

1 **3.10 LAND USE AND PLANNING**

LAND USE AND PLANNING – Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2 **3.10.1 Environmental Setting**

3 The MOT is located offshore from the EPS. The MOT moorings and fuel oil submarine
 4 pipeline within State waters are within CSLC Lease PRC 791.1 (Figure 3.10-1). The
 5 subsurface pipeline crosses Carlsbad State Beach and Carlsbad Boulevard and
 6 terminates in the beach valve pit located within the EPS onshore facility. The EPS is
 7 located in the City of Carlsbad adjacent to the southern edge of the Agua Hedionda
 8 Lagoon. The total land acreage of the existing EPS is approximately 95 acres, not
 9 including Agua Hedionda Lagoon acreage owned by the Applicant. The EPS is bounded
 10 by SDG&E property to the south, I-5 to the east, Carlsbad Boulevard to the west, and
 11 Agua Hedionda Lagoon to the north. Freight rail and North County Transit District
 12 (NCTD) passenger rail services cross the EPS site.

13 Other Project area land uses include residential development located approximately
 14 0.25 mile (1,400 feet) south and 0.65 mile (3,500 feet) north of the fuel oil submarine
 15 pipeline landfall. Carlsbad State Beach is a popular recreational and natural resource.
 16 Additionally, Carlsbad Boulevard includes a designated bike lane used by bikers,
 17 walkers, and joggers. Shoreline and nearshore land uses in the Project area include two
 18 sets of jetties, located north of the Project pipeline corridor, that constitute the intake
 19 and outfall channels to support the operation of the EPS once-through cooling (OTC)
 20 system. In the Project area the ocean is used for boating, sailing, kayaking, fishing, and
 21 lobster trapping. Commercial fisheries are described further in Section 4.1, Commercial
 22 and Recreational Fishing. Recreation is discussed in Section 3.15, Recreation.

23 A maximum of 500,000 cubic yards of spoils are dredged by the Applicant from the
 24 outer basin of the Agua Hedionda Lagoon when required. This dredged beach sand-
 25 quality material is placed on the beaches to the north and the south of the Agua
 26 Hedionda Lagoon inlet channel and EPS discharge channel.



Figure 3.10-1. Aerial Photo of the Project Area

1 **3.10.2 Regulatory Setting**

2 3.10.2.1 Federal and State

3 Federal and State laws and regulations pertaining to this issue area and relevant to the
4 Project are identified in Table 1-2.

5 3.10.2.2 Local

6 The City of Carlsbad’s land use plans and regulations applicable to onshore Project
7 activities include: the General Plan (comprising eight “elements”), Municipal Code
8 (Zoning), Encina Power Station Precise Development Plan, and the South Carlsbad
9 Coastal Redevelopment Project Area Plan. The City has an adopted Local Coastal
10 Program (City of Carlsbad 2010a); however, the segment covering the Project area
11 (Agua Hedionda Lagoon Segment) is not used because certification by the California
12 Coastal Commission was deferred. The North County MHCP and HMP for Natural
13 Communities are applicable to the City, including Agua Hedionda Lagoon, but not the
14 Project site. Specific goals, objectives, and policies from the above mentioned plans
15 applicable to land use are discussed below.

16 **City of Carlsbad General Plan**

17 The City of Carlsbad (2013a) General Plan Land Use Element identifies the desirable
18 pattern for the ultimate development of the City and addresses the provision of
19 adequate public facilities necessary to serve the land uses identified in the General
20 Plan. Specifically, the Land Use Element identified the following land use goal,
21 objective, and policies relevant to onshore Project activities.

- 22 • Goal: A City which protects and conserves natural resources, fragile ecological
23 areas, unique natural assets and historically significant features of the
24 community.
- 25 • Objective: To establish the preservation of the natural habitat of the rivers,
26 riverbanks, streams, bays, lagoons, estuaries, marshes, beaches, lakes,
27 shorelines and canyons and other areas containing rare and unique biological
28 resources as a high priority.
- 29 • Policy C.5: Limit future development adjacent to the lagoons and beach in such a
30 manner so as to provide to the greatest extent feasible the physical and visual
31 accessibility to these resources for public use and enjoyment.
- 32 • Policy C.7: Require comprehensive environmental review in accordance with the
33 California Environmental Quality Act (CEQA) for all projects that have the
34 potential to impact natural resources or environmental features.

1 • Policy C.8: Require that the construction of all projects be monitored to ensure
2 that environmental conditions and mitigating measures are fully implemented and
3 are successful.

4 • Policy C.9: Implement to the greatest extent feasible the natural resource
5 protection policies of the Local Coastal Program.

6 The City of Carlsbad (2006) General Plan OSCE also contains goals, resources, and
7 policies that are relevant to the Project.

8 • Goal A.1: An open space system of aesthetic value that maintains community
9 identity, achieves a sense of natural spaciousness, and provides visual relief in
10 the cityscape.

11 • Objective B.1: To preserve, protect and enhance those areas of the City that
12 provide unique and special open space functions including, but not limited to,
13 cultural and visual amenities, active and passive recreational uses, landmarks,
14 buffers between incompatible land uses, wildlife habitats, and unique and
15 desirable vegetation.

16 The City of Carlsbad is updating its General Plan and has proposed draft goals and
17 policies that are either: the same as existing goals, objectives, or policies; a modified
18 version of one or more existing goal, objective or policy (some existing goals,
19 objectives, and policies have been reworded and/or combined to build upon the intent,
20 clarify, reflect current status, and/or to reduce redundancy); or new, meaning that the
21 topic is not addressed by an existing goal, objective, or policy. Based upon a review of
22 the City of Carlsbad's (undated[c]) "Comparison of Proposed and Existing General Plan
23 Goals and Policies" document, the following new General Plan policies, if adopted, may
24 be considered relevant to the Project.

25 • Proposed Land Use and Community Design Element:
26 ○ Policy: Carlsbad Boulevard/Agua Hedionda Center, 2.P.79 West of the
27 Railroad Tracks. This policy calls for the decommissioning, demolition, and
28 remediation of the EPS site among other items.

29 • Proposed Open Space, Conservation and Recreation Element
30 ○ Goal: Beaches, Parks and Recreation, 4-G.8 - Improve and maintain high
31 quality beaches for residents and visitors.

32 • Proposed Arts, History, Culture and Education Element
33 ○ Policy: Archaeological and Paleontological Resources, 7-P.10 - Require
34 consultation with the appropriate organizations and individuals (e.g.,
35 Information Centers of the California Historical Resources Information
36 Systems, the Native American Heritage Commission, and Native American
37 groups and individuals) to minimize potential impacts to cultural resources
38 that may occur as a result of a proposed project

1 **Encina Power Station Precise Development Plan**

2 The Encina Power Station Precise Development Plan (City of Carlsbad 2014a) applies
3 to approximately 95 acres of property owned by the Applicant. This plan acknowledges
4 that decommissioning the EPS and remediating the site has begun.

5 **South Carlsbad Coastal Redevelopment Project Area Plan**

6 No elements of the South Carlsbad Coastal Redevelopment Project Area Plan are
7 directly relevant to the Project. The plan states, however, that uses for the generation
8 and transmission of electrical energy require a finding of “extraordinary public benefit
9 (Carlsbad Housing and Redevelopment Commission 2005).” The City Council has
10 made a finding that the potential future amended Carlsbad Energy Center Project
11 (CECP) would be of extraordinary public benefit. Decommissioning of EPS components
12 furthers a goal of a potential future Amended CECP within the redevelopment plan area.

13 **3.10.3 Impact Analysis**

14 ***a) Physically divide an established community?***

15 **No Impact.** The Project is a short-term decommissioning project and would not
16 physically divide an established community.

17 ***b) Conflict with any applicable land use plan, policy, or regulation of an agency***
18 ***with jurisdiction over the Project (including, but not limited to the general plan,***
19 ***specific plan, local coastal program, or zoning ordinance) adopted for the***
20 ***purpose of avoiding or mitigating an environmental effect?***

21 **Less than Significant Impact.** The Project does not propose any uses that are
22 inconsistent with planned uses of the Project site and, over the long-term, would
23 maintain the natural assets of the Project area. Decommissioning activities would result
24 in short-term impacts both onshore (e.g., use of the beach and parking spaces on
25 Carlsbad Boulevard near the Project site) and offshore (e.g., uses of the ocean for
26 recreation), including direct preclusion from the placement of construction vehicles,
27 vessels, equipment, workers, and materials and indirect preclusion of persons seeking
28 to avoid construction noise. However, physical areas of impact would be restored to
29 pre-Project conditions and the Project schedule is generally based on a 5-day, 12-
30 hour/day work week, that avoids high use periods (summer months and weekends).
31 Exceptions to this general schedule may occur as described in Section 2.6, Preliminary
32 Decommissioning Schedule. Decommissioning activities requiring the use of equipment
33 within the City of Carlsbad require compliance with Chapter 8.48 of the City Municipal
34 Code, which limits disturbing or offensive construction noise to the hours between 7:00
35 a.m. and sunset on weekdays, between 8:00 a.m. and sunset on Saturdays, and

1 prohibits such noise on Sundays and on 10 major holidays; however, Section 8.48.020
2 allows the City Manager to permit exceptions to these limits in nonresidential zones
3 where there are no inhabited dwellings within 1,000 feet of the noise source. In addition
4 to being temporary, these effects would be limited in area to the Project site, and access
5 to the beach and ocean is plentiful elsewhere in the Carlsbad area.

6 The EPS is zoned PU (Public Utility) and the land across Carlsbad Boulevard from the
7 EPS is zoned OS (Open Space), each with their own corresponding land use
8 designations. South of the fuel oil submarine pipeline landfall is an area zoned R-1
9 (One-Family Residential) with a land use designation RLM (Residential Low - Medium
10 Density). The Agua Hedionda Lagoon located north of the pipeline landfall is zoned OS
11 with a corresponding land use designation. Residential land uses located beyond the
12 Agua Hedionda to the north are zoned R-2 (Two-Family Residential) and RD-M
13 (Residential Density - Multiple). The land use designations are also residential (RM and
14 RH respectively) (City of Carlsbad 2012a; 2012b). Decommissioning of the EPS MOT is
15 consistent with these land use and zoning designations, and by decommissioning and
16 restoring the site in an environmentally safe manner, the Project aligns with the goals
17 and polices of the City of Carlsbad's General Plan (Land Use Element and Open Space
18 and Conservation Element) and Encina Power Station Precise Development Plan.
19 Removal of the pipeline offshore, including any associated infrastructure and debris,
20 would also restore the ocean bottom in support of Coastal Act Chapter 3 policies.

21 The Applicant would have to obtain additional required permits/approvals, as listed in
22 Section 1.7, prior to the start of decommissioning. With implementation of the MMs
23 identified in this MND and compliance with any conditions required by other agencies
24 with jurisdiction over the Project, the Project would be consistent with applicable plans,
25 policies, and regulations; therefore, the impact would be less than significant.

26 ***c) Conflict with any applicable habitat conservation plan or natural community***
27 ***conservation plan?***

28 **No Impact.** As described in Section 3.4, Biological Resources, the EPS is located within
29 the boundary of the City of Carlsbad's HMP, which guides local implementation for the
30 North County MHCP. The North County MHCP focuses on habitat preservation and
31 enhancement for the California gnatcatcher, and Agua Hedionda Lagoon and adjacent
32 areas to the east have been designated a core habitat area in the MHCP. The Project
33 would not adversely affect the California gnatcatcher or its habitat; therefore, the Project
34 would not conflict with any applicable habitat or natural community conservation plan.

35 **3.10.4 Mitigation Summary**

36 The Project would not result in significant impacts to land use and planning; no
37 mitigation is required.