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Agricultural, Cultural, and Scenic Resources

The Coastal Act places high importance on the protection of agricultural, cultural, and scenic resources. This chapter describes the agricultural, cultural, and scenic resources found in Carlsbad's Coastal Zone and provides policies that guide the city in the protection of such resources.



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5.1 Introduction

The primary Coastal Act policies related to protection of agricultural, cultural, and scenic resources in Carlsbad include the following:

Section 30113 Prime agricultural land

"Prime agricultural land" means those lands defined in paragraph (1), (2), (3), or (4) of subdivision (c) of Section 51201 of the Government Code.

Section 30171.5 City of Carlsbad; local coastal program; mitigation fee for development on non-prime agricultural lands; priorities

- (a) The amount of the mitigation fee for development on nonprime agricultural lands in the coastal zone in the City of Carlsbad that lie outside of the areas described in subdivision (f) of Section 30170 and subdivision (b) of Section 30171 shall be determined in the applicable segment of the local coastal program of the City of Carlsbad, but shall not be less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000), per acre. All mitigation fees collected under this section shall be deposited in the State Coastal Conservancy Fund.
- (b) All mitigation fees collected pursuant to this section are hereby appropriated to, and shall be expended by, the State Coastal Conservancy in the following order of priority:
 - (1) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.
 - (2) Development of an interpretive center at Buena Vista Lagoon.
 - (3) Provision of access to public beaches in the City of Carlsbad.
 - (4) Any other project or activity benefiting or enhancing the use of natural resources, including open field cultivated floriculture, in the coastal zone in the City of Carlsbad that is provided for in the local coastal program of the City of Carlsbad.
- (c) The State Coastal Conservancy may establish a special account in the State Coastal Conservancy Fund and deposit mitigation fees collected pursuant to this section in the special account. Any interest accruing on that money in the special account shall be expended pursuant to subdivision (b).
- (d) Not less than 50 percent of collected and bonded mitigation fees shall be expended for the purpose specified in paragraph (1) of subdivision (b).
- (e) Other than to mitigate the agricultural conversion impacts for which they are collected, none of the mitigation fees collected pursuant to this section shall be used for elements of a project which cause that project to be in compliance with this division or to mitigate a project which would otherwise be inconsistent with this division. When reviewing a potential project for consistency with this subdivision, the State Coastal Conservancy shall consult with the commission.

Section 30241 Prime agricultural land; maintenance in agricultural production

The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:

- (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250.
- (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- (e) By assuring public service and facility expansions and nonagricultural development do not impair agricultural viability either through increased assessment costs or degraded air and water quality.
- (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

Section 30241.5 Agricultural land; determination of viability of uses; economic feasibility evaluation

(a) If the viability of existing agricultural uses is an issue pursuant to subdivision (b) of Section 30241 as to any local coastal program or amendment to any certified local coastal program submitted for review and approval under this division, the determination of "viability" shall include, but not be limited to, consideration of an economic feasibility evaluation containing at least both of the following elements:

- (1) An analysis of the gross revenue from the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.
- (2) An analysis of the operational expenses, excluding the cost of land, associated with the production of the agricultural products grown in the area for the five years immediately preceding the date of the filing of a proposed local coastal program or an amendment to any local coastal program.

For purposes of this subdivision, "area" means a geographic area of sufficient size to provide an accurate evaluation of the economic feasibility of agricultural uses for those lands included in the local coastal program or in the proposed amendment to a certified local coastal program.

(b) The economic feasibility evaluation required by subdivision (a) shall be submitted to the commission, by the local government, as part of its submittal of a local coastal program or an amendment to any local coastal program. If the local government determines that it does not have the staff with the necessary expertise to conduct the economic feasibility evaluation, the evaluation may be conducted under agreement with the local government by a consultant selected jointly by local government and the executive director of the commission.

Section 30242 Lands suitable for agricultural use; conversion

All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

Section 30244 Archaeological or paleontological resources

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Section 30251 Scenic and visual qualities

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

5.2 Agriculture

Most of Carlsbad’s agricultural lands in the Coastal Zone are located along the Cannon Road corridor east of Interstate 5, including the strawberry fields north of Cannon Road and the Flower Fields to the south. Other agricultural uses are located on small individual sites south of Palomar Airport Road.

Protection and Conversion of Agriculture

As shown in Section 5.1, Coastal Act policies address how agricultural lands are to be protected and how they may be converted to other uses. Regarding agricultural lands in Carlsbad, previous city and Coastal Commission actions provide clear direction on how the city’s agricultural lands are to be protected and how they may be converted to non-agricultural uses consistent with the Coastal Act. These previous actions include those listed in Table 5-1. All agricultural land in Carlsbad is subject to one or more of the actions described below.

Table 5-1, Actions that Direct Protection and Conversion of Agricultural Lands	
Date	Action
1982	Approval of Carlsbad Local Coastal Program – Agua Hedionda Segment
1984	Coastal Act Section 30171.5 established the Statutory Program
1987	
1996	
1985 2004	Approval of Carlsbad Agriculture Conversion Mitigation Program
2006	Voter approval of Proposition D - Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers’ Money

Agua Hedionda Lagoon

The land east of Interstate 5, along Agua Hedionda Lagoon’s south shore upland area (Areas 1 and 2 on Figure 5-1), is used for agricultural cultivation and is owned by the San Diego Gas and Electric Company. Strawberries are the most commonly known agriculture crop in this area. In 1982, as part of its approval of the Agua Hedionda segment of the city’s Local Coastal Program, the Coastal Commission evaluated existing agriculture use pursuant to the Coastal Act. The Coastal Commission approved a mixed-use approach to protecting agriculture in this area, allowing the 49-acre parcel adjacent to the east side of Interstate 5 (Area 1 on Figure 5-1) to convert to urban uses provided the remaining agricultural lands (Area 2 on Figure 5-1) are protected. The objective of the mixed-use approach is to protect the maximum amount of land for agricultural use, while recognizing the constraints affecting the local agricultural economy related to soil classifications (soils in this area are not prime soils), urban/agriculture conflicts, and high land costs.¹

¹ California Coastal Commission Staff Recommendation on the City of Carlsbad Agua Hedionda Land Use Plan Segment Resubmittal (Public Hearing and Commission Action for the Meeting of August 24 – 27, 1982).

This Local Coastal Program continues to protect the agricultural lands along the south shore of Agua Hedionda Lagoon consistent with the mixed-use approach approved by the Coastal Commission in 1982. The lands required to remain protected for agricultural use are also subject to Proposition D – Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers’ Money, which provides further guidance on protecting this area for agricultural use (see below for more information on Proposition D).

Coastal Act Section 30171.5 – Statutory Program

In 1984, Assembly Bill 3744 (Bradley) was signed into law. The bill deleted the provisions of an agricultural subsidy program that applied to the previous Local Coastal Program Mello II segment (see Coastal Act Section 30171.2). The bill also added Public Resource Code Section 30171.5 to establish the parameters of an agriculture conversion mitigation fee program for development of non-prime agricultural lands located outside of the previous Local Coastal Program Mello I and Mello II segments. This conversion program became known as the “statutory program” and is administered by the California Coastal Conservancy. Coastal Act Section 30171.5 was amended in 1987 (AB 1291) and 1996 (AB 2659).

The statutory program requires payment of a fee to mitigate the conversion of agricultural lands and specifies that the fee can be used only for restoration of Batiquitos Lagoon, an interpretive center at Buena Vista Lagoon, access to public beaches, and other projects that enhance the use of natural resources (refer to Section 5.1 for the full text of Coastal Act Section 30171.5).

Most agricultural lands that were subject to the statutory program have converted to other uses. The agricultural lands described above, located on the Agua Hedionda Lagoon’s south shore upland area, are the only remaining agricultural lands that are subject to the Statutory Program (refer to Areas 1 and 2 on Figure 5-1).

Carlsbad Agriculture Conversion Mitigation Program

In 1985, the Coastal Commission approved the city’s agriculture conversion mitigation program, that allows the conversion of agricultural lands to urban uses. The program was originally approved as part of the previous Local Coastal Program Mello I and Mello II segments. Figure 5-1 identifies the agricultural lands that the program applies to. The city’s agriculture conversion program does not apply to the agricultural lands on the south shore of Agua Hedionda Lagoon, north of Cannon Road. As described above, conversion of these agricultural lands is regulated by Coastal Act Section 30171.5.

The city’s agriculture conversion program was originally modeled after Coastal Act Section 30171.5 and identifies mitigation options that include 1) preservation of prime agricultural land elsewhere in

the statewide Coastal Zone; 2) a determination of agriculture feasibility; or 3) payment of an agricultural conversion mitigation fee (\$10,000 per acre converted).

All agricultural lands that have converted to urban uses, pursuant to the city’s agriculture conversion program, have done so by payment of a mitigation fee. From 1985 to 1999, the mitigation fees were deposited in a fund managed by the California Coastal Conservancy. In 1999, the conservancy transferred the funds into an account administered by the city. In 2005, the Local Coastal Program was amended to officially designate the city as the administrator of the fund. At that time, the agriculture conversion program was amended to revise the requirements for use of the funds and require that an advisory committee provide recommendations to the Carlsbad City Council on distribution of the funds.

The agriculture conversion mitigation program, as specified in the policies of this chapter, identifies how the mitigation funds may be used. Mitigation funds may be used to purchase or improve agricultural lands to support continued agriculture production, restore the coastal and lagoon environments, improve lagoon nature centers, and restore beaches for public use.

As of December 2017, approximately \$6.2 million in agriculture conversion mitigation fees have been collected and an additional \$3.5 million have been earned in interest, resulting in a total of \$9.7 million in mitigation funds. From 2007 through 2017, the City Council has awarded \$8.5 million in grant funds. Table 5-2 lists examples of the projects that have been awarded mitigation fee funds.

Table 5-2, Types of Projects Awarded Agriculture Conversion Mitigation Fee Funds	
<i>In alphabetical order</i>	
Aquaculture enhancement	Floral Trade Center improvements
Beach bluff restoration	Flower Fields projects and improvements
Beach sand nourishment	Lagoon nature center improvements
Farmworker housing development	Lagoon sediment monitoring
Field crop and orchard installation	Lagoon trails improvements

Cannon Road Open Space, Farming, and Public Use Corridor

In 2006, Carlsbad voters approved Proposition D – Preserve the Flower and Strawberry Fields and Save Carlsbad Taxpayers’ Money. The area affected by Proposition D is referred to as the Cannon Road Open Space, Farming, and Public Use Corridor and, as shown in Figure 5-1, is located along Cannon Road east of Interstate 5. As of 2017, lands in the corridor consist primarily of open space and farming operations, including the Flower Fields and strawberry fields; approximately 49 acres of the existing strawberry fields located adjacent to the east side of Interstate 5 are not within the corridor and are not subject to Proposition D.

Although the Flower Fields are protected and restricted to agricultural use (pursuant to the Carlsbad Ranch Specific Plan, a part of the city's Local Coastal Program), Proposition D requires the city to utilize all existing programs and land use protections and explore other possible new mechanisms to keep the Flower Fields in production. Proposition D also requires the city to ensure that other farming uses within the corridor can continue if it is economically viable for the landowner.

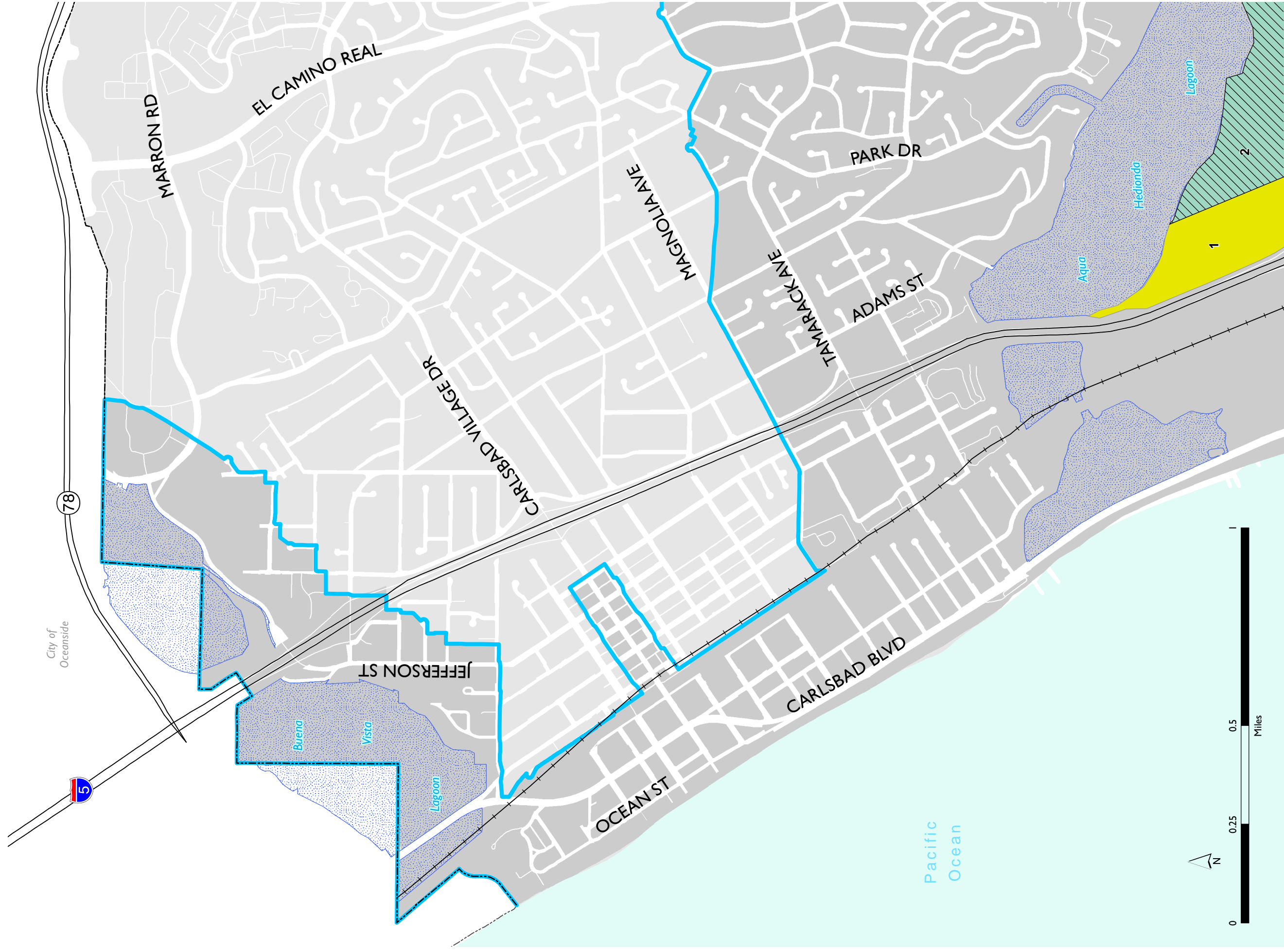
Proposition D recognizes that agricultural production of these lands may become economically infeasible for the land owners, due to high land values, high water costs, urban/agriculture conflicts, and non-prime soils that limit agricultural use. If it becomes infeasible to continue agriculture on properties within the corridor, Proposition D specifies that those agricultural lands may convert only to open space uses. Residential uses are not permitted, and commercial and industrial uses are not permitted unless normally associated with agriculture operations or open space uses.

The area within the corridor is recognized for its significant open space and public access opportunities. Proposition D identified that an interconnecting public trail through the area preferably linking the south shore of Agua Hedionda Lagoon with the existing Flower Fields could greatly enhance public access in the area. Proposition D also identified that park and recreation uses that allow public gathering spaces and are compatible with other open space uses could offer opportunities for more public access and enjoyment of the area.

Proposition D promotes the priorities of the Coastal Act within the Cannon Road corridor by supporting the continuation of agriculture; if agriculture becomes infeasible, the Proposition D limits future use of the lands to open space uses that enhance public access to the coast.

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CITY OF CARLSBAD LOCAL COASTAL PROGRAM



Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

LEGEND

- Coastal Zone
- City Limit
- Lagoon
- Railroad
- Subject to Coastal Act Section 30171.5
- Subject to Coastal Act Section 30171.5
- Cannon Road Open Space, Farming and Public Use Corridor

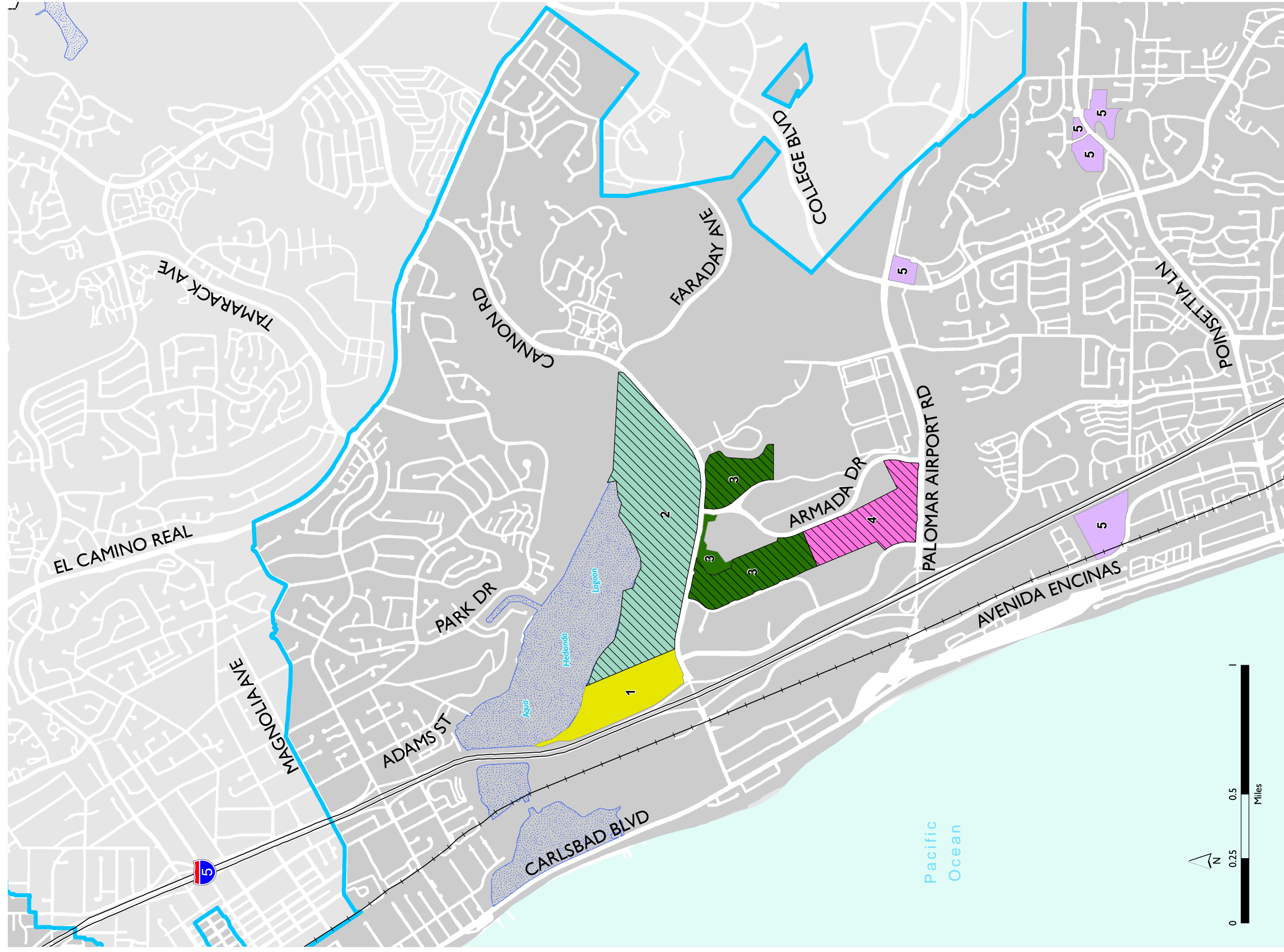
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FIGURE 5-1A
AGRICULTURE IN THE COASTAL ZONE

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CITY OF CARLSBAD

LOCAL COASTAL PROGRAM



Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

LEGEND

- Coastal Zone
- City Limit
- Lagoon
- Railroad

- 1 Subject to Coastal Act Section 30171.5
- 2 Subject to Coastal Act Section 30171.5
- 3 Subject to Carlsbad Agricultural Conversion Mitigation Program*
- 4 Flower Fields
- 5 Subject to Carlsbad Agricultural Conversion Mitigation Program*

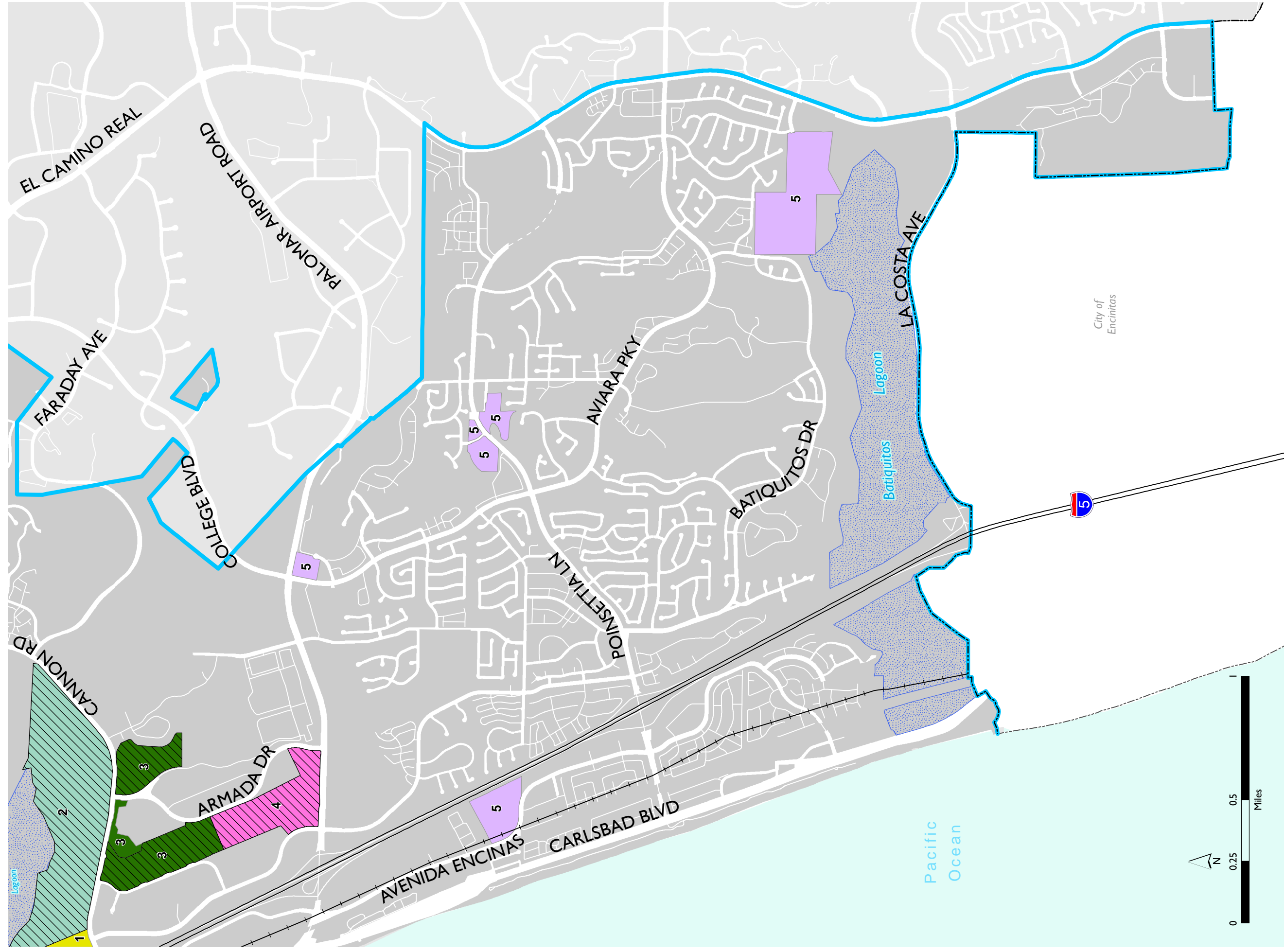
- Cannon Road Open Space, Farming and Public Use Corridor

* Some of these lands may not currently be utilized for agriculture. However, these lands were agriculture lands when the city's agriculture conversion program was established; therefore, conversion of these lands to urban uses must be mitigated pursuant to the Agriculture Conversion Mitigation Program.

FIGURE 5-1B
AGRICULTURE IN THE COASTAL ZONE










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CITY OF CARLSBAD LOCAL COASTAL PROGRAM



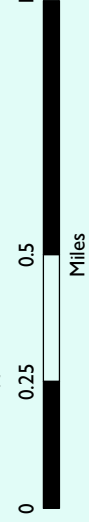
Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

LEGEND

-  Coastal Zone
-  City Limit
-  Lagoon
-  Railroad
-  Subject to Coastal Act Section 30171.5
-  Subject to Coastal Act Section 30171.5
-  Subject to Carlsbad Agricultural Conversion Mitigation Program*
-  Flower Fields
-  Subject to Carlsbad Agricultural Conversion Mitigation Program*

-  Cannon Road Open Space, Farming and Public Use Corridor

* Some of these lands may not currently be utilized for agriculture. However, these lands were agriculture lands when the city's agriculture conversion program was established; therefore, conversion of these lands to urban uses must be mitigated pursuant to the Agriculture Conversion Mitigation Program.



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FIGURE 5-1C
AGRICULTURE IN THE COASTAL ZONE

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5.3 Paleontological and Cultural Resources

Coastal Act Section 30244 addresses protection of archaeological or paleontological resources that are significant to California, stipulating that where development would adversely impact these resources, reasonable mitigation measures shall be required.

Paleontological Resources

Paleontological resources are unrelated to humankind and include direct remnants of ancient life, such as fossilized bones of vertebrate animals like whales and bison, fossilized invertebrate animals like snail shells and crabs, or fossilized plant parts like pine cones and leaves. In addition, paleontological resources include indirect remnants of ancient life such as fossilized tracks and burrows. Vertebrate fossils are less commonly found compared with invertebrate and plant fossils. The formation of fossils typically involves the rapid burial of plant or animal remains and the formation of casts, molds, or impressions in the associated sediment (which subsequently becomes sedimentary rock). Because of this, the potential for fossil remains in each geologic formation can be predicted based on known fossil occurrences from similar (or correlated) geologic formations in other locations.

Carlsbad's Coastal Zone contains several geologic formations with a sequence of marine and non-marine sedimentary rock units that record portions of the last 140 million years of Earth's history. As shown in Figure 5-2, the primary geologic units in the city's Coastal Zone consist of alluvial floodplain deposits, paralic deposits, marine beach deposits, paralic estuarine deposits, the Santiago Formation, the Delmar Formation, and some metasedimentary and metavolcanic rocks.

Carlsbad's Coastal Zone contains abundant alluvial and floodplain deposits from the early Pleistocene and Holocene (about 2 million years ago to present). The Coastal Zone also contains many paralic deposits from the Pleistocene (approximately 2 million to 10,000 years ago). These paralic deposits contain intertwined marine or continental sediments. Based on grain size and depositional history, most of these units have low to moderate fossil potential.

The Santiago Formation (49-45 million years ago) and the Delmar Formation (49-47 million years ago) are primarily middle Eocene (49-38 million years ago) sandstones and siltstones. The Santiago Formation contains lenses of fossiliferous claystone and siltstone. The accompanying Delmar Formation is a sandy claystone interbedded with sandstone. This formation is not well known for producing fossils, but it has the potential to yield specimens. Before the Eocene, the Carlsbad area was a shallow sea (approximately 74 million years ago). This sea deposited the sands and silts found in the major formations from this time.

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Cultural Resources

Cultural resources are broadly defined as anything made, modified, or moved by a human in the past. Cultural resources can also be described in terms of time period (e.g., prehistoric and historic), culture (e.g., Native American or Euro-American), physical state (archaeological, built environment, landscape level, and sacred/religious), and significance, defined as meeting certain criteria and age thresholds specified in state and federal regulations. Places that meet age thresholds and criteria for listing in the California Register of Historical Resources or the National Register of Historic Places are protected by the Coastal Act. In addition, a resource that is considered sacred, religious, spiritual, or an object of cultural value to Native American Tribes and meets California Register criteria, regardless of time period, is a “Tribal Cultural Resource” that is given special and separate consideration under state and federal law.

In terms of time period, prehistoric cultural resources are the remnants of activities carried out by the native population of the area (Native Americans) prior to the arrival of Europeans in California. Native American occupation is known to extend back at least 10,000 years, representing a Native American “history” that long predates the arrival of Europeans. Historic cultural resources are the structures or material remains of activities carried out by people after the arrival of Europeans in the 1700s.

Native American Cultures in Carlsbad

The City of Carlsbad is in a culturally rich region, and has long been home to, or within traditional use areas of, Native American cultures. The cultural history of Carlsbad is complex, with two main Native American cultures, the Luiseño and the Kumeyaay (or Diegueños). The Luiseño occupied most of the area drained by the San Luis Rey and Santa Margarita Rivers, east toward Pala and south to Agua Hedionda Lagoon. The Kumeyaay occupied the southern part of Carlsbad, southeast into Imperial County and south of the United States into Baja California. From west to east, the Kumeyaay occupied the coast, coastal hills, mountains, and desert.

Native American History in Carlsbad

Most archaeologists agree that about 10,000 years ago, warming temperature resulted in changes to the way people lived. Hunting of smaller game and an increased reliance on plant gathering characterized local communities. Material artifacts from archaeological sites spanning the San Dieguito Complex, Encinitas Tradition, Milling Stone Period, and San Luis Rey phases include points (formerly called “arrowheads”), knives, scrapers, engraving tools, manos and metates, shell middens, stone and shell accessories, ceramics and pictographs. From 10,000 years before present (B.P.) to about 1,000 B.P., people primarily lived in small mobile groups. Between 1,000 and 150 B.P. in what is now northern San Diego County, people occupied camps on hills along the San Luis Rey and Santa Margarita Rivers that were re-used seasonally by the same groups. Native Americans used the rivers for travel corridors

between the coast and interior valleys (Temecula and San Jose Valleys). In the San Luis Rey phases, permanent settlement communities appeared in linear arrangements in areas with access to a water source and acorns. Re-occupied seasonal camps continued to be established, and a full range of subsistence, social, and ceremonial activities occurred at the permanent residential sites. Over time, the residential settlements began to consolidate into large villages near reliable water sources. The late San Luis Rey phase represented the antecedents of the Luiseño.

The Luiseño lived in sedentary and autonomous village groups, typically in valleys along streams or on the coast, with specific surrounding territory for hunting, gathering, and fishing. Social organization was based on patrilineal and patrilocal lineages. Houses were circular with conical roofs and were made of a framework of logs covered by tules, sedge, or bark and a layer of earth. The floors of the houses were about two feet below the ground surface. Houses had a central fireplace, but most cooking was done outside. Other structures in the villages included sweathouses, ramadas, granaries, and ovens; caves and rock shelters were also used for various activities. When the Spanish arrived in southern California in 1769, it is estimated that there were 50 Luiseño villages with a population of about 200 each, suggesting a total population of about 10,000. Some Luiseño Tribe members were converted and taken to Mission San Juan Capistrano. Hundreds of Luiseño were converted and brought to Mission San Luis Rey, although the friars allowed many to remain in their villages.

The Kumeyaay (also known as Tipai and Ipai) were Yuman speakers (part of the Hokan language family) who occupied San Diego County. The Kumeyaay were loosely organized into patrilineal groups that used certain areas for hunting and gathering, but apparently did not control a bounded and defended territory like the Luiseño. In addition, members of several different groups usually lived in the same residential base, unlike the Luiseño where a single lineage controlled a village and its territory. Kumeyaay lived in residential bases during the winter and subsisted on stored resources. No permanent houses were built, and temporary brush shelters were not reused the next year. The winter residential bases provided the location for social and ceremonial activities in addition to subsistence. The Kumeyaay were geographically and linguistically divided into western and eastern groups. The western and eastern Kumeyaay spoke two different dialects, but the two groups met in the mountains in the fall where they gathered black oak acorns, traded, and held ceremonies. It is estimated that the Kumeyaay population was about 9,000 at the time of European contact in 1769. Beginning in 1775, the semi-nomadic life of the Kumeyaay began to change primarily because of the influence of the Spanish missions, when they were forced to adopt a sedentary lifestyle.

Consultation with Native American Tribes

Senate Bill (SB) 18

SB 18 became effective in March 2005 and requires city and county governments to consult with California Native American Tribes early in the planning process with the intent of protecting traditional tribal cultural places. The purpose of involving tribes early in planning efforts is to allow consideration of tribal cultural places in the context of broad local land use policy before project-level land use decisions are made by a local government. As such, SB 18 applies to the adoption or substantial amendment of general or specific plans, and the designation of open space areas that may contain cultural resources. The process by which consultation must occur in these cases was published by the Governor’s Office of Planning and Research through its Tribal Consultation Guidelines: Supplement to General Plan Guidelines (November 14, 2005).

Assembly Bill (AB) 52

AB 52 became effective in July 2015. Recognizing that California Native American Tribes are experts about their tribal cultural resources and heritage, AB 52 amended the California Environmental Quality Act (CEQA) to require that lead agencies initiate consultation with tribes at the commencement of the CEQA process to identify “tribal cultural resources,” as defined by CEQA. Furthermore, because a substantial adverse change to a tribal cultural resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures.

A lead agency must provide notice to any California Native American Tribe that has requested notice of projects proposed by the lead agency. For any tribe that responds to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include the presence or absence of tribal cultural resources, the potential for the project to cause a substantial adverse change to tribal cultural resources, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

City Council Policy No. 83

City Council Policy No. 83 became effective on March 1, 2016. The purpose of the policy is to recognize the city’s “responsibility to protect with improved certainty the important historical and cultural values of current tribal cultural resources within the city limits and to establish an improved framework for the city’s consultation with Native American tribes that are traditionally and culturally affiliated with the City of Carlsbad, including the San Luis Rey Band of Mission Indians.”

City Council Policy No. 83 was developed in consultation with the San Luis Rey Band of Mission Indians and, to the extent allowed under the authority of the city, urges city and private projects to be designed to avoid or substantially reduce impacts to tribal cultural resources, as defined in CEQA.

Euro-American History in Carlsbad

In 1769, Spanish explorers of the Portolá Expedition first arrived from Mexico and camped near Agua Hedionda Lagoon. Franciscan friars established missions to convert, educate, and control the native population. Mission San Diego was established to convert the Kumeyaay. Mission San Luis Rey was established in 1798 on the lower San Luis Rey River to convert the Luiseño. With Mexican independence from Spain in 1821, land ownership and land use patterns evolved, igniting the Rancho period in California's history where large tracts of land were granted to settlers. Much of 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.

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. After the Civil War, the development of railroads had an enormous effect on the development of California and the western United States. The selected route of the railroad determined the future of many coastal town sites, including Carlsbad. The town began as a station (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. The city experienced a long period of declining growth between 1890 and 1914 due to drought and national economic problems.

Population and economic growth resumed in the late 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. During this time, millions of Mexicans fled north to seek refuge during the Mexican Revolution. Those who settled in Carlsbad created the foundation for the town's first neighborhood, which today is called the Barrio.

Like the rest of the country, Carlsbad felt the effects of the Great Depression in the 1930s, during which numerous businesses failed and many 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, Carlsbad has grown gradually in area and population.

Some buildings and sites remain from the late 19th and early 20th century history of Carlsbad. Within the Coastal Zone, there are two historic resources listed on the National Register of Historic Places and/or the California Register of Historical Resources. Refer to Table 5-3 for these sites.

Table 5-3, <i>Carlsbad Historic Resources in the Coastal Zone</i>			
Name/Description	Address	NRHP¹	CRHR²
Carlsbad Santa Fe Depot	400 Carlsbad Village Dr.	X	
Frazier's Well/Alt Carlsbad	2802 Carlsbad Blvd.		X

1. National Register of Historic Places
 2. California Register of Historic Resources

5.4 Scenic Resources

As stated in Section 5.1, the objective of Coastal Act Section 30251 is to protect scenic resources. Section 30251 requires that development be sited and designed to protect views to and along the ocean and other scenic coastal areas; that new development minimize the alteration of natural landforms; and that development is sited and designed to be visually compatible with the character of surrounding areas.

Carlsbad's Scenic Coastal Resources

Carlsbad's unique physical setting provides residents and visitors with spectacular coastal views, including those of the open waters of the ocean and lagoons, sandy beaches, coastal bluffs, and the natural habitat and hillsides surrounding the lagoons (coastal viewsheds). Most of Carlsbad's ocean coastline and lagoon areas are visible from public streets, trails, and parks (public scenic viewing areas). Carlsbad's important coastal viewsheds and public scenic viewing areas are described in Table 5-4, and are depicted in Figure 5-3.

The policies of this Local Coastal Program specify that new development, on the sites identified on Figure 5-3, should not interrupt views of a coastal viewshed from public scenic viewing areas. Where this is not feasible, new development must minimize view impacts through siting and design measures.

Quality of Scenic Coastal Resources

An important part of protecting public views of a coastal viewshed is protecting the scenic quality of coastal resources within the viewshed. In addition to the ocean and lagoons, other scenic coastal resources include sandy beaches, coastal bluffs, and the wetlands and natural hillsides surrounding the lagoons. These features contribute to Carlsbad's unique visual character.

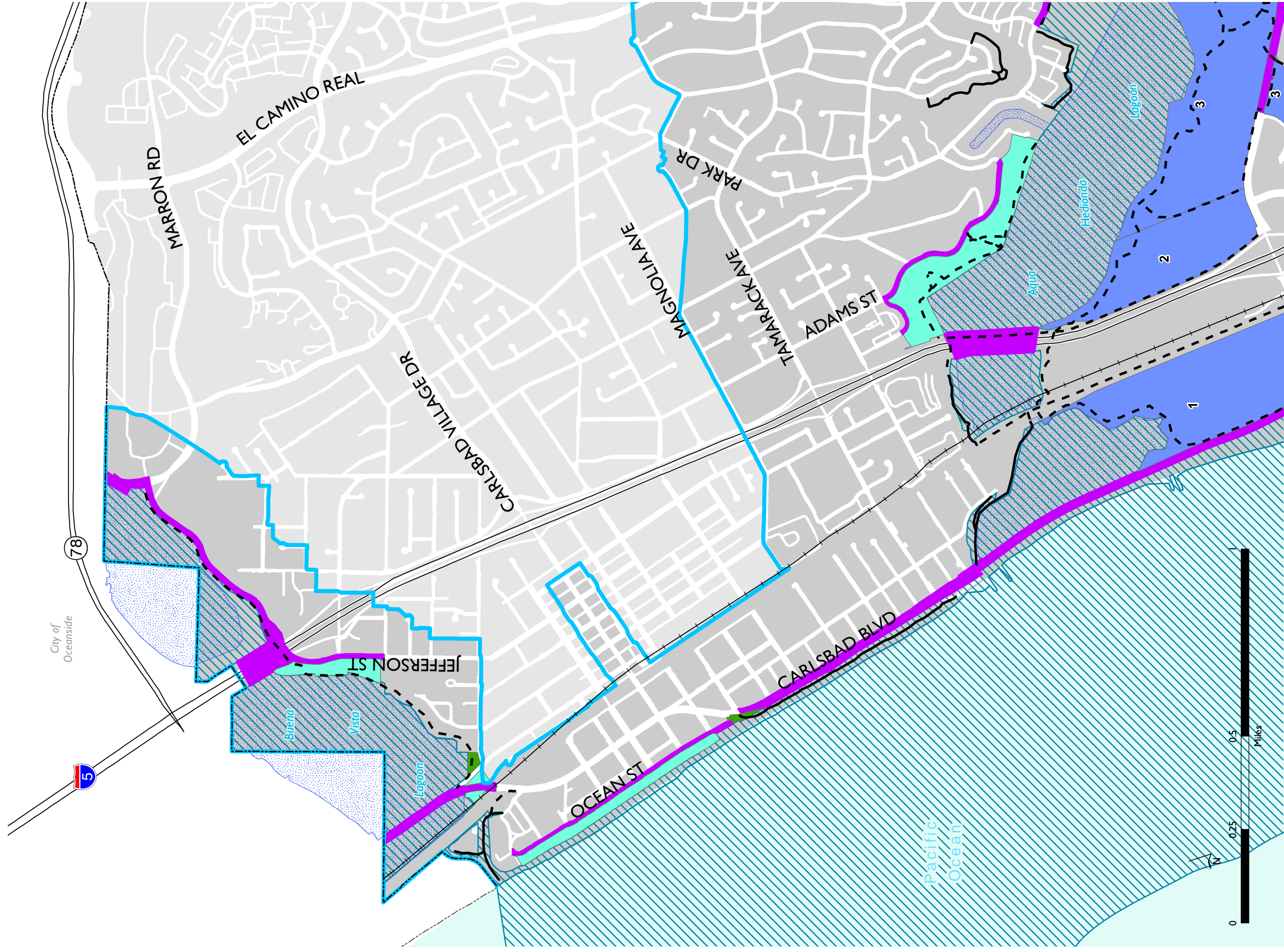
The policies of this Local Coastal Program place parameters on development to ensure protection of the public views and quality of scenic resources by establishing restrictions on the location of buildings, landscaping, signs, and lighting, as well as requiring development to minimize impacts to natural hillsides.

Table 5-4, Public Scenic Viewing Areas

Public Streets		
Description	Location	Provides Views To
Jefferson Street	From: Northern city boundary (at Hwy. 78) To: Buena Vista Way	Buena Vista Lagoon
Ocean Street	From: Public beach access entrance (at Rue Des Chateaux) To: Southern street terminus (at public beach parking lot)	Pacific Ocean and beaches
Carlsbad Boulevard	From: Northern city boundary To: Northern railroad right-of-way	Buena Vista Lagoon
	From: Pine Avenue To: Northern property boundary of 5001 Tierra Del Oro Street (approx. 635 feet north of Cannon Road)	Pacific Ocean and beaches
	From: Northern property boundary of 5305 Carlsbad Blvd. (approx. 100 feet south of Shore Drive southern terminus) To: Southern city boundary	Pacific Ocean and beaches
Park Drive	From: Kelly Drive To: Neblina Drive	Agua Hedionda Lagoon
Adams Street	From: Most easterly point where the street abuts the most easterly parcel fronting Agua Hedionda Lagoon To: Harrison Street	Agua Hedionda Lagoon
Harrison Street	From: Adams Street To: Most westerly point where the street abuts the most westerly parcel fronting Agua Hedionda Lagoon	Agua Hedionda Lagoon
Cannon Road	From: El Camino Real To: Car Country Drive	Agua Hedionda Lagoon Pacific Ocean
Tierra Del Oro	Adjacent to oceanfront parcels	Pacific Ocean and beaches
Shore Drive	Adjacent to oceanfront parcels	Pacific Ocean and beaches
Armada Drive	From: Southern property boundary of Carlsbad Ranch Specific Plan Planning Area 4a To: Northern property boundary of Carlsbad Ranch Specific Plan Planning Area 20	The Flower Fields Pacific Ocean
Palomar Airport Road	From: Railroad To: Carlsbad Boulevard (southbound lane)	Pacific Ocean and beaches
Arenal Road	From: El Camino Real To: Columbine Drive	Batiquitos Lagoon
Batiquitos Drive	From: Spoonbill Lane (northern terminus) To: Golden Star Lane	Batiquitos Lagoon
El Camino Real	From: Arenal Drive To: La Costa Avenue	Batiquitos Lagoon
La Costa Avenue	From: El Camino Real To: City boundary on west side of Interstate 5	Batiquitos Lagoon

Table 5-4, Public Scenic Viewing Areas		
Public Trails		
Description	Location	Provides Views To
Existing and Future Public Trails	Between Carlsbad Boulevard and the ocean shoreline	Pacific Ocean and beaches
	Along the southern shoreline of Buena Vista Lagoon	Buena Vista Lagoon
	Behind the residential lots along Sunnyhill Drive and Horizon Drive	Agua Hedionda Lagoon
	Along the northern and southern shorelines of Agua Hedionda Lagoon	Agua Hedionda Lagoon
	Between Cannon Road and Agua Hedionda Lagoon	Agua Hedionda Lagoon
	Between Cannon Road and Armada Drive	Pacific Ocean Agua Hedionda Lagoon
	Along the northern shoreline of Batiquitos Lagoon	Batiquitos Lagoon
Public Parks/Gathering Sites		
Description	Location	Provides Views To
Maxton Brown Park	500 Laguna Drive	Buena Vista Lagoon
Triangle Park	West side of Carlsbad Boulevard at Pine Avenue	Pacific Ocean and beaches
Cannon Road Park	4950 Carlsbad Boulevard	Pacific Ocean and beaches
Agua Hedionda Lagoon Discovery Center	1580 Cannon Road	Agua Hedionda Lagoon
Carlsbad State Campground	West side of Carlsbad Boulevard from approximately 350 feet north of Island Way to Avenida Encinas	Pacific Ocean and beaches
Batiquitos Lagoon Nature Center	North side of Batiquitos Lagoon approximately 300 feet south of the southern terminus of Gabbiano Lane	Batiquitos Lagoon

CITY OF CARLSBAD LOCAL COASTAL PROGRAM



Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

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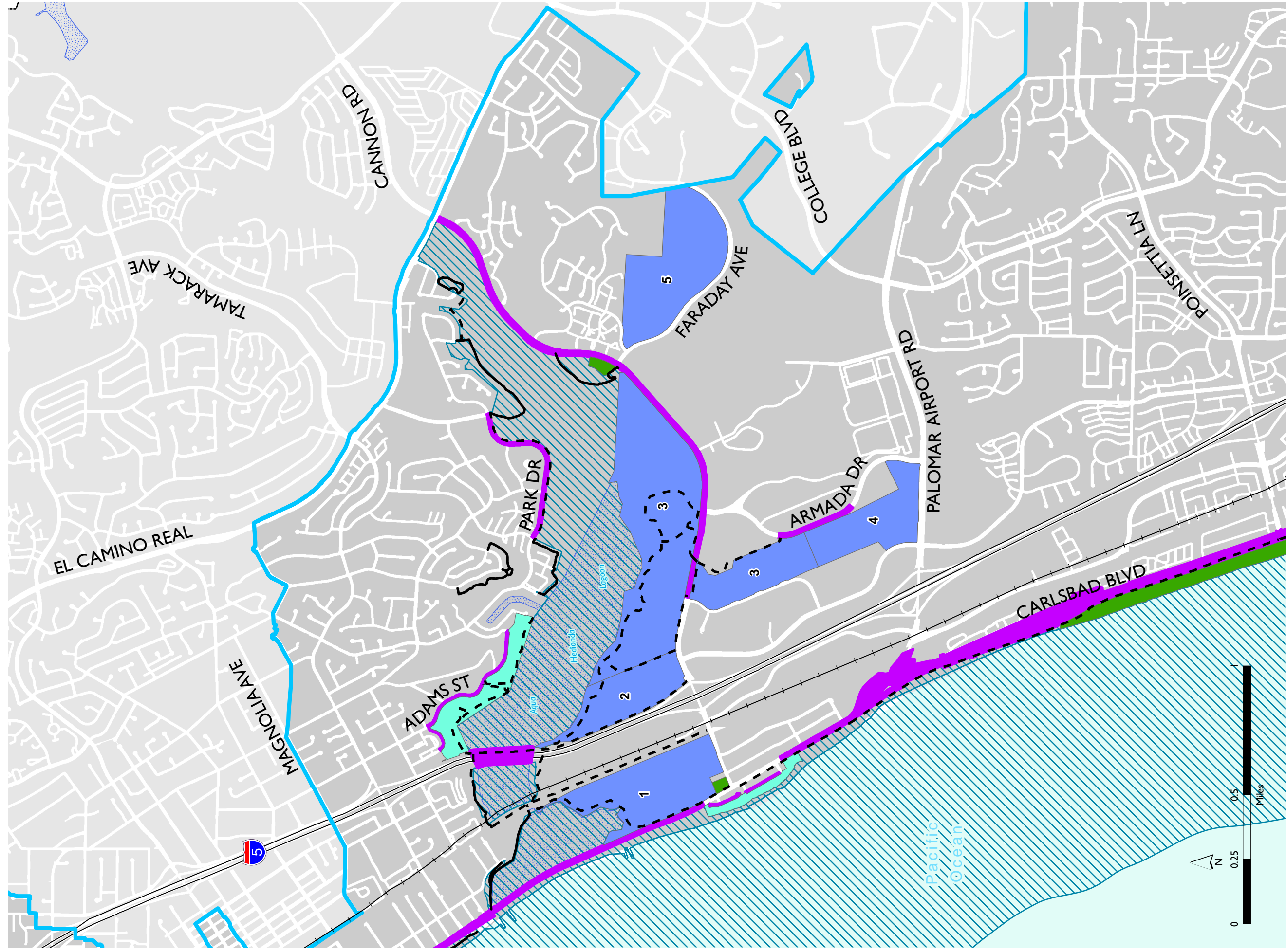
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|--------------|-------------------------------------|----------------------------|
| Coastal Zone | Coastal Viewshed | Scenic Viewing Areas |
| City Limit | Parcel Subject to Policy LCP-5-P.31 | Existing Public Trail |
| Lagoon | Parcel Subject to Policy LCP-5-P.32 | Future Public Trail |
| Railroad | | Public Park/Gathering Site |
| | | Public Street/Freeway |

FIGURE 5-3A
COASTAL VIEWSHEDS AND VIEWING AREAS

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CITY OF CARLSBAD

LOCAL COASTAL PROGRAM



Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

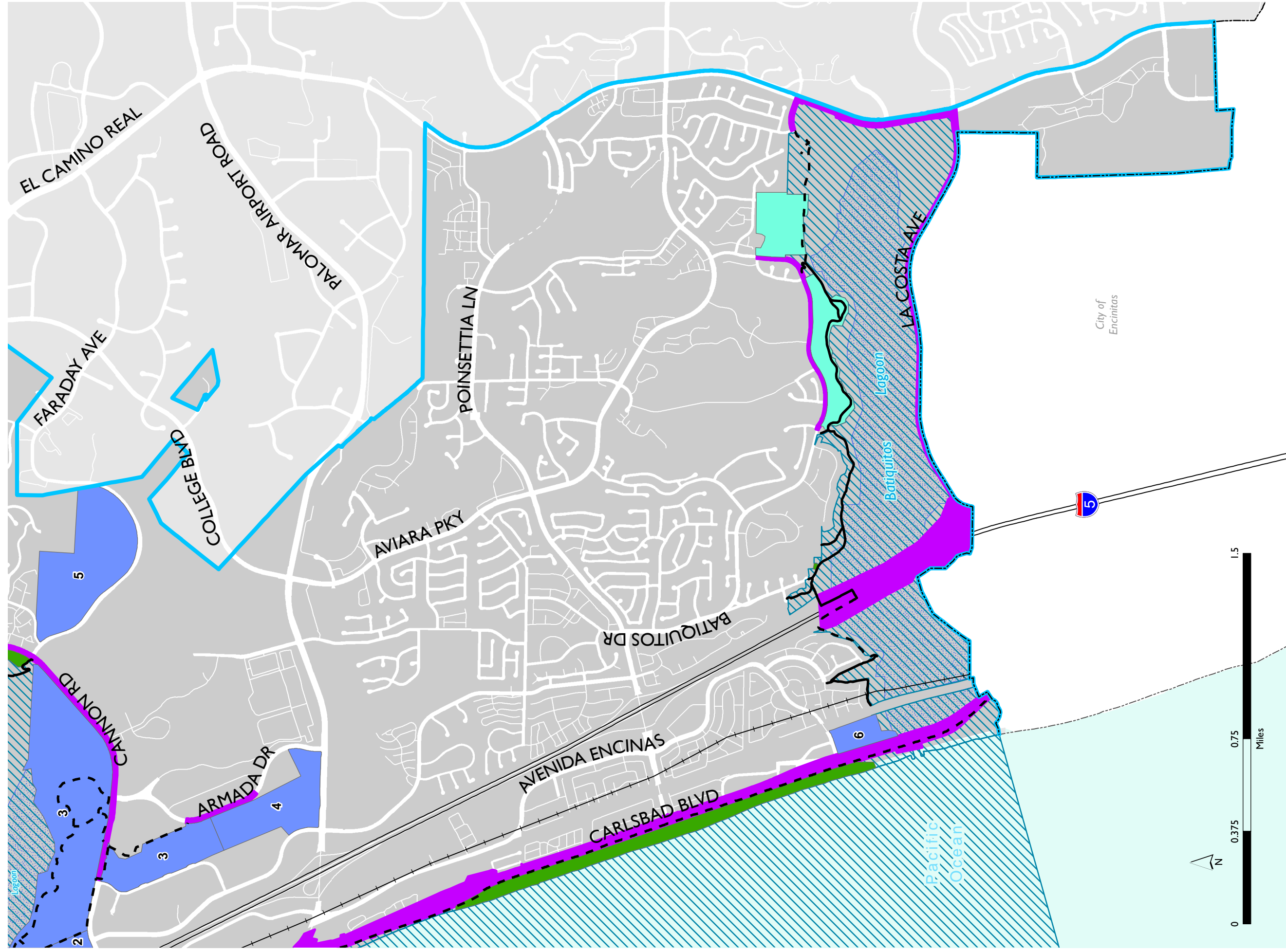
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|--------------|-------------------------------------|----------------------------|
| Coastal Zone | Coastal Viewshed | Existing Public Trail |
| City Limit | Parcel Subject to Policy LCP-5-P.31 | Future Public Trail |
| Lagoon | Parcel Subject to Policy LCP-5-P.32 | Public Park/Gathering Site |
| Railroad | | Public Street/Freeway |

FIGURE 5-3B
COASTAL VIEWSHEDS AND VIEWING AREAS

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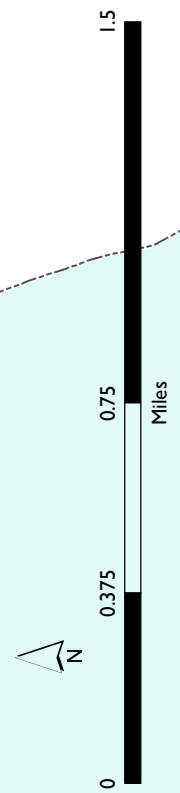
CITY OF CARLSBAD LOCAL COASTAL PROGRAM



Source: Michael Baker International, 2016; SANGIS, 2016; City of Carlsbad, 2019

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|--|-------------------------------------|--|----------------------------|
| | Coastal Viewshed | | Existing Public Trail |
| | Parcel Subject to Policy LCP-5-P.31 | | Future Public Trail |
| | Parcel Subject to Policy LCP-5-P.32 | | Public Park/Gathering Site |
| | Coastal Zone | | Public Street/Freeway |
| | City Limit | | |
| | Lagoon | | |
| | Railroad | | |



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**FIGURE 5-3C
COASTAL VIEWSHEDS AND VIEWING AREAS**

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5.5 Agricultural, Cultural and Scenic Resources Policies

The following policies provide direction to ensure that development in the Coastal Zone is consistent with Coastal Act requirements related to protection of agricultural, cultural, and scenic resources. Some of the following policies are directly related to the Coastal Act sections described in Section 5.1 of this chapter; reference to those Coastal Act sections is noted at the end of the applicable policies.

Agricultural Resources

- LCP-5-P.1 Allow agricultural lands in Carlsbad to convert to non-agricultural uses only when consistent with the policies of the Coastal Act and this Local Coastal Program [related to Coastal Act Section 30241 and 30242].

- LCP-5-P.2 Support the continuation of existing agriculture by minimizing conflicts with urban uses; such as by requiring new adjacent development to utilize buffers, vegetation, and other site design features that minimize impacts on the agricultural use; and by requiring farm operators to utilize methods to prevent dust and pesticide impacts on adjacent uses [related to Coastal Act Section 30241].

- LCP-5-P.3 Support the continuation of agriculture within the Cannon Road Open Space, Farming and Public Use Corridor, and other areas by utilizing methods and resources to reduce the financial burdens on agricultural land, not only to prevent premature development but also to encourage its continued use for agricultural purposes. For example, consider construction of public facility improvements, such as drainage improvements, which are designed to support the continuation of agriculture.

- LCP-5-P.4 Ensure that the existing Flower Fields remain a farming and flower production use by utilizing all available methods and programs, including grants and other sources of financial assistance.

- LCP-5-P.5 Support efforts of the farming and floriculture industries to establish and operate a farm cooperative and/or floral trade center.

- LCP-5-P.6 Support efforts to reduce agricultural users' reliance on imported water, such as by reclaiming wastewater and run-off water for reuse.

- LCP-5-P.7 Support efforts to provide farmworker housing.

- LCP-5-P.8 Support efforts to educate agriculturalists and home gardeners about agriculture and gardening practices, including proper use of pesticides. The use of natural/organic herbicides and pesticides is preferred in lieu of chemical pesticides.
- LCP-5-P.9 Allow only the following uses on the agricultural lands shown on Figure 5-1:
- A. Uses permitted on Areas 1 and 5, as shown on Figure 5-1, shall only be those uses specified by the Coastal Agriculture Overlay Zone, until such time that agriculture is permitted to convert to non-agricultural uses per the policies of this Local Coastal Program.
 - B. Uses permitted on Areas 2 and 3, as shown on Figure 5-1, shall only be the agricultural uses permitted by the Cannon Road – Agriculture/Open Space (CR-A/OS) Zone, until such time that agriculture is permitted to convert to non-agricultural uses per the policies of this Local Coastal Program.
 - C. Uses permitted on Area 4 (Flower Fields), as shown on Figure 5-1, shall be limited to flower production, pursuant to the Carlsbad Ranch Specific Plan. The Flower Fields shall not be allowed to convert to non-agricultural uses.
- LCP-5-P.10 Allow conversion of agricultural land to non-agricultural uses consistent with all applicable requirements of the Coastal Act and the city’s Local Coastal Program, including the following:
- A. Area 1 on Figure 5-1:
 - i. May convert to uses consistent with the applicable land use designation and zone, subject to criteria and payment of a mitigation fee pursuant to Coastal Act Section 30171.5.
 - ii. Prior to development on Area 1, a permanent open space easement in favor of the City of Carlsbad shall be recorded over Area 2 on Figure 5-1. The easement shall not prohibit or limit the uses described in Policy LCP-5-P.10.B.5.
 - iii. Development on Area 1 shall include a public trail, as identified in Chapter 4, with public coastal viewing areas, as well as dedication of a portion of the site for a public recreational use if the city finds that current or future

recreational needs require the development of such uses along the south shore of Agua Hedionda Lagoon.

- iv. If a proposed land use does not include area for expansion of Carlsbad Energy Center, a written report must be submitted to the city that demonstrates, to the satisfaction of the city, that the site is not necessary for future expansion of the energy center per Coastal Act Section 30413(b) and that future expansion needs can be accommodated at the present energy center site.

B. Area 2 on Figure 5-1:

- i. Shall continue to be utilized for agricultural purposes while agriculture remains economically viable for the land owner;
- ii. May convert when the land owner determines that agriculture is no longer economically viable;
- iii. May convert only to open space and compatible public uses that are permitted by the Cannon Road – Agriculture/Open Space (CR-A/OS) zone, and shall include a public trail, as identified in Chapter 4, with public coastal viewing areas; and
- iv. May convert subject to criteria and payment of a mitigation fee pursuant to Coastal Act Section 30171.5.
- v. Nothing in this plan prohibits or limits the continuation of the following utility uses, which are permitted as a matter of right in the Cannon Road – Agriculture/Open Space (CR-A/OS) zone: energy transmission and distribution facilities, including, but not limited to, rights-of-way and pressure control or booster stations, substations, gas metering/regulating stations or operating centers for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources, with the necessary accessory equipment incidental thereto, together with utility buildings/facilities that are built, operated, or maintained by a public utility to the extent they are regulated by the California Public Utilities Commission.

C. Area 3 on Figure 5-1:

- i. Shall continue to be utilized for agricultural purposes while agriculture remains economically viable for the land owner;
- ii. May convert when agriculture is no longer economically viable for the land owner;
- iii. May convert only to open space and compatible public uses that are permitted by the Cannon Road – Agriculture/Open Space (CR-A/OS) zone; and
- iv. May convert subject to the Carlsbad Agricultural Conversion Mitigation Program.

D. Area 4 on Figure 5-1 shall not be allowed to convert to non-agricultural uses, pursuant to the Carlsbad Ranch Specific Plan.

E. Area 5 on Figure 5-1 may convert to uses consistent with the applicable land use designation and zone, and subject to the Carlsbad Agricultural Conversion Mitigation Program.

F. Agricultural lands within Areas 3 or 5 on Figure 5-1, which are converted to a public recreation or open space use and are under the control of a public entity, shall be exempt from the mitigation requirements of the Carlsbad Agricultural Conversion Mitigation Program.

LCP-5-P.11 Implement the Carlsbad Agricultural Conversion Mitigation Program, as required by Local Coastal Program implementing ordinances. Agricultural lands subject to the program, as shown on Figure 5-1, may convert to non-agricultural uses by complying with one of three mitigation options, as described below:

A. Preservation of prime agricultural land. One acre of prime agricultural land within the statewide coastal zone shall be preserved for each net acre of converted non-prime agricultural land in Carlsbad's coastal zone. The preserved land shall be in an area selected by the State Coastal Conservancy and approved by the city council. Preservation shall require the permanent transfer or dedication of interest in the prime agricultural land to a grantee that is a local or state agency, or a tax-exempt organization qualifying under Section 501(c)(3) of the U.S. Internal Revenue Code. Grantees shall be organizations and agencies whose principal purposes are consistent with the preservation of agriculture.

- B. Payment of a mitigation fee. The city council shall determine the amount of the fee at the time it considers a coastal development permit for development of the property. The fee shall not be less than \$5,000 nor more than \$10,000 per net converted acre of agriculture land and shall be paid prior to the issuance of building permits for the project. All mitigation fees shall be deposited in a City of Carlsbad Local Coastal Program agricultural conversion mitigation fees fund. The funds may be used for the following purposes:
- i. Restoration of the coastal and lagoon environment including, but not limited to, acquisition, management, and/or restoration involving wildlife habitat or open space preservation;
 - ii. Purchase and improvement of agricultural lands for continued agricultural production, or for the provision of research activities or ancillary uses necessary for the continued production of agriculture and/or aquaculture in the city's coastal zone, including, but not limited to, farm worker housing;
 - iii. Restoration of beaches for public use including, but not limited to, local and regional sand replenishment programs, vertical and lateral beach access improvements, trails, and other beach-related improvements that enhance accessibility, and/or public use of beaches; and
 - iv. Improvements to existing or proposed lagoon nature centers.

Paleontological and Cultural Resources

- LCP-5-P.12 Where appropriate, designate as open space those areas that preserve paleontological and cultural resources.
- LCP-5-P.13 Evaluate, pursuant to the California Environmental Quality Act, the potential impacts to paleontological and cultural resources that may result from proposed development.
- LCP-5-P.14 Implement appropriate mitigation measures when development would adversely impact paleontological and cultural resources, as identified by the state historic preservation officer [related to Coastal Act Section 30244].
- LCP-5-P.15 Require consultation with the appropriate organizations and individuals (e.g., the Native American Heritage Commission [NAHC], Native American Tribes, and Information Centers of the California Historical Resources Information Systems

[CHRIS]) to minimize potential impacts to cultural resources that may occur because of proposed development. Consultation with Native American Tribes shall be conducted in conformance with state law and city requirements.

LCP-5-P.16 Require the following during construction of development projects in previously undisturbed areas and in areas with known paleontological or archaeological resources:

- A. A qualified professional shall monitor grading, ground-disturbing, and other major earth-moving activities;
- B. In areas with cultural resources of interest to Native American Tribes, a tribal monitor, in addition to the qualified professional, shall monitor grading, ground-disturbing, and other major earth-moving activities.
- C. Prior to occupancy of any buildings, a cultural resource monitoring report identifying all materials recovered shall be submitted to the City Planner.

LCP-5-P.17 Ensure that the determination of the significance of cultural or tribal cultural resources, and the development and implementation of any appropriate treatment measures and procedures, is conducted by a qualified archaeologist and, in the case of tribal cultural resources, in consultation with interested California 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 tribal cultural resources not directly associated with Native American graves shall be negotiated during consultation with interested Tribes in accordance with the California Environmental Quality Act, Public Resources Code Section 21084.3, and any other applicable laws and regulations.

LCP-5-P.18 Require that development activities halt if subsurface deposits are found and believed to be cultural or tribal cultural resources, or human in origin. No development activities shall occur within 100 feet of the find. A determination of the find's significance shall be made pursuant to Policy LCP-5-P.17. The no work radius may be modified as appropriate by a qualified archaeologist and, in the case of tribal cultural resources, in consultation with a Native American monitor. The no work radius shall remain in effect subject to the following:

CARLSBAD LOCAL COASTAL PROGRAM LAND USE PLAN

- A. If the archaeologist, in consultation with a Native American monitor in the case of tribal cultural resources, determines that the find does not represent a cultural resource, then work may resume.
- B. If the archaeologist, in consultation with a Native American monitor in the case of tribal cultural resources, determines that the find does not represent a cultural resource from any time period or cultural affiliation, then work may resume when it has been demonstrated to the satisfaction of the city that: 1) the site is not eligible for the National Register of Historic Places or the California Register of Historical Resources, and 2) that measures for treatment of the find have been completed to the city's satisfaction.
- C. If the archaeologist, in consultation with a Native American monitor in the case of tribal cultural resources, determines that the find includes human remains or potentially human remains of Native American ancestry, measures shall be taken to protect the discovery from disturbance, ensure respectful and dignified treatment in accordance with the cultural and spiritual traditions of the traditionally and culturally affiliated Native American Tribe, and implement all applicable procedures per state law. Work may resume when the city and any responsible agency, through consultation with interested California Native American Tribes, determine that the treatment measures have been completed to the agencies' satisfaction.

LCP-5-P.19 Identify, pursuant to the National Historic Preservation Act and California Environmental Quality Act, historic resources in the coastal zone and consider if those resources should be designated in national, state, and/or local registers, if determined appropriate and with agreement of the property owners.

LCP-5-P.20 Encourage the use of regional, state, and federal programs that promote cultural preservation to upgrade and redevelop properties with historic or cultural value. Consider becoming a participant in the Mills Act tax incentive program.

LCP-5-P.21 Encourage the rehabilitation of qualified historic structures through application of the California Historical Building Code.

Scenic and Visual Resource Policies

General Policies applicable within the Coastal Zone (all parcels as applicable)

- LCP-5-P.22 Ensure that new development and redevelopment is scaled and sited to respect the natural terrain and is designed in a manner that minimizes the alteration of natural land forms and ensures compatibility with the character of the surrounding area. Development on slopes, when permitted, shall be designed to minimize grading and comply with the hillside development requirements of the zoning ordinance [related to Coastal Act Section 30251].
- LCP-5-P.23 Require new development and redevelopment, which is located on property that slopes down adjacent to a lagoon shoreline, to be designed to step-down in height with the slope, to minimize casting shadows on public shoreline areas.
- LCP-5-P.24 Ensure that new development and redevelopment preserves, where possible, existing, mature, healthy vegetation that provides significant scenic value, such as oak trees and eucalyptus stands.
- LCP-5-P.25 Require that all signs comply with the city's sign ordinance and comply with the following criteria. In addition, signs shall be designed and located to minimize impacts to coastal viewsheds from public scenic viewing areas:
- A. Monument signs should be limited to one per driveway entrance and six feet in height above average grade.
 - B. Wall signs should be sized in relation to the size of the building.
 - C. One pole sign limited to 35 feet in height above average grade may be permitted for shopping centers designated "Regional Commercial" on the Local Coastal Program Land Use Map.
 - D. Off-site commercial signs and billboards are prohibited.

Policies applicable to land identified on Figure 5-3 as a coastal viewshed or scenic viewing area, and land located between a scenic viewing area and a coastal viewshed

- LCP-5-P.26 Ensure that new development and redevelopment is located and designed to avoid, and where avoidance is not possible, to minimize visual impacts and interruption of public

views of a coastal viewshed from public scenic viewing areas [related to Coastal Act Section 30251].

- A. Development site selection and design alternatives are preferred methods to minimize impacts on public views of a coastal viewshed, rather than landscape screening.
- B. Land divisions and lot line adjustments shall be designed to minimize impacts to public views of the viewshed and maximize open space, such as by clustering building sites.
- C. Fences, walls, and landscaping shall not block public views of a coastal viewshed from public scenic viewing areas. Fences and walls shall be visually permeable if located where there is the potential to block public views. Landscaping shall be maintained at a height that will not obscure or block public views of a view shed.

LCP-5-P.27 Ensure that new development on publicly owned land between the ocean and Carlsbad Boulevard does not obstruct public views of the ocean. Development of public structures for public safety or that provide limited public access and recreation opportunities may be permitted, provided they are designed and sited to minimize impacts to public views of the ocean.

LCP-5-P.28 Require that retaining walls not exceed six feet in height and incorporate veneers, texturing, and/or colors that blend with the surrounding earth materials or landscape. Stepped or terraced retaining walls up to an aggregate 12 feet in height, with at least a 3-foot-wide area for planting in between, may be permitted. Where feasible, long continuous walls shall be broken into sections or shall include undulations to provide visual relief.

LCP-5-P.29 Ensure that exterior lighting (except street lights, traffic lights, navigational lights, and other similar safety lighting) is minimized, restricted to low intensity fixtures, shielded, and concealed from view to the maximum feasible extent to avoid or minimize public views of the light source from public scenic viewing areas.

LCP-5-P.30 Ensure that the natural visual quality of coastal viewsheds is maintained and any visually degraded natural areas are restored.

Policies applicable to land identified on Figure 5-3 as parcels subject to Policy LCP-5-P.31

LCP-5-P.31 Require that new development and redevelopment is sited and designed to preserve public blue water ocean/lagoon views by:

A. On parcels located adjacent to the north shore of Agua Hedionda Lagoon and that have an elevation difference of 35 feet or more between the mean high tide line and an adjacent public street:

- i. New structures shall not extend higher than the centerline elevation of the street adjacent to the project site, unless infeasible due to physical site constraints or conflicts with other resource protection policies of this Local Coastal Program, as determined by the city decision maker for the proposed project.
- ii. New structures may be limited to one story in height, if necessary, to ensure blue water views are maintained over the entire site.
- iii. The height of fences and walls shall not extend higher than the centerline elevation of the adjacent street, except for fences and walls that are visually permeable and comply with the city's fence height regulations.
- iv. Use native vegetation types with a maximum growth height and located such that landscaping will not extend above the centerline elevation of the adjacent street.

B. On parcels not subject to A.1 of this policy and when it is infeasible to comply with A.1 of this policy due to physical site constraints or conflicts with other resource protection policies of this Local Coastal Program:

- i. New development shall provide a minimum of one view corridor on the project site that meets the following criteria:
 - a. The view corridor shall be located along at least one side of the property that provides public blue water ocean/lagoon views.
 - b. The width of the view corridor shall be no less than the minimum required building setback; however, additional width may be required to ensure public blue water ocean/lagoon views.

- c. A site analysis shall be conducted to confirm the location of the view corridor provides blue water ocean/lagoon views from the public street.
- d. No portions of any above-ground structure shall extend into the view corridor, including, but not limited to, building eaves, chimneys, and stairways.
- e. Any fencing across the view corridor shall be visually permeable and any landscaping in the corridor shall only be low-growing species that will not obscure or block blue water views from the street.
- f. The view corridor shall be secured through a notice of restriction or an easement and shall be maintained to ensure public views are not blocked.

Policies applicable to land identified on Figure 5-3 as parcels subject to Policy LCP-5-P-32:

LCP-5-P.32 Implement the following site-specific policies, in addition to the scenic resource protection policies above:

A. Areas 1, 2, and 3 on Figure 5-3:

- i. Development on the properties shall provide public access to views of Agua Hedionda Lagoon and the Pacific Ocean (where possible); such as by providing dedicated public gathering/viewing areas that offer views of the lagoon, in addition to the adjacent existing or future public scenic viewing areas shown on Figure 5-3.

B. Area 4 on Figure 5-3:

- ii. The Flower Fields are a scenic resource that shall be protected. No improvements or development on the site shall be permitted if doing so would negatively impact the scenic quality of the Flower Fields.

C. Area 5 on Figure 5-3:

- iii. Development on the property shall provide public access to views of Agua Hedionda Lagoon and the Pacific Ocean; such as by providing dedicated public gathering/viewing areas.

D. Area 6 on Figure 5-3:

- iv. Development on the property shall provide public access to views of Batiquitos Lagoon; such as by providing a dedicated public gathering/viewing area that offers views of the lagoon and Pacific Ocean, in addition to the adjacent existing or future public scenic viewing areas shown on Figure 5-3.