

Council Memorandum

January 30, 2024

To: Honorable Mayor Blackburn and Members of the City Council
From: Gary Barberio, Deputy City Manager, Community Services
Via: Geoff Patnoe, Assistant City Manager *GP*
Re: **Additional Materials Related to Staff Report Item No. 2 – Housing Element Rezoning Program (District All)**

This memorandum provides revisions to correct an error in the Findings of Fact and Statement of Overriding Considerations (Exhibit 1, Attachment C) related to Alternative 2 (adoption of Map 2). The Draft Environmental Impact Report completed analysis on both map options, stating that the City Council will be ultimately able to decide on either option, or a hybrid of the two.

A change (Attachment A) is being made in consultation with the EIR Consultant, Rincon Consultants, Inc., to correctly reflect the conclusions from the Draft EIR. Although the Draft EIR stated Alternative 2 meets projects objectives and is a feasible option, the final draft mistakenly stated that Alternative 2 is infeasible compared to the Proposed Project (Map 1). This revision clarifies for the record that Alternative 2 meets project objectives and is a feasible option. Under CEQA, a Finding of Fact and Statement of Overriding Considerations is required to document why a project, or alternative is being made. Map 1 is the staff and Planning Commission recommended alternative; therefore, the original language was prepared to support Map 1.

The revision does not change the impact conclusions of the Supplemental Environmental Impact Report. The following section in Exhibit 1, Attachment C, Section 8 (Page 38) is modified as follows:

Findings

~~Alternative 2 is rejected as infeasible because it would not as effectively achieve all the objectives of the proposed project. It is not the environmentally superior alternative and would not avoid or substantially lessen the significant air quality, greenhouse gas, cultural and tribal cultural resources, noise, or transportation impacts of the proposed project.~~

The CEQA Guidelines requires that if the No Project Alternative is determined to be the environmentally superior alternative, an environmentally superior alternative must also be identified among the remaining alternatives. As such, the Alternative 2 would lessen some of the environmental impacts as compared to the Proposed Project, while still

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achieving some of the objectives of the Proposed Project. However, the alternative does not avoid significant environmental impacts and would not avoid or lessen significant and unavoidable impacts related to air quality, historical resources, GHG emissions, construction noise, and transportation.

Attachment: A. Memorandum from Rincon Consultants, Inc. dated January 26, 2024

cc: Scott Chadwick, City Manager
Cindie McMahon, City Attorney
Allegra Frost, Assistant City Attorney
Jeff Murphy, Community Development Director
Mike Strong, Assistant Community Development Director
Eric Lardy, City Planner
Robb Efird, Principal Planner
Scott Donnell, Senior Planner



Rincon Consultants, Inc.

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M E M O R A N D U M

Date:	January 26, 2024
To:	Eric Lardy, AICP, City Planner Community Development Department City of Carlsbad 1635 Faraday Ave. Carlsbad, CA 92008
Via:	Email
From:	Rincon Consultants, Inc.
Subject:	Revision to the Findings of Fact and Statement of Overriding Considerations for the Carlsbad Housing Element Implementation and Public Safety Element Update Project

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15091, the City of Carlsbad prepared a Findings of Fact and Statement of Overriding Considerations for the Carlsbad Housing Element Implementation and Public Safety Element Update Project (hereafter referred to as the "CEQA Findings"). The CEQA Findings were published October 12, 2023.

Following publication of the CEQA Findings, a revision has been made in Section 8, Project Alternatives, of the CEQA Findings. The revision is shown below in strikeout (~~strikeout~~) for deleted text and underline (underline) for added text. This revision does not change the impact conclusions of the Final Supplemental Environmental Impact Report (Final SEIR).

ALTERNATIVE 2: REDUCED SITES

Alternative 2, Reduced Sites, would include development on most of the rezone sites as identified in the project. However, Alternative 2 would exclude development on rezone sites 3, 8, and 15, which, as identified in Table 2-4 of Section 2, *Project Description*, would accommodate a net increase (not including units already permitted under current designations) of 137 dwelling units total under the project. Additionally, the number of units on sites 14 and 17 would be increased to accommodate more housing (180 units more than analyzed under the project) near COASTER transit stations, which are operated by North County Transit District. Therefore, development under Alternative 2 would accommodate 43 more dwelling units than the proposed project. Alternative 2 would still achieve project objectives such as facilitating residential development to meet the 2021-2029 RHNA and pursuing an infill strategy to create walkable communities.

Findings

~~Alternative 2 is rejected as infeasible because it would not as effectively achieve all the objectives of the proposed project. It is not the environmentally superior alternative and would not avoid or substantially lessen the significant air quality, greenhouse gas, cultural and tribal cultural~~



resources, noise, or transportation impacts of the proposed project. The CEQA Guidelines requires that if the No Project Alternative is determined to be the environmentally superior alternative, an environmentally superior alternative must also be identified among the remaining alternatives. As such, the Alternative 2 would lessen some of the environmental impacts as compared to the Proposed Project, while still achieving some of the objectives of the Proposed Project. However, the alternative does not avoid significant environmental impacts and would not avoid or lessen significant and unavoidable impacts related to air quality, historical resources, GHG emissions, construction noise, and transportation.