstruction of the false front façade, in kind, would be required. The façade would be detached and reconstructed while the existing building behind the façade would be demolished. The paint scheme of the Victor Condo is

part of the character-defining features of the structure, thus, the Partial Rehabilitation Alternative would require a retention of the existing paint scheme, although fresh paint would be used following reconstruction of the façade. A new building, containing three air-space condominiums consistent with the requirements of the BAOZ and R-3 zone, would be constructed behind the reconstructed façade. The design of the proposed building would have to be modified in order to provide surfaces on the east elevation for the reattachment of the Victor Condo façade. The east elevation would also be redesigned to incorporate or reference character-defining features visible to the public, such as the glass block, and skylight “chimneys,” provided the new structure conforms to the 30-foot building height requirement in the city regulations. The Partial Rehabilitation Alternative would accomplish project objectives 2 through 5, 8 and 9. The Partial Rehabilitation Alternative would partially accomplish project objectives 6 and 7. The Partial Rehabilitation Alternative would not accomplish project objectives 1 and 10.

### **5.4.3.1 Environmental Analysis**

#### ***Aesthetics***

The Partial Rehabilitation Alternative would result in the construction of a new building, behind the reconstructed façade, which would conform to the development regulations for the BAOZ and R-3 zone. The building that would be constructed under the Partial Preservation Alternative would be reduced in height as compared to the existing structure, to comply with the BAOZ zone maximum building height. However, the reconstructed façade would continue to exceed the 30-foot height limitation of the BAOZ zone, as it does in the existing condition. The reduced height of the building behind the façade would not result in significant impacts to views in the project area. The Partial Rehabilitation Alternative would not remove rock outcroppings, mature trees, vegetated slopes, or water features considered scenic resources. The Partial Rehabilitation Alternative would result in temporary visual changes at the project site during construction activities; however, temporary visual changes during construction would not result in a significant impact. New construction would be required to comply with development regulations of the BAOZ and R-3 zone, including proposed lighting. The retention or reconstruction of the existing façade at the project site would retain some of the existing visual character of the building as viewed from Garfield Street. Compliance with the city's development standards outlined in Chapter 4.4 would ensure that aesthetic impacts associated with the Partial Preservation Alternative remain less than significant, similar to those of the project.

#### ***Historical, Cultural, and Tribal Cultural Resources***

The Partial Preservation Alternative would result in the demolition of the building and reconstruction and retention of the façade and other character-defining features of the Victor Condo. The demolition of the historic building would result in a potentially significant impact to a historic resource and mitigation measures would be required. Mitigation measures would include Historic American Building Survey (HABS) documentation and an interpretative opportunity that would communicate the significance of the structure to the local community. With the reconstruction and retention of the front façade, incorporation of or reference to existing character-defining features of the Victor Condo building in the new design, and the two mitigation measures, the project's significant and unmitigable impact to historical resources would be reduced to less than significant (with mitigation) under the Partial Rehabilitation Alternative.

The Partial Rehabilitation Alternative would require ground disturbance to construct the new building before reinstalling the façade. Similar to the project, ground disturbance would have the potential to occur within undisturbed native sediment, resulting in potentially significant impacts associated with unknown buried historic, prehistoric and tribal cultural resources. The Partial Preservation Alternative would require the same mitigation as the project, which includes construction monitoring in undisturbed native sediment and measures for the discovery of human remains. Mitigation would reduce impacts associated with buried historic, prehistoric, and tribal cultural resources to a less-than-significant level.

### ***Land Use and Planning***

The Partial Rehabilitation Alternative would not result in the physical division of an established community, as the proposed new structure would be consistent with established maximum heights for the zone, which is reduced in comparison to the existing structure. The Partial Rehabilitation Alternative would not result in a land use policy inconsistency impact, similar to the project. With the exception of the reconstructed and retained façade, which would continue to exceed the maximum established height for the BAOZ (as it does in the existing condition), the Partial Rehabilitation Alternative would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, adopted for the purpose of avoiding or mitigating an environmental effect. This alternative would result in no land use impacts, similar to the project.

## **5.5 Summary of Alternatives Analysis**

The project alternatives discussed in this section are intended to avoid or substantially lessen one or more of the significant impacts identified for the project to below a level of significant. A summary comparison of impact levels for the environmental issues analyzed in detail in this EIR is provided in **Table 5-1, Project Alternatives Summary of Impacts**.

**TABLE 5-1  
PROJECT ALTERNATIVES SUMMARY OF IMPACTS**

<b>Environmental Issue<sup>a</sup></b>	<b>Project</b>	<b>No Project Alternative</b>	<b>Full Rehabilitation</b>	<b>Partial Rehabilitation</b>
Aesthetics	LS	NI	LS-	LS
Historical, Cultural, and Tribal Cultural Resources	SU	NI	LS	SM
Land Use and Planning	NI	NI	NI	NI

**NOTES:**

SU = significant and unmitigable; SM = significant and mitigable; LS = less than significant; NI = no impact; - = less than the project; + = more than the project

a. Only the environmental effects contained in Chapter 4 are included in this comparison matrix.

## 5.6 Environmentally Superior Alternative

Pursuant to CEQA Guidelines Section 15126(e)(2), “if the environmentally superior alternative is the ‘No Project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Based on the information contained in Table 5-1 and the discussions in Sections 5.4.1 through 5.4.3, the Full Rehabilitation Alternative would be the environmentally superior alternative. Specifically, this alternative would avoid all significant and unavoidable historical resources impacts associated with the project by not demolishing any components of the historic resource.

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## **6. OTHER CEQA CONSIDERATIONS**

### **6.1 Cumulative Impacts**

The California Environmental Quality Act (CEQA) requires that Environmental Impact Reports (EIRs) discuss cumulative impacts in addition to project-specific impacts. CEQA Guidelines Section 15355 define a cumulative impact as “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” The CEQA Guidelines [Section 15130(a)(1)] further state that “an EIR should not discuss impacts which do not result in part from the project.”

Pursuant to CEQA Guidelines Section 15130(b), the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the proposed project alone.

CEQA Guidelines Section 15130(b) presents two approaches for analyzing cumulative impacts:

- (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency.
- (B) A summary of projections contained in an adopted local, regional, or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative impact.

The basis and geographic area for the analysis of cumulative impacts is dependent on the nature of the issue and the project. In some cases, regional planning addresses cumulative impacts, while in other cases, the analysis takes into consideration more-localized effects. For the proposed project, since there are no pending projects in the project vicinity that would amend the General Plan, the cumulative impact analysis uses the General Plan growth projections method, which assumes build out of the Carlsbad General Plan. The geographic scope of the cumulative impact analysis varies depending on the environmental issues being analyzed. The geographic scope for each topic is specified within each analysis below.

#### **6.1.1 Aesthetics**

The geographic scope of the cumulative impact analysis for aesthetics is the City of Carlsbad (city). Cumulative development would result in the continued alteration of the visual setting of the project site and the surrounding areas of the city. The city has planning policies and development standards related to visual appearance of projects that are required to be implemented for development. Aesthetic impacts associated with the project have been identified as less than significant. Since projects associated with build out of the General Plan would be required to conform to the goals, policies, and recommendations of the General Plan, Zoning Ordinance, and other applicable regulations, cumulative aesthetic impacts would be less than significant.

## 6.1.2 Historical, Cultural, and Tribal Cultural Resources

The geographic scope of the cumulative impact analysis for historical resources is the City of Carlsbad. Cumulative development creates the potential for additional impacts to historical, archaeological, and tribal cultural resources. The project's compliance with the mitigation measures identified in Section 4.3, *Historical, Cultural, and Tribal Cultural Resources*, of this EIR would reduce impacts associated with the project; however, the historical resources impacts would remain significant and unavoidable due to the proposed demolition of the historical structure. As discussed in the General Plan Arts, History, Culture, and Education Element, there are three resources in Carlsbad listed on the National Register of Historic Places and/or the California Register of Historical Resources, and there are several resources potentially eligible for nomination to the state or federal registers (City of Carlsbad 2015a), with many of these resources located within the Carlsbad Village and Barrio portions of the city. Future development and redevelopment permitted under the General Plan could result in changes that affect historic resources (City of Carlsbad 2015b). In the event that development under the General Plan and/or redevelopment of existing sites would result in the demolition of a historical resource either listed or recommended eligible for listing, the impact could be significant and the project's contribution could be cumulatively considerable. However, as identified in the *Carlsbad General Plan Update*, implementation of the General Plan policies and state and federal law would ensure that the General Plan's contribution to potentially significant cumulative impacts to historical resources is not cumulatively considerable. Thus, the project's impact to historical resources would not be cumulatively considerable and significant.

Project impacts associated with archaeological and tribal cultural resources would be reduced to a less than significant level with implementation of mitigation. On a broader scope, archaeological and cultural resources are protected through CEQA Guidelines Section 15064.5, as well as other federal and state laws, and local requirements, including the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines. Cumulative development within the region is subject to review under CEQA and compliance with federal, state, and local regulations protecting cultural resources. Impacts to cultural resources as a result of development in the region would be required to adhere to these regulations, and on a project-by-project basis, would be required to reduce impacts to the extent feasible through the implementation of mitigation. Therefore, the project would not result in cumulative impacts to cultural and tribal cultural resources.

## 6.1.3 Land Use and Planning

The geographic scope of the cumulative impact analysis for land use and planning is the City of Carlsbad. As discussed in Section 4.4, *Land Use and Planning*, the project would not result in impacts associated with the physical division of an established community. As such, the project would not contribute to a cumulative impact associated with the physical division of an established community. In regard to land use plan consistency, the project would be consistent with General Plan goals and policies. Therefore, no impacts would occur to land use or policies of the city, and the project's cumulative land use impacts would not be significant.



## 6.2 Growth-Inducing Impacts

Discussion of growth-inducing impacts is required by CEQA Guidelines Section 15126.2(d). Growth inducement refers to the “ways in which a project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” This typically includes projects that will remove obstacles to population growth, for example, as a result of the provision of public services to undeveloped areas. It must not be assumed that growth in any area is necessarily beneficial or detrimental in its effect on the environment, or that it has an insignificant effect. Each project must be evaluated on its own merit.

Typically, the growth-inducing potential of a project would be considered significant if it stimulates human population growth or a population concentration above what is assumed in local and regional land use plans or in projections made by regional planning authorities.

Significant growth potential could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

The project would replace the three existing condominium units with three new condominium units. The city’s General Plan and Local Coastal Plan (LCP) designate the project site R-15 Residential (8 to 15 dwelling units per acre [du/ac]), while the property is zoned Multiple-Family Residential (R-3). Based on the size of the lot (0.16 acres) and the allowed density on the property’s land use designation (R-15, or 8 to 15 du/ac), a maximum of two units are allowed on the property. However, the existing uses on the project site are nonconforming and the project would be subject to the Carlsbad Municipal Code, (CMC) Chapter 21.48, Nonconforming Lots, Structures and Uses. Approval of a Nonconforming Construction Permit would allow the continuation of the legally established use of three dwelling units on the property. As such, since the project is replacing the existing condominium units with an equal number of units, its implementation would not result in the alteration of growth patterns within the city from those anticipated in the adopted General Plan. In addition, the proposed project is located in an urbanized area and is adequately served by the existing infrastructure with no expansion required.

The project would provide new employment opportunities, through the employment of temporary construction workers. The short-term nature of the construction jobs is not anticipated to lead to significant long-term population growth in the region. These jobs would be limited in number; it would be expected that these employees are already present in the region. The project would not need to recruit substantial numbers of new employees living elsewhere in the region. Construction of the proposed project would not cause direct population growth as the workforce already exists in the region. No cumulative growth inducing impacts would occur.

## 6.3 Significant Irreversible Environmental Changes

CEQA Guidelines Section 15126.2(d) requires that an EIR consider and discuss significant irreversible changes that would be caused by implementation of a proposed project. The demolition of the Victor Condo would be a significant irreversible change to an historical resource under CEQA. In addition, the CEQA Guidelines specify that the use of nonrenewable resources during the initial and continued phases of a project should be discussed because a large commitment of such resources makes removal or non-use thereafter unlikely. Primary and secondary impacts (e.g., a highway

improvement that provides access to a previously inaccessible area) should also be discussed because such changes generally commit future generations to similar uses. Irreversible damage can also result from environmental accidents associated with a project and should be discussed.

The types and level of development associated with the proposed project would consume limited, slowly renewable and nonrenewable resources. Use of these resources would occur during construction of the proposed project and would continue throughout the operational lifetime of the proposed project. The development of the proposed project would require a commitment of resources that would include (1) building materials, (2) fuel and operational materials/resources, and (3) transportation of goods and people to and from the project site.

Construction of the project would require consumption of resources that are not replenishable or that may renew so slowly as to be considered nonrenewable. These resources would include certain types of lumber and other forest products (e.g., hardwood lumber), aggregate materials used in concrete and asphalt (e.g., sand, gravel and stone), metals (e.g., steel, copper and lead), petrochemical construction materials (e.g., plastics) and water. Construction of the proposed project would require electricity to power construction-related equipment. Construction of the project would not involve the consumption of natural gas. Transportation energy represents the largest energy use during construction and would occur from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Water, which is a limited, slowly renewable resource, would also be consumed during construction of the project. However, given the temporary nature of construction activities, and the small-scale nature of the project, water consumption during construction would result in a less than significant impact on water supplies.

Energy use consumed during operation of the proposed project would be associated with electricity and natural gas consumption. However, energy consumption associated with the operation of the proposed project would replace the ongoing electricity consumption occurring at the project site. Similarly, natural gas consumption is currently occurring at the project site, which would be replaced by the project. Energy resources would be used for heating and cooling buildings, transportation, and building lighting. The project would be designed to meet the latest Title 24 and California Green Building Standards Code (CALGreen Code) standards.

In summary, construction and operation of the project would commit the use of slowly renewable and nonrenewable resources and would limit the availability of these resources for future generations or for other uses during the life of the proposed project. However, the use of such resources during construction and operation would be on a small scale and consistent with regional and local development goals for the area and would be a continuation of existing use of such resources. As a result, the project's use of nonrenewable resources would not result in significant irreversible changes to the environment.

## **6.4 Unavoidable Significant Environmental Impacts**

CEQA Guidelines Section 15126.2(c) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less than significant level. Chapter 4, *Environmental Impact Analysis*, of this EIR describes the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts where

feasible. Based on this analysis, the project would result in unavoidable significant environmental impacts associated with historical resources.

## 6.5 Effects Found Not to Be Significant

In accordance with CEQA Guidelines Section 15128, an EIR must contain a statement briefly indicating the reasons that various potential significant effects of a project were determined not to be significant. The city has determined that the proposed project would not have the potential to cause significant adverse effects associated with the topics identified below. Therefore, these topics are not addressed in Chapter 4, *Environmental Impact Analysis*, of this EIR; however, the rationale for eliminating these topics is briefly discussed below.

### 6.5.1 Agriculture and Forestry Resources

The project site is currently developed and is not used for agricultural or forestry purposes. The project site is zoned Multiple-Family Residential (R-3) and is not zoned for agricultural use. Therefore, the proposed project would not conflict with zoning designations for agricultural use or land currently under a Williamson Act contract. According to the California Important Farmland Finder, the entire project site and surrounding area is designated as “Urban and Built Up Land” (California Department of Conservation 2022). There are no designated Prime Farmlands, Unique Farmlands or Farmlands of Statewide Importance on the project site or in the project’s immediate vicinity, nor are there areas zoned for agricultural or forestry uses. Additionally, the project site does not contain any timberland resources. Implementation of the project would not result in environmental changes that could result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. Therefore, project-related impacts with respect to agricultural and forestry resources are not evaluated further in this EIR.

### 6.5.2 Air Quality

The following discussion is based on the Air Quality Technical Memorandum (LSA 2023b) prepared for the project (**Appendix E**, *Air Quality Technical Memorandum*).

The proposed project is located in the City of Carlsbad, within the jurisdiction of the San Diego County Air Pollution Control District (SDAPCD), which regulates air quality in the San Diego Air Basin (SDAB). Both the State of California and the federal government have established health-based Ambient Air Quality Standards for six criteria air pollutants: carbon monoxide (CO), ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb) and suspended particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>). The SDAB is designated as nonattainment for O<sub>3</sub> for federal standards and nonattainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> for state standards.

The SDAPCD is responsible for developing and implementing the clean air plans for attainment and maintenance of the Ambient Air Quality Standards in the SDAPCD; specifically, the State Implementation Plan (SIP) and San Diego Regional Air Quality Strategy (RAQS). The federal O<sub>3</sub> maintenance plan, which is part of the SIP, was adopted in 2012. The most recent O<sub>3</sub> attainment plan was adopted in 2016. The SIP includes a demonstration that current strategies and tactics will maintain acceptable air quality in the SDAB based on the National Ambient Air Quality Standards. The RAQS was initially adopted in 1991 and is updated on a triennial basis (most recently in 2022).

The RAQS outlines SDAPCD plans and control measures designed to attain the state's air quality standards for O<sub>3</sub>. The SIP and RAQS rely on information from the California Air Resources Board (CARB) and San Diego Association of Governments (SANDAG), including mobile and area source emissions, as well as information regarding projected growth in the County as a whole and the cities in the County, to project future emissions and determine the strategies necessary for the reduction of emissions through regulatory controls. The CARB mobile-source emission projections and SANDAG growth projections are based on population, vehicle trends and land use plans developed by the county and the cities in the county as part of the development of their general plans.

The project would replace the three existing condominium units with three new condominium units and, as such, the proposed project would not result in development in excess of that anticipated in the General Plan or increases in population/housing growth beyond those contemplated by SANDAG. The project would not increase the population, vehicle trips or vehicle miles traveled (VMT) beyond that anticipated in the RAQS and SIP. Because the project activities and associated vehicle trips are anticipated in local air quality plans, it would be consistent at a regional level with the underlying growth forecasts in the RAQS and SIP.

As detailed in the Air Quality Technical Memorandum, the California Emissions Estimator Model (CalEEMod) was used to calculate emissions from construction and operation of the \ project. During construction of the project, short-term degradation of air quality may occur due to the release of particulate matter emissions (i.e., fugitive dust) generated by grading, building construction, paving and other activities. Emissions from construction equipment are also anticipated and would include CO, nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), directly emitted PM<sub>2.5</sub> or PM<sub>10</sub>, and toxic air contaminants such as diesel exhaust particulate matter. Long-term air pollutant emission impacts associated with operation of the proposed project are those related to mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas) and area sources (e.g., architectural coatings and the use of landscape maintenance equipment). Both short-term construction and long-term operational emissions were estimated for the project using CalEEMod, and as summarized in Tables D and E in Appendix E, project emissions would not exceed the significance criteria for daily VOC, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, or PM<sub>2.5</sub> emissions during construction or operation. As a result, the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state Ambient Air Quality Standard, and impacts would be less than significant.

In addition, localized air quality impacts would occur if emissions from vehicular traffic increase as a result of the project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly and hospital patients). The project is not expected to generate new vehicle trips during operation, as it is replacing three existing residential condominiums with a like number of residential units. Therefore, CO concentrations are not expected to increase as a result of the project. Impacts would be less than significant.

The closest sensitive receptors to the project site include single-family and multifamily residential uses located immediately adjacent to the project site to the northwest and west. Construction activities associated with the project would generate airborne particulates and fugitive dust, as well as a small quantity of pollutants associated with the use of construction equipment (e.g., diesel-

fueled vehicles and equipment) on a short-term basis. However, construction contractors would be required to implement measures to reduce or eliminate emissions by following SDAPCD Rule 55, Fugitive Dust Control, which would require the applicant to implement measures that would reduce the amount of particulate matter generated during the construction period. In addition, project construction emissions would be well below SDAPCD significance thresholds and, therefore, less than significant. Once the project is constructed, it would not be a source of substantial pollutant emissions.

During project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. In addition, the proposed project would be required to comply with SDAPCD Rule 51, Nuisance. The project would not include any activities or operations that would generate objectionable odors and once operational, the project would not be a source of odors. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people and impacts would be less than significant.

Therefore, the project would not result in significant adverse air quality impacts, and this issue is not further discussed in this EIR.

### **6.5.3 Biological Resources**

The project site is developed with an attached three-unit condominium building and is bounded to the east by a city-owned park with a museum building (Carlsbad Historical Society), to the south by a vacant lot, and to the west and north by a mix of single- and multifamily residential units. The project site is landscaped with turf and shrubs and does not contain mature trees or sensitive vegetation.

Due to the urban location and since the project site is currently developed, the project site does not provide suitable habitat for special-status animal species. Common wildlife species that are adapted to urban environments are expected to continue to use the site and vicinity after redevelopment. The site is not occupied by, or suited for, any special-status species. However, the project site contains ornamental landscaping, which could potentially support nests and roosting for bird species. Consistent with the requirements of the Migratory Bird Treaty Act (MBTA), if vegetation removal were to occur during the nesting bird season (January 1 through September 30), a pre-construction survey would be required to ensure that any active nests are identified, and appropriate measures taken. Compliance with the requirements of the MBTA as a condition of project approval would ensure that impacts to nesting and migratory birds be avoided.

No riparian habitat or other sensitive natural communities occur within the project site or in the vicinity of the project site. In addition, no aquatic resources occur within the project site or in the vicinity of the project site. The project site and the surrounding area are completely developed, and the project would not interfere substantially with wildlife movement. There are no adopted Habitat Conservation Plans, Natural Communities Conservation Plans or other similar plans within the city. For the reasons stated above, project-related impacts with respect to biological resources are considered less than significant and are not evaluated further in this EIR.

## 6.5.4 Energy

Construction of the proposed project would require energy for the manufacture and transportation of construction materials, preparation of the site for demolition and grading activities, and construction of the residences. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. Construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the project. Energy usage on the project site during construction would be temporary in nature and would be relatively small in comparison to the state's available energy sources.

The expected energy consumption during operation of the proposed project would be consistent with typical usage rates for residential uses. Additionally, because the proposed project consists of removing three dwelling units and constructing three new dwelling units on the project site, the net operational energy use of the proposed project would not substantially increase from existing energy usage of the project site. In addition, the proposed project would comply with the latest Title 24 and CALGreen Code standards. Therefore, the project would not result in wasteful, inefficient, or unnecessary consumption of energy resources during project operation. In addition, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, the project would have a less than significant impact on energy resources, and this issue is not further discussed in this EIR.

## 6.5.5 Geology

There are no active faults that run directly through Carlsbad. Additionally, the California Geologic Survey does not include the City of Carlsbad on its list of cities affected by Alquist-Priolo Earthquake Fault Zones. The nearest fault to the city is the Newport-Inglewood-Rose Canyon Fault, which runs offshore of the western edge of the city and is considered active. Other faults in the region include the Coronado Bank, La Nacion, Elsinore, Agua Caliente, and San Jacinto (City of Carlsbad 2015a). Historically, seismic shaking levels in the San Diego region, including in Carlsbad, have not been sufficient enough to trigger liquefaction, and as such, the city generally has a low liquefaction risk. Additionally, as shown in Figure 6-6 of the city's General Plan, the project site is not located in an area with high risk of liquefaction (City of Carlsbad 2015a). The city's Building Division implements and enforces the Carlsbad Municipal Code and the California Building Code regulations relative to seismic risk to development. Carlsbad Municipal Code Chapter 18.07 specifies the need and establishes guidelines for the seismic upgrade of unreinforced masonry buildings. The project would be constructed pursuant to requirements of the Carlsbad Municipal Code and the California Building Code. Additionally, the project would implement recommendations of the site-specific geotechnical evaluation (GeoSoils 2020; **Appendix F, *Geotechnical Evaluation***), which include foundation, grading and structural recommendations for the proposed buildings. Implementation of the construction requirements of the Carlsbad Municipal Code, California Building Code and the project Geotechnical Evaluation would ensure that impacts related to seismic hazards would be less than significant. Therefore, this issue is not further discussed in the EIR.

## 6.5.6 Greenhouse Gas Emissions

CEQA Guidelines Section 15064.4 states that: “A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project.” In performing that analysis, the lead agency has discretion to determine whether to use a model or methodology to quantify greenhouse gas emissions, or to rely on a qualitative analysis or performance-based standards. In making a determination as to the significance of potential impacts, the lead agency then considers the extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting, whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project and the extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of greenhouse gas emissions. Therefore, consistent with CEQA Guidelines Section 15183.5, if a project is consistent with an adopted qualified Greenhouse Gas Reduction Strategy that meets required standards, it can be presumed that the project would not have significant greenhouse gas emission impacts.

In July 2020, the city adopted a Climate Action Plan that outlines actions that the city will undertake to achieve its proportional share of state greenhouse gas emissions reductions. The city’s Climate Action Plan meets the requirements of CEQA Guidelines Section 15183.5; therefore, a project’s incremental contribution to a cumulative greenhouse gas emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the Climate Action Plan.

All projects requiring building permits are subject to the following Climate Action Plan ordinances: energy efficiency (Ord. No. CS-347); solar photovoltaic systems (Ord. No. CS-347); water heating systems using renewable energy (Ord. Nos. CS-347 and CS-348); electric vehicle charging (Ord. No. CS-349); and transportation demand management (Ord. No. CS-350). Such projects are, therefore, required to show compliance with the ordinances through submittal of a completed Consistency Checklist and as shown on-site plans and building plans. Step 1 of the Climate Action Plan Consistency Checklist is determining the project’s consistency with the growth projections used in development of the Climate Action Plan. As the project is consistent with the existing General Plan land use and zoning designations, the project would be consistent with the growth projections used in the development of the Climate Action Plan. According to the project’s Climate Action Plan Consistency Checklist (**Appendix G, *Climate Action Plan Consistency Checklist***), the applicant would install a heat pump water heater and compact hot water distribution and drain water heat recovery system and one electric vehicle charging station for each unit to comply with the Climate Action Plan ordinance requirements. Therefore, the project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant effect on the environment and impacts would be less than significant. This issue is not further discussed in this EIR.

## 6.5.7 Hazards and Hazardous Materials

Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive and an irritant or strong

sensitizer.<sup>1</sup> Hazardous substances include all chemicals regulated under the United States Department of Transportation's hazardous materials regulations and the United States Environmental Protection Agency's hazardous waste regulations. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations.

Construction activities associated with the project would involve the use of limited amounts of potentially hazardous materials, including but not limited to solvents, paints, fuels, oils, and transmission fluids. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control, the United States Environmental Protection Agency and the Occupational Safety and Health Administration. Additionally, the project would consist of a residential use, and not manufacturing, industrial or other uses utilizing large amounts of hazardous materials. Project operation would involve the use of very small quantities of commercially available hazardous materials (e.g., paint, cleaning supplies), typical of residential uses, that could be potentially hazardous if handled improperly or ingested. However, these products are not considered acutely hazardous, are not generally considered unsafe, and would be present in small quantities typical of residential uses. All storage, handling, and disposal of hazardous materials during project construction and operation would also comply with applicable standards and regulations.

The closest existing school is the Army and Navy Academy, located approximately 0.8 miles north of the project site; however, the proposed residential project does not involve activities that would result in the emissions of hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within 0.25 miles of an existing or proposed school. Because the project site is not listed on the Department of Toxic Substances Control Hazardous Waste and Substances Site List (Cortese List, compiled pursuant to Government Code Section 65962.5; Department of Toxic Substances Control 2023), impacts related to this topic are considered less than significant.

Oceanside Municipal Airport and McClellan-Palomar Airport are 3.9 miles north and 4.4 miles southeast of the project site, respectively. As such, the proposed project is not located in an airport land use plan or within 2 miles of a public or private airstrip and would not result in a safety hazard for people residing or working in the project area. The proposed project would not result in any alterations of existing roadways and therefore would not interfere with the implementation of or physically interfere with any adopted emergency response plans or emergency evacuation plan.

Therefore, the proposed project would have a less than significant impact to the public or the environment associated with hazards and hazardous materials. This issue is not further discussed in this EIR.

### **6.5.8 Hydrology/Water Quality**

Pollutants of concern during project construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste and chemicals. During construction activities, excavated

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<sup>1</sup> A "sensitizer" is a chemical that can cause a substantial proportion of people or animals to develop an allergic reaction in normal tissue after repeated exposure to a chemical (U.S. Department of Labor 2017; Appendix A TO Sections 1910.1200—Health Hazard Criteria, Section A.4, Respiratory or Skin Sensitization; accessed April 2023, <https://www.osha.gov/dsg/hazcom/hazcom-appendix-a.html>).



soil would be exposed, and there would be an increased potential for soil erosion and transport of sediment downstream compared to existing conditions. During a storm event, soil erosion could occur at an accelerated rate. In addition, construction-related pollutants such as chemicals, liquid and petroleum products (e.g., paints, solvents and fuels), and concrete-related waste could be spilled, leaked or transported via stormwater runoff into nearby drainages and into downstream receiving waters. The project would be required to comply with CMC Section 15.12, *Stormwater Management and Discharge Control*, and would implement best management practices to the maximum extent practicable to eliminate or reduce pollutants from the construction site from entering the city's stormwater conveyance system. Typical BMPs include temporary soil stabilization measures (e.g., mulching and seeding), storage of materials and equipment to ensure that spills or leaks cannot enter the storm drain system or stormwater, and using filtering mechanisms at drop inlets to prevent contaminants from entering storm drains. Water quality impacts associated with construction would be temporary and would be minimized consistent with the requirements of CMC Section 15.12. As such, water quality impacts associated with construction would be less than significant.

To address post-development pollutants that may be generated from development projects, the city requires that new development and significant redevelopment priority projects incorporate Permanent Stormwater Best Management Practices (BMPs) into the project design per the Carlsbad BMP Design Manual (BMP Manual). The city has determined that the proposed project is a Standard Project and is exempt from Priority Development Project requirements, that must comply with "Standard Project Requirements" of the BMP Manual, including Source Control and Site Design BMPs (see **Appendix H**, *Storm Water Standards Questionnaire*). Compliance with city requirements for Standard Projects would ensure that the project would not result in operational impacts to water quality.

The Geotechnical Evaluation prepared for the proposed project (GeoSoils 2020; Appendix F) identified that no groundwater was encountered during the subsurface exploration at the project site. Regional groundwater is anticipated to occur at depths of around 50 feet below the site, while excavations during construction would extend approximately 18 feet below existing grade. Therefore, it is unlikely that excavation activities would have the potential to encounter groundwater, and groundwater dewatering is not anticipated during construction activities. As such, the project would not result in impacts to groundwater supplies. Based on the 0.16-acre size of the project site, and its developed condition, the project would not substantially interfere with groundwater recharge.

The proposed project would preserve existing flow patterns on the project site. Because the project site is currently developed with three dwelling units and landscaping, the proposed project would not substantially increase impervious surfaces at the project site compared to existing conditions and, as such, would not result in increased runoff volumes from the project site. Additionally, implementation of Source Control and Site Design BMPs would prevent erosion or siltation on and off site. Thus, impacts associated with altering the drainage of the project site would be less than significant.

The project site is not located within a Federal Emergency Management Agency flood zone or dam inundation area (City of Carlsbad 2015a). The project is located approximately 250 east of the coast and Pacific Ocean; however, according to General Plan Figure 6-3, *Maximum Tsunami Projected Run-up*, the project site is not located within a Tsunami Projected Run-up Zone (City of Carlsbad 2015a). Additionally, the Geotechnical Evaluation prepared for the project confirmed that potential flooding

due to tsunamis and river floods would be less than significant for the project (GeoSoils 2020). As such, the proposed project would have a less than significant impact on hydrology and water quality. This issue is not further discussed in this EIR.

## 6.5.9 Mineral Resources

Mineral resources within the city are not utilized and extracted as exploitable natural resources (City of Carlsbad 2015b). The project site is developed with residential uses and does not contain mineral resources. Therefore, no mineral resource impacts would occur as a result of the project. This issue is not further discussed in this EIR.

## 6.5.10 Noise

The following discussion is based on the Noise and Vibration Technical Memorandum (LSA 2023c) prepared for the proposed project (**Appendix I, Noise and Vibration Technical Memorandum**).

Project construction would generate short-term noise impacts from construction crew commutes and transport of construction equipment, as well as through actual project construction activities. As discussed in the Noise and Vibration Technical Memorandum, project construction would generate a maximum of 30 vehicle trips per day, which would be considered minimal compared to existing traffic volumes in the project vicinity. Therefore, the project would not result in a perceptible increase of traffic-related noise in the project vicinity. Noise generated by construction activities would vary as construction progresses and would be dependent on the combined noise generated by equipment used in each phase. Project construction noise levels would reach up to 86.6 A-weighted decibels equivalent continuous noise level (dBA  $L_{eq}$ ) at a distance of 50 feet. The closest residential property lies immediately northwest and west of the project site are approximately 50 feet and 35 feet from the center of the project site and may be subject to short-term construction noise reaching 86.6 dBA  $L_{eq}$  and 89.7 dBA  $L_{eq}$ , respectively. Construction noise is temporary and would cease once project construction is completed. Compliance with the city's hours of construction, pursuant to CMC Section 8.48.010, would ensure construction-related noise would not be generated during the more sensitive nighttime hours. Therefore, construction noise impacts would be less than significant.

Construction of the proposed project could result in the generation of groundborne vibration. This construction vibration impact analysis discusses the level of human annoyance using vibration levels in root-mean-square (RMS) velocity (VdB) and for building damages using vibration levels in peak particle velocity (PPV) (inches per second). Vibration levels calculated in RMS are best for characterizing human response to building vibration, while vibration level in PPV is best used to characterize potential for damage. The Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Guidelines* indicate that a vibration level up to 78 VdB for residential uses and up to 84 VdB for uses that are not as sensitive to vibration would result in annoyance. In addition, the FTA guidelines identify a vibration damage threshold of 0.20 in/sec (PPV).

Outdoor demolition and site preparation for the proposed project is expected to require the use of a small rubber-tired bulldozer and loaded trucks, which would generate ground-borne vibration of up to 58 VdB (0.003 PPV [in/sec]) and 86 VdB (0.076 PPV [in/sec]) when measured at 25 feet, respectively. The nearest buildings to the project site include the existing residential buildings to the

northwest and west of the project site and the museum building (Carlsbad Historical Society) located east of the project site. Construction activities would generate vibration levels of up to 87 VdB at the existing residential buildings to the northwest and west of the project site. This vibration level would have the potential to result in annoyance, because vibration levels would exceed the FTA community annoyance threshold of 78 VdB for daytime residences. However, vibration generated from project construction activities is temporary and would stop once project construction is completed. In addition, the museum building (Carlsbad Historical Society) would experience an average vibration level of up to 69 VdB. This vibration level would not result in annoyance because vibration levels would not exceed the FTA community annoyance threshold of 84 VdB for uses that are not as sensitive to vibration.

Similarly, the residential buildings to the northwest and west would experience a vibration level of up to 0.081 in/sec (PPV). This vibration level would not have the potential to result in building damage because the vibration levels would not exceed the FTA vibration damage threshold of 0.20 in/sec (PPV). The museum building (Carlsbad Historical Society) would experience a vibration level of up to 0.010 in/sec (PPV). This vibration level would not have the potential to result in building damage because vibration levels would not exceed the FTA vibration damage threshold of 0.20 in/sec (PPV). Therefore, no construction vibration impacts during project construction would occur.

Once operational, the proposed project would replace the existing three residential units on site and would not generate any additional vehicle trips above levels that already exist. No project-related traffic noise increases would result and, no traffic noise impacts from project-related traffic to off-site sensitive receptors would occur. In addition, the proposed project would have the same number of heating, ventilation and air conditioning (HVAC) units as the existing development, and noise generated from the new HVAC units would be similar to the existing HVAC units. As a result, the new HVAC units would not result in a perceptible noise increase. The proposed residential project would not generate vibration. In addition, vibration levels generated from project-related traffic on Garfield Street, Beech Avenue and Carlsbad Boulevard would be the same as the existing condition. Additionally, there are no private airstrips or heliports within 2 miles of the project site. Therefore, the project would not expose people residing or working in the project area to excessive aircraft-related noise levels. Therefore, no noise or vibration impacts from project-related operations would occur, and impacts would be less than significant.

The project would not result in significant construction and operational noise and vibration impacts. Therefore, impacts related to noise would be less than significant. This issue is not further discussed in this EIR.

### **6.5.11 Paleontological Resources**

Paleontological resources, also referred to as fossils, encompass the remains or traces of hard and resistant materials, such as bones, teeth or shells, although plant materials and occasionally less-resistant remains (e.g., tissue or feathers) can also be preserved. The geologic formations found in the city are primarily the Lusardi Formation of the Cretaceous Age as well as the Santiago Formation and Del Mar Formation of the Tertiary Age that overlie the Lusardi Formation. These formations are known to produce significant fossils or have the potential to contain fossils (City of Carlsbad 2015b). The project area is less than 0.5 miles south of the mouth of Buena Vista Lagoon. Project topographic elevations range from 46 to 53 feet above mean sea level (ASML). The geology of the overall region

includes mainly Cenozoic marine sedimentary rocks of the Peninsular Ranges. A late Tertiary marine deposit, the San Onofre Breccia, extends from the Santa Monica Mountains to Oceanside, north of the project area. The project would consist of the demolition of an existing three-unit residential air-space condominium building and the construction of three attached, three-story residential air-space condominiums in place of the demolished ones. The General Plan EIR has determined that the redevelopment of land in the city could result in direct or indirect impacts to new or undiscovered paleontological resources (City of Carlsbad 2015b). However, redevelopment of existing developed areas in the city is not expected to result in excavation at depths that could uncover previously undiscovered paleontological resources. As such, impacts associated with paleontological resources would be less than significant. This issue is not further discussed in this EIR.

### **6.5.12 Population and Housing**

The proposed project does not include the extension of infrastructure that would indirectly induce population growth. The proposed project would include residential uses; however, the project site is currently developed with three dwelling units, and the proposed project would remove existing the units and construct three new dwelling units, resulting in no net change to the amount of housing provided at the project site. Therefore, no unplanned growth is expected to occur. Additionally, although the project would remove housing from the project site, it would replace the demolished dwelling units on site. As such, the project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The impacts would be less than significant. This issue is not further discussed in this EIR.

### **6.5.13 Public Services**

Fire and police protection services for the project would be provided by the Carlsbad Fire Department and the Carlsbad Police Department. The Carlsbad Fire Department has six fire stations that are fully equipped with the latest firefighting apparatus and highly trained personnel to cover the emergency calls generated by the city's population of approximately 115,000 people. The closest fire station to the project site is Fire Station 1, located at 1275 Carlsbad Village Drive. The Carlsbad Police Department's headquarters are located at 2560 Orion Way, Carlsbad, approximately 6.6 miles from the project site. Given that the project would result in no net change in the number of dwelling units within the project site, it is not expected to result in an increase in demand for fire protection and police protection services.

Pursuant to the city's Growth Management Program and CMC Chapter 21.90, the city is organized into 25 zones; the project is located in Local Facility Management Zone (LFMZ) 1. The proposed project would be required to pay applicable local facilities management fees to fund future facilities within the project area's local management plan. Additionally, the project would comply with the California Fire Code, Title 24, Part 9, and the city's Fire Prevention Code in CMC Chapter 17.04, which would minimize potential impacts to fire protection. As such, impacts related to fire and police protection facilities would be less than significant.

The proposed project is located within the service boundaries of the Carlsbad Unified School District for elementary, middle and high school students. Given that the proposed project would not result in a net change in the amount of housing at the project site, it is not expected that implementation of the proposed project would significantly increase the demand for school services in the city. All

residential development is required to pay school developer fees to the appropriate district prior to issuance of building permits. The proposed project would be required to pay such fees that would provide funds to Carlsbad Unified School District. Additionally, per California Government Code, Section 65995, the payment of required school fees is considered full and complete mitigation of impacts to school facilities. Therefore, impacts to schools would be less than significant.

The city's General Plan Open Space, Conservation, and Recreation Element states, "as of 2013, the city's park facilities are consistent with the Growth Management Plan park facilities standard and City-wide there is a ratio of 3 acres per 1,000 population" (City of Carlsbad 2015a). Given that the proposed project would not result in a net change in the amount of housing at the project site, it is not expected that implementation of the proposed project would significantly increase the demand for park facilities and result in conflicts with the required park facilities standard. Additionally, the project would pay applicable park-in-lieu fees prior to the issuance of building permits. As such, the proposed project would result in a less than significant impact on parks.

Finally, as previously discussed, the CMC requires that all new residential and commercial development pay a local facilities management fee established to pay for improvements or facilities identified in a local facilities management plan that are related to new development within the zone and are not otherwise financed by any other fee, charge or tax on development or are not installed by a developer as a condition of a building permit or development permit. The fee would be used by the city to meet the increased demand for funding the expansion of public facilities identified by a local facilities management plan, such as libraries and city administrative facilities. Although the project is not expected to increase demand, with adherence to the CMC and payment of fees, the project would have less than significant impacts on other public facilities. This issue is not further discussed in this EIR.

#### **6.5.14 Recreation**

The proposed project does not include public recreational facilities or require the construction or expansion of public recreational facilities, which might have an adverse physical effect on the environment. The proposed project consists of the demolition of an existing three-unit residential air-space condominium building and the construction of three attached, three-story residential condominiums in place of the demolished ones. Given that the project would result in no net change in the amount of population and housing within the project site, it is not expected to result in a substantial increase in demand for recreational facilities so as to require the construction of new or expanded facilities. The project, in and of itself, would not create the need to construct additional recreational facilities elsewhere that would have an adverse physical impact on the environment. Impacts would be less than significant. This issue is not further discussed in this EIR.

#### **6.5.15 Transportation/Circulation**

The following analysis is based on the Transportation Memorandum (LSA 2023d) prepared for the proposed project (**Appendix J**, *Transportation Memorandum*).

The proposed project would not increase the number of units on site or the trip generation rate from the site. The proposed project would not make any changes to the public right-of way in the project vicinity or modify any transportation facilities (e.g., vehicular, transit, bicycle, or pedestrian).

The project would not preclude alternative modes of transportation or facilities (e.g., transit, bicycle, or pedestrian). Therefore, the project would not conflict with the Mobility Element of the City of Carlsbad General Plan, or any applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system.

In addition, CEQA Guidelines Section 15064.3, subdivision (b), states that transportation impacts for land use projects are to be measured by evaluating the project's VMT or the amount and distance of automobile travel attributable to the project, as outlined in the following:

*Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor should be presumed to cause a less than significant transportation impact.*

The City of Carlsbad Vehicle Miles Traveled Analysis Guidelines (City of Carlsbad 2022b) were used for addressing the VMT of the proposed project. The City of Carlsbad Vehicle Miles Traveled Analysis Guidelines include VMT screening criteria for projects that would have a less than significant transportation impact due to type or location. If a project meets at least one of the six following screening criteria, a detailed VMT analysis is not required, and the project is presumed to have a less than significant transportation impact:

- **Small Project:** A project that generates fewer than 110 daily trips
- **Project Located near Transit:** A project that is within 0.5 miles of an existing major transit stop, planned major transit stop, or a stop/transit center along a high-quality transit corridor (e.g., Carlsbad Village Station, Carlsbad Poinsettia Coaster Station or Plaza Camino Real Transit Center)
- **Local-Serving Retail and Similar Land Use:** A project that tends to attract trips from adjacent areas that would have otherwise been made to more distant retail or similar land use location
- **Local-Serving Public Facility:** Similar to a local-serving retail or similar land use, a project that would attract trips from nearby areas that would have otherwise been made to a more distant location (including government facilities intended to serve the local public, parks, public elementary schools, public middle schools and public high schools)
- **Affordable Housing Projects:** Residential projects that are 100 percent affordable housing in infill areas
- **Redevelopment Projects That Result in a Net Reduction of VMT**

The proposed project would demolish three existing condominium units and construct three new condominium units. Because the proposed project would not increase the number of housing units on site, it would not increase the trip generation produced by the site. In addition, the project site is a 0.3-mile walk from the Carlsbad Village Station. As such, the proposed project meets the VMT screening criteria for both a Small Project (generating less than 110 daily trips) and a Project Located near Transit (within 0.5 miles of a major transit stop). Therefore, the proposed project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and the proposed project would have a less than significant VMT impact.

In addition, the proposed project would be designed and constructed to city regulations and standards. As such, the proposed project would not substantially increase hazards for vehicles due to a geometric design feature or incompatible uses, and impacts would be less than significant. Site access would continue to be provided from a full-access driveway on Beech Avenue. Since the proposed project would improve this full-access driveway per city standards, emergency access to the site would not be affected. Therefore, impacts associated with emergency access would be less than significant.

As discussed above, the proposed project would result in less than significant impacts related to transportation and circulation. This issue is not further discussed in this EIR.

### **6.5.16 Utilities and Service Systems**

The proposed project would not include the construction of additional utility infrastructure on and off site, including water, wastewater, stormwater, electricity, natural gas and telecommunication infrastructure; the project would make use of existing facilities in the vicinity of the site. The proposed project would result in no net population increase at the project site and, therefore, would not generate additional demand for water supplies beyond existing demands. Similarly, the project would not generate wastewater in excess of existing conditions and, as such, would not exceed the capacity of existing wastewater collection and treatment infrastructure in the city. The project would also not generate solid waste in excess of existing conditions and would comply with applicable federal, state and local regulations regarding the proper disposal of solid waste, including the CMC as it relates to solid waste and recycling. Therefore, the proposed project would result in less than significant impacts related to utilities and service systems. This issue is not further discussed in this EIR.

### **6.5.17 Wildfire**

The project site is in an urbanized area and not located in or near state responsibility areas or near lands classified as very high fire hazard severity zones. No part of the incorporated city is located within a state responsibility area. The project site is also located on a relatively flat area and is not adjacent to any hills. In addition, according to the California Department of Forestry and Fire Protection Very High Fire Hazard Severity Zone Map, the project site is not located within a High or Very High Fire Hazard Severity Zone (CAL FIRE 2022).

The project site is also not located within a flood hazard zone and would not be susceptible to flooding due to post-fire drainage changes. The project would not impede access to any nearby roadways that may serve as emergency access routes in the project vicinity. The project would also not require the installation of on-site or off-site infrastructure that would exacerbate fire risk or result in significant environmental impacts. Additionally, the proposed project would comply with city and county fire safety regulations for project construction and operation. The proposed project would not exacerbate wildfire risks and potentially expose project occupants to wildfires. Therefore, the proposed project would not expose people or structures to a significant loss, injury or death involving wildland fires and the impacts would be less than significant. This issue is not further discussed in this EIR.

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