

PDP 00-02(F)

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Encina Power Station  
Precise Development Plan

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**April 16, 2014**

**PREPARED BY:**

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Planning Division  
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**PROPERTY OWNER:**

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**Encina Power Station Precise Development Plan  
PDP 00-02**

Plan and text to provide land use information, procedures and standards; to depict the existing Encina Power Station; and to approve the Carlsbad Seawater Desalination Plant (CSDP)

APPROVED BY:

Planning Commission Resolution No.6088, May 3, 2006  
City Council Ordinance No. NS-806, June 20, 2006

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PDP 00-02(A) – WITHDRAWN

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PDP 00-02(B)  
(An amendment to reconfigure the approved CSDP)

APPROVED BY:

Planning Commission Resolution No.6632, August 19, 2009  
City Council Ordinance No. NS-CS-058, September 22, 2009

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PDP 00-02(C)  
(An amendment to incorporate the Agua Hedionda Sewer Lift Station and Trunk Line into the PDP)

APPROVED BY:

Planning Commission Resolution No.6817, October 5, 2011  
City Council Ordinance No. CS-167, December 13, 2011

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PDP 00-02(D) – VOID

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PDP 00-02(E)  
(Changes to power plant standards to clarify that the Encina Power Station is not consistent with the General Plan or Zoning Ordinance due to its location in the coastal zone and its power generation capacity )

APPROVED BY:

Planning Commission Resolution No.6806, September 7, 2011  
City Council Ordinance No. CS-159, October 11, 2011

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PDP 00-02(F)  
(Revisions necessary to support the amended Carlsbad Energy Center Project ( CECP )

APPROVED BY:

Planning Commission Resolution No.7041, April 16, 2014  
City Council Ordinance No. CS-254, May 20, 2014

# ENCINA POWER STATION - PRECISE DEVELOPMENT PLAN

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- EXHIBIT 7: South Carlsbad Coastal Redevelopment Plan Boundary/Public Dedications

## **GLOSSARY OF TERMS**

AHL	Agua Hedionda Lagoon
Cabrillo	Cabrillo Power I LLC
CEC	California Energy Commission
CCC	California Coastal Commission
CECP	Amended Carlsbad Energy Center Project*
CEQA	California Environmental Quality Act
City	City of Carlsbad
CRT	Coastal Rail Trail
CSDP	Carlsbad Seawater Desalination Plant
EIR	Environmental Impact Report
EPS	Encina Power Station
EWPCF	Encina Wastewater Pollution Control Facility
Lagoon	Agua Hedionda Lagoon
LCP	Local Coastal Program
LFMP	Local Facilities Management Plan
MMRP	Mitigation Monitoring and Reporting Program
MGD	Million Gallons per Day
MND	Mitigated Negative Declaration
NCTD	North County Transit District
PA	Planning Area
PDP	Precise Development Plan
Poseidon	Poseidon Resources Corporation
PRC	Poseidon Resources Corporation
SCCRP	South Carlsbad Coastal Redevelopment Plan
SDCWA	San Diego County Water Authority
SDG&E	San Diego Gas and Electric
SLS	Proposed Agua Hedionda Sewer Lift Station and Associated Improvements
SP144	Specific Plan 144

*\*As described in the January 14, 2014, settlement agreement approved by and attached to City Council Resolution 2014-010.*

## **INTRODUCTION**

This Precise Development Plan (PDP) is intended to serve as an informational and regulatory document to meet the City's zoning requirements for the Public Utility Zone. This PDP applies to approximately 95 acres of property owned by Cabrillo Power I LLC. The property is located between Cannon Road and the south shore of the Agua Hedionda Lagoon (AHL) and extends east from Carlsbad Boulevard to Interstate 5.

Within the PDP are four existing, primary uses (Exhibit 6):

1. The Encina Power Station (EPS), which is owned and operated by Cabrillo Power I LLC and Carlsbad Energy Center LLC (collectively, NRG.) The primary function of the EPS is electrical power generation. The EPS is currently capable of producing 965 Megawatts (MW) of electricity and providing roughly 25% of San Diego County's total energy requirements.
2. The Carlsbad Seawater Desalination Project (CSDP), a facility which when completed in 2016 will produce 50 MGD of desalinated water for distribution to the San Diego County Water Authority's Second Aqueduct and the region's water supply. Poseidon Resources Corporation, owner of the CSDP, has entered into a long-term lease with Cabrillo Power I LLC.
3. The Agua Hedionda Sewer Lift Station (SLS) and associated improvements are part of a regional sewage collection system (Vista/Carlsbad Sewer Interceptor System) which receives sewage flow from the cities of Vista and Carlsbad. The SLS is maintained and operated by Encina Wastewater Authority (EWA) by agreement with the cities. It has been approved for expansion and upgrade with construction scheduled to begin in late 2014.
4. Upland aquaculture operations and processing areas.

Within the boundaries of the PDP, between the railroad tracks and Interstate 5, NRG has received approval to construct a 558 Megawatt power plant, the "Carlsbad Energy Center Project." The California Energy Commission licensed (approved) this project in 2012, but the project has not been constructed.

Since the licensing, dramatic changes in the Southern California energy supply environment have occurred due to the unexpected closure of the San Onofre Nuclear Generating Station. This has resulted in an accelerated and increased need for power. Additionally, San Diego Gas and Electric has indicated interest in purchasing power from the CECP, but only if NRG was willing to change the proposed technology of the CECP and seek approval of the change from the CEC.

In response, NRG is proposing to amend its approval and build a power plant that is more environmentally friendly, has a lower profile, and uses "peaker configuration" technology, among other things. Furthermore, NRG is interested in submitting its amendment proposal to the Energy Commission, but only if the City of Carlsbad would be supportive of such an application.

The purpose of Precise Development Plan Amendment PDP 00-02(F) is to support City Council Resolution 2014-010, dated January 14, 2014, which authorized the Mayor to execute an agreement

(Agreement) between the City of Carlsbad (City), the Carlsbad Municipal Water District (CMWD), Cabrillo Power I LLC and Carlsbad Energy Center LLC (collectively NRG), and San Diego Gas & Electric (SDG&E) addressing City and CMWD support for a change in the proposed technology of the approved Carlsbad Energy Center Project (CECP) Plant and the submittal of a Petition to Amend (PTA) application to the California Energy Commission (CEC) for approval of this technology change. This support is conditioned upon the decommissioning, demolition and removal of the EPS by a specific date, removal of all NRG facilities located west of the railroad, and remediation of the current Encina Power Station (EPS) site, as well as other infrastructure and property considerations beneficial to the residents of Carlsbad. Resolution 2014-010 also directed staff to review the City's prior legislative actions concerning the CECP and recommend changes, if any, as may be needed to reflect the changed circumstances, reduced environmental profile and significant community benefits associated with the amendment.

The future Amended CECP electric generating plant and related facilities are under the California Energy Commission's licensing jurisdiction and cannot be constructed or operated without the Energy Commission's certification. It is the CEC, not the City of Carlsbad, which has review approval and authority over the future Amended CECP.

The PDP:

- a. Depicts the existing land uses and baseline conditions.
- b. Establishes development standards consistent with applicable land use standards such as the General Plan, Agua Hedionda Land Use Plan and Zoning Ordinance.
- c. Includes provisions for administrative approvals for minor accessory uses and facility modifications necessary for daily power generation, desalination, sewer treatment, and other operations and to meet security requirements.
- d. Facilitates building permit issuance for allowed land uses within the PDP area.
- e. Recognizes that NRG has begun the process to completely shut down and demolish the Encina Power Station structures and begin the process to remediate and redevelop the site.
- f. Identifies the location for the future development of the Amended CECP project which proposes a plant that is more environmentally friendly, lower profile, utilizes "peaker configuration" technology, and which caps the amount of power generation and hours of operation.
- g. Establishes PDP amendment procedures.

- PDP Chapters:

- I. Purpose of the Precise Development Plan

- II. Physical Setting

- III. Incorporation of Applicable Regulations and Documents
- IV. Development Standards
- V. Public Improvements
- VI. Procedures and Amendments



# **I. PURPOSE OF THE PRECISE DEVELOPMENT PLAN (PDP)**

## **A. P-U ZONE AND PDP REQUIREMENT**

The PDP project area, located on the southern shore of Agua Hedionda Lagoon (AHL), west of Interstate 5 and east of Carlsbad Boulevard, has a Public Utility (P-U) zoning designation per City of Carlsbad land use regulations. Exhibit 1 (Regional Map) and Exhibit 2 (Vicinity Map) locate the site within the northern San Diego County coastline. Standards for the EPS were originally approved by Specific Plan 144 (SP-144) in 1971. Subsequently, in 1975, the P-U zone was revised to require approval of a PDP prior to development.

The Public Utility Zone, Chapter 21.36 of the Carlsbad Municipal Code, implements the corresponding General Plan designation of Public Utilities (U). Exhibit 3 (Zoning) and Exhibit 4 (General Plan) depict these land use designations, respectively. The list of permitted uses and structures (Section 21.36.020) in the PU Zone includes the generation and transmission of electrical energy, energy transmission facilities, use and storage of fuel oils, wastewater facilities, and related facilities. The processing, use, and storage of domestic and agricultural water supplies are also identified as permitted uses in the P-U Zone. Accordingly, the existing EPS and CSDP, approved SLS, and Amended CECP are permitted uses.

Section 21.36.030 of the P-U Zone prevents the issuance of any building permits or entitlements “until a precise development plan has been approved for the property”. This document is prepared consistent with the requirements of the P-U Zone, and serves as the site’s official PDP. The PDP serves as the primary entitlement for the CSDP and SLS.

The CSDP, SLS, and other potential improvements contemplated within the PDP area require building permits as necessary. Other future improvements may also require entitlements, including amendments to this PDP. Additionally, since the PDP project area is within the boundaries of the SCCRP, it is subject to the provisions of this plan as discussed further in Section III. D.

## **B. ZONING ORDINANCE COMPLIANCE**

Section 21.36.010 states that the intent and purpose of the P-U zone is to provide for certain public utility and related uses subject to a precise development plan procedure to:

*“Insure compatibility of the development with the General Plan and the surrounding developments”*

The PDP satisfies the above by providing:

1. a baseline of existing conditions (December 2010)
2. guidance for building permit and entitlement issuance for allowed uses
3. establishment of planning areas
4. development standards that require General Plan compliance

5. amendment and implementation procedures
6. linkage to other related regulations, approvals, and documents

Consistency with the General Plan will allow for continued compatibility with the surrounding developments in the adjacent area, further discussed in II.E of this document.

*“Insure that due regard is given to environmental factors”*

The certification of an Environmental Impact Report (EIR) was processed concurrent with the approvals for the CSDP, as well as this PDP. EIR 03-05 and implementation of the corresponding Mitigation Monitoring and Reporting Program (MMRP) satisfied the above regarding adequate environmental review.

The adoption of a Mitigated Negative Declaration (MND) for the SLS was processed concurrent with the approvals for the SLS, as well as the associated PDP amendment (PDP 00-02(C)). The MND, and implementation of the corresponding MMRP, is adequate environmental review for the project.

Environmental review for the future development of the Amended CECP, including shut-down and demolition of the EPS and remediation of the site, will be required in accordance with CEQA and conducted by the California Energy Commission. The California Energy Commission is the lead agency under the California Environmental Quality Act (CEQA) for the Amended CECP and has a certified regulatory program under CEQA. Under its certified program, the Energy Commission is exempt from having to prepare an environmental impact report. Its certified program, however, does require environmental analysis of the project, including an analysis of alternatives and mitigation measures to minimize any significant adverse effect the project may have on the environment.

Future projects not subject to the CEC or CPUC will require CEQA review by the City of Carlsbad prior to issuance of entitlements or permits.

*“Provide for public improvements and other conditions of approval necessitated by the development”*

The above will be satisfied by compliance with conditions of approval for related permits of uses allowed by the PDP, including the CSDP and SLS. Public Improvements are addressed in Chapter V.

### **C. ESTABLISHMENT OF BASELINE CONDITIONS**

The existing conditions and land uses within the P-U Zone as it relates to this site are established. This is an important function of the PDP since it will serve as the development baseline for any project implementation at this site, such as the CSDP and approved SLS expansion and upgrade. Existing conditions and land uses are outlined in Chapter II, Physical Setting.

## **D. BUILDING PERMIT AND ENTITLEMENT ISSUANCE FOR PDP USES**

This document is designed to ensure compliance with applicable regulations prior to the issuance of any building permit or entitlement for development within the PDP jurisdiction. Chapter IV provides development standards, outlines allowed and conditional uses, and establishes other provisions. In addition, Chapter III of the PDP incorporates by reference all other applicable regulations, permits and documents.

By providing a PDP for the property as required by the Zoning Ordinance, and as a guide to assess implementation compliance, this document facilitates building permit and entitlement issuance procedures.

## **II. PHYSICAL SETTING**

### **A. ESTABLISHMENT OF PDP PLANNING AREAS**

Exhibit 5 (PDP Planning Areas) shows the PDP area and corresponding Planning Area boundaries.

The Assessor's Parcel Numbers (APN) for the land within the PDP is 210-010-46. As determined by the APN the area of the PDP is approximately 95.5 acres.

### **B. EXISTING LAND USES AND CONDITIONS**

The EPS and the AHL are well-established features of coastal North County. AHL is connected with the ocean at the mouth of the jetty west of Carlsbad Boulevard and just south of Tamarack State Beach. The lagoon is bridged by Carlsbad Boulevard, the NCTD railroad, and I-5. The lagoon is an integral part of the EPS since it provides the source of seawater that is vital to the cooling operations of the power plant's steam turbines in service.

Exhibit 6 (Site Plan) shows existing structures, paved and parking areas at the EPS, and the locations of the CSDP, SLS, aquaculture operations and future Amended CECP. Planning Areas 1, 2, and 3 are also depicted on this exhibit.

#### **Planning Area 1 (PA 1)**

Planning Area 1 consists of approximately 46 acres and is generally located south of the outer AHL, and adjacent to Carlsbad Boulevard. PA 1 contains the most recognizable features of the EPS: the power generating facility and emissions stack are located on the western portion of this Planning Area.

The boiler/turbine building is the main building onsite and is approximately 200 feet in height. The stack reaches a maximum height of 400 feet. Other facilities located in PA 1 include water, steam, and natural gas pipelines. An NCTD rail line forms the eastern boundary.

The primary land uses in PA 1 are the power generating facility and emissions stack, support facilities, the electrical switching station and related facilities, the water intakes, and the discharge pond. Two ammonia storage tanks that support the Selective Catalytic Reduction SCR (pollution control technology) are located within this PA. The perimeter landscaping along Carlsbad Boulevard and a portion of the south shore of the outer AHL basin is also located within PA 1.

In addition to the major structures listed above, the main entrance to the EPS is located in Planning Area 1, at 4600 Carlsbad Boulevard, south of AHL. The seawater desalination demonstration facility is also located in PA 1 just east of the main guardhouse. A portion of the CSDP, including the intake pump station and intake & discharge pipelines, are located in PA 1.

A total of 174 spaces are available at various parking lots within Planning Area 1 to serve existing uses and the CSDP (Parking discussed in IV).

Other Existing Onsite Uses in PA 1 include:

- Chemical and chemical waste storage tanks
- Water tank storage facilities
- Mobile Office Trailer (4,330 square feet)
- Communications facilities
- Construction materials storage
- Fabrication/machine shops
- Vehicle storage areas
- Shipping/receiving areas
- Administrative support areas
- Fire brigade facilities
- Trash recycling facilities
- Processing, use and storage of natural gas, and liquid natural gas
- Processing, use and storage of water supplies
- Fuel oil pipelines and booster stations
- Maintenance, storage and operating facilities
- Railroad access and loading/unloading facilities
- Seawater desalination demonstration facility
- Discharge pond
- Seawater intake
- Upland aquaculture operations and processing areas

The Selective Catalytic Reduction (SCR) facility and related equipment are located to the southeast of turbine Unit 5 of the power generating facility. Components related to implementation of the SCR facility located onsite include: two aqueous ammonia storage tanks, truck unloading station, and piping from the storage tanks to the boilers.

The seawater desalination demonstration facility is located north of the main gate off Carlsbad Boulevard. The seawater desalination demonstration facility supply pump is capable of diverting up to 200 gallons per minute (GPM) of the EPS cooling water into the

demonstration facility. The objective of the demonstration plant is to develop data for the monitoring of the full-scale (50 MGD) CSDP facility.

This demonstration facility utilizes approximately 23 existing parking spaces, which will be re-established when the seawater desalination demonstration facility is no longer needed onsite. The area is surrounded by trees and shrubs, which serve to screen the facility from views along Carlsbad Boulevard and from the north shore of the AHL. The maximum height of this facility is less than 20 feet.

### **Planning Area 2 (PA 2)**

Planning Area 2 is approximately 34 acres in size. PA 2 is the site for the future Amended CECP. It currently contains four large fuel oil storage tanks, which are generally located between I-5 and the NCTD railway, and north of the overhead electrical transmission lines. Fuel oil was formerly the primary fuel source used to fire the electricity generating boilers at the EPS. However, beginning in the 1970s, the EPS switched to use natural gas as the primary fuel consumed in the production of electricity because of its lower emissions and costs. As late as 2001, natural gas curtailments to the EPS resulted in an increased, though intermittent reliance on fuel oil.

The land use activities in this planning area are not readily visible to offsite viewers as the storage tanks are set below grade and are further visually screened by west-facing, east-facing, and north-facing landscaped berms.

The primary existing land use activity in this planning area is the storage of fuel oil. Similar to PA 1, other existing activities in this PA include:

- Processing, use and storage of natural gas and liquid natural gas
- Processing, use and storage of water supplies
- Use and storage of petroleum-based fuels and fuel oils
- Fuel oil pipelines and booster stations
- Maintenance, storage and operating facilities
- Communications facilities
- Administrative and training support facilities
- Dredging operations facilities and storage

Existing ancillary land uses in PA 2 also include the Carlsbad sewer lift station, which will be demolished once the SLS is constructed. The SLS also includes new sewage and recycled water pipelines that extend across PA 2 from north to south, just east of the NCTD railway. An EPS materials and equipment storage is another ancillary use in PA 2. A landscaped berm is partially sited within this planning area as a means of visually separating the fuel oil storage tanks from southbound travelers on I-5 and Carlsbad Boulevard. Fire training is intermittently conducted within this planning area.

### **Planning Area 3 (PA 3)**

Planning Area 3 is approximately 14 acres in size and contains two small fuel oil tanks known as Fuel Tanks 1 and 2. (Fuel Tank 3 was removed to accommodate the CSDP).

These tanks are located south of the outer basin of the AHL and adjacent to and west of the NCTD tracks.

PA 3 and an adjacent portion of PA 1 is the location of the CSDP.

Power generation-related facilities located in this planning area include the two smaller fuel oil tanks, above ground and underground fuel tanks, and water treatment facilities. Other existing onsite uses in this PA include:

- Use and storage of petroleum-based fuels and fuel oils
- Wastewater treatment facilities
- Wastewater and/or brackish water treatment, disposal, storage and reclamation facilities

### **C. CARLSBAD SEAWATER DESALINATION PROJECT (CSDP)**

The 50 MGD CSPD is located in a portion of PA 1 and an adjacent portion of PA 3 formerly occupied by Fuel Tank 3. Engineering drawings depicting various components of the CSDP and building elevations are on file in the Planning Division.

When fully operational, the CSDP will have the capacity to deliver up to 50 MGD of Reverse Osmosis (RO) permeate (product water) to the City of Carlsbad, neighboring agencies and/or other regional partners. The CSDP is described with detailed analysis in certified EIR 03-05 and subsequent addendums. A summary is provided below.

The project includes a desalination plant, pipelines and other appurtenant facilities. Appurtenant facilities include intake and discharge pipes, product water pipeline, transformers, electrical connections and solids handling building. These appurtenant facilities are approved primarily in PA 3 and PA 1.

Ground level and aerial photo simulations of the facility are provided in EIR 03-05. Offsite infrastructure and facilities to carry and store product water are not included as part of the PDP as they are not proposed to be located on P-U zoned properties and, therefore, not subject to PDP provisions.

Source water for the project will come from seawater in the existing cooling water system at the EPS. Seawater would be diverted from the combined outlet of the power station condensers and piped to the CSDP. The source water will be pre-treated and filtered through RO membranes to produce high quality drinking water. The product water would be stored temporarily in on-site facilities prior to transmission to an offsite conveyance system. A large diameter pipeline along the east boundary of PA 1, would convey product water from the desalination plant in a southerly direction to offsite infrastructure and facilities.

These product water pipelines, and the new offsite pipelines that would be constructed for conveyance of the product water to the San Diego County Water Authority, are described in certified EIR 03-05 and subsequent addendums.

Cooling water from the condensers of all five units of the power generating structure flows into a common discharge tunnel. The concrete discharge tunnel conveys the cooling water into an on-site discharge pond before traveling through box culverts under Carlsbad Boulevard into a riprap-lined channel with a surface discharge into the Pacific Ocean.

The CSDP will operate up to 24 hours a day, 7 days a week. This facility will produce water continuously and will be staffed at all times. Maintenance will be conducted onsite as is customary and standard for such a facility or otherwise required by equipment manufacturer specifications.

#### **D. AGUA HEDIONDA SEWER LIFT STATION (SLS)**

The entire project involves the installation of a sewer trunk line (3,960-foot long force main and a 8,420-foot long gravity sewer line) to be located between the San Diego Northern Railroad (BNSF) right-of-way to the west and the 1-5 freeway to the east: a sewer lift station (50 MGD capacity); a sewer support bridge (140-foot weathered steel span); and associated improvements on the Vista/Carlsbad Sewer Interceptor System (Segments VC11, VC12, VC13, VC 14 and VC15 as referenced in the City of Carlsbad's 2012 Sewer Master Plan). The project also includes the demolition of the wood trestle for the existing sewer line and the option of relocating a section of an existing high pressure gas transmission line from its existing trestle bridge (and removal of the bridge) to the new sewer bridged. However, most of the bridge, except the southern abutment, and offsite infrastructure (proposed improvements to the north and south of PA 2) are not included as part of the PDP amendment as it is not proposed to be located on P-U zoned properties and, therefore, not subject to PDF provisions.

The SLS will involve a series of three structures (two of which will be primarily underground). These structures will be constructed in an area approximately 80- to 100-feet southeast of the existing sewer lift station. These three structures are the main lift station, a smaller grinder facility, and a still smaller bio-filter structure. The large main structure will be fitted into the terrain of the site with exterior walls functioning as soil retaining walls, resulting in the facility being situated mostly below grade, with only the south and western walls visible up to 25.5 feet in height. The lift station structure will be stained earth-tone colors, with wall texturing for shadowing to fit into the surrounding area. The existing station and adjacent overflow basin will be removed to accommodate the SLS.

The project also proposes a number of associated improvements in the same work area, including installation of a sewer gravity connector line, sewer force main, 12-inch recycled water line, and replacement of a 3" potable water line with a 6" potable water line. Plans of the SLS are on file in the Planning Division.

#### **E. AMENDED CARLSBAD ENERGY CENTER PROJECT**

The future Amended CECP would be located on a smaller site south of the middle section of the Agua Hedionda Lagoon, between I-5 and the railroad tracks. The four fuel oil tanks that are currently located in this area would be demolished. The Amended CECP would

generate electrical energy using fossil fuel (natural gas), and would be built and operated using “peaker configuration” technology that is environmentally friendly and within structures with a lower profile. According to the Agreement dated January 14, 2014, the Amended CECP is subject to a cap limiting the amount of power generation facilities allowed on site and the hours of operation. Additionally, the city’s support of the project is contingent upon the decommissioning, demolition and removal of the EPS by a specific date, removal of all NRG facilities located west of the railroad, and remediation of the current Encina Power Station site, as well as other infrastructure and property considerations.

## **F. SURROUNDING DEVELOPMENTS**

As a major electrical generating facility in San Diego County, the EPS is a distinct regional land use presence. Land uses surrounding the PDP area include residential neighborhoods, and coastal shoreline areas providing active and passive recreational uses. These include swimming, surfing, walking, bird watching, fishing and bicycling.

North of the PDP boundary are the waters of AHL; Interstate 5 is located along the eastern edge of the PDP area; to the west is Carlsbad Boulevard and the Pacific Ocean; and, to the south is a small community park (Cannon Park) and the operations center of SDG&E.

Single-family residential neighborhoods in the general area include Terramar and Tierra del Oro, both on the west side of Carlsbad Boulevard and south of the PDP entrance. Another portion of Terramar is located on the east side of Carlsbad Boulevard, further south of Cannon Park, across Cannon Road. The railroad tracks bisect the PDP area. On the north shore of the lagoon is a research institute and fish hatchery.

### **Existing Surrounding Land Uses (Adjacent to PDP Jurisdiction)**

North:	AHL
South:	Industrial utility, Cannon Park
East:	I-5 Transportation Corridor
West:	Carlsbad Boulevard, Beach Access

### **Existing Surrounding General Plan, Zoning and Local Coastal Plan Designations (Adjacent to PDP Jurisdiction)**

North:	Open Space
South:	Open Space, Planned Industrial, Public Utilities/Utility
East:	Open Space, Transportation Corridor
West:	Open Space



### **III. APPLICABLE LAND USE REGULATIONS**

#### **A. EIR 03-05, ADDENDA, AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Certification of Final EIR 03-05 constitutes the environmental review necessary for this PDP and the CSDP. The EIR was prepared, processed and certified in compliance with CEQA (California Environmental Quality Act) in 2006. Subsequent addenda were approved by the City of Carlsbad (EIR 03-05(A) and (B) in 2009 and 2013) and by the San Diego County Water Authority in 2012.

EIR 03-05 and subsequent addenda also cover the environmental review of offsite pipeline alignments designed to convey the desalinated water for regional distribution from the EPS location.

Certification of EIR 03-05 requires the implementation of the corresponding Mitigation Monitoring and Reporting Program (MMRP). The MMRP outlines necessary mitigation measures for various environmental impacts assessed in EIR 03-05 that otherwise would create significant impacts. PDP 00-02(B) provides minor revisions to the site plan of the approved CSDP as analyzed by certified EIR 03-05. An Addendum to EIR 03-05, EIR 03-05(A), was processed and approved in 2009. Other addendums focused on changes to offsite pipeline alignments. With the minor revisions and addenda, no new impacts were identified and the project's mitigation measures have not increased nor are any new mitigation measures required.

The mitigation measures mostly address environmental impacts from the offsite pipeline alignments. However, some mitigation measures apply to the desalination facility and therefore require incorporation into this PDP.

The MMRP is contained in City Council Resolution 2006-156.

#### **B. PDP 00-02(C) - MITIGATED NEGATIVE DECLARATION AND MMRP**

Adoption of the Final MND constitutes the environmental review necessary for this PDP amendment and the SLS. The MND was prepared, processed and certified in compliance with CEQA. The MND also covers the environmental review of offsite pipeline alignments and the support bridge alignment designed to convey the pipes (sewer, recycled water, and potable water) from south of Chinquapin Avenue to the EWPCF.

Adoption of the MND requires the implementation of the corresponding MMRP. The MMRP outlines necessary mitigation measures for various environmental impacts assessed in the MND that otherwise would create significant impacts.

The mitigation measures mostly address environmental impacts from the construction of the bridge abutments, sewer lift station, and construction noise adjacent to the AHL during bird breeding season. Therefore, the mitigation measures require incorporation into this PDP.

The MMRP is contained in City Council Resolution 2011-276.

### **C. CITY OF CARLSBAD GENERAL PLAN**

The Land Use Element of the Carlsbad General Plan designates the property as Public Utility (U). The Public Utility designation is implemented through the (P-U) Public Utility Zone, Chapter 21.36 of the Carlsbad Zoning Ordinance. The Public Utility category of land use designates areas, both existing and proposed, either being used or which may be considered for use for primary public or quasi-public functions designed to serve all or a substantial portion of the community. The Carlsbad General Plan states that the Public Utility designation's "primary functions may include such uses as the treatment of waste water, public agency maintenance storage and operating facilities, generation of electrical energy or other primary utility functions. A primary function may include the generation of electrical energy by fossil fuel only if it is the subject of and consistent with the Agreement between and among the City of Carlsbad (City) and the Carlsbad Municipal Water District (CMWD), Cabrillo Power I LLC and Carlsbad Energy Center LLC, and San Diego Gas and Electric and approved by the City and CMWD on January 14, 2014.

As a utility function serving the region, the General Plan also recognizes the CSDP as a permitted primary use. The future Amended CECP, together with the EPS, CSDP and SLS facilities, would be consistent with the site's land use designation of Public Utilities and the City's General Plan.

### **D. SOUTH CARLSBAD COASTAL REDEVELOPMENT PROJECT (SCCRP)**

The SCCRP is a 555-acre redevelopment area located along Carlsbad Boulevard from the southern city limits to the northern boundary of the outer lagoon, and includes properties owned by Cabrillo Power and SDG&E that are located east and west of the I-5 freeway and south of the Agua Hedionda Lagoon. The PDP area is a portion (approximately 95 acres) of the larger Redevelopment Plan jurisdiction. Identified goals of the SCCRP relative to the EPS and PDP jurisdiction include:

- Facilitating the redevelopment of the Encina power generating facility to a smaller, more efficient power generating plant.
- Strengthening the economic base of the Project Area and the community by the installation of needed on- and off-site improvements to stimulate new commercial/industrial expansion, employment and economic growth. Developing new beach and coastal recreational opportunities.
- Increasing parking and open space amenities.
- Developing new beach and coastal recreational opportunities.
- Implementing performance criteria to assure quality site design and environmental standards to provide unity and integrity to the entire Project Area development.

In November 2005 the City Council, upon the recommendation of the Housing and Redevelopment Commission, approved Ordinance NS-779, amending the SCCRP. This action requires a PDP for a number of certain uses, including a sewer lift station, a desalination facility and the generation and transmission of electrical energy; a finding of extraordinary public purpose for those certain uses; and a Redevelopment Permit. In 2009, an amendment to the CSDP project's Redevelopment Permit (RP 05-12(A)) was processed along with the amendment (PDP 00-02(B)). The SLS Redevelopment Permit (RP 10-26) was processed along with the amendment to the PDP (PDP 00-02(C)). Ordinance NS-779 also states that these requirements shall not be required of, or applied to, uses regulated by the California Public Utilities Commission (CPUC). Ordinance NS-779 is integrated into the compliance elements outlined in Development Standards, Chapter IV.

The SCCRP permits generation and transmission of electrical energy conditioned upon a finding of extraordinary public purpose, and subject to a precise development plan unless the use is regulated by the California Public Utilities Commission (CPUC). Further, the plan identifies goals including developing new recreational opportunities and parking, and redeveloping the Encina Power Station into a smaller, more efficient plant. The Amended CECP is consistent with the SCCRP in that the future Amended CECP would be a smaller, more efficient plant that would be built and operated using "peaker configuration" technology, and which would be located further away from the coastline, between the railroad tracks and I-5. The terms of the Agreement, dated January 14, 2014, require the decommissioning, demolition and removal of the EPS by a specific date, removal of all NRG facilities located west of the railroad, and remediation of the current EPS site, as well as other infrastructure and property considerations which will be beneficial to the residents of Carlsbad and provide an opportunity for future redevelopment of the site. Additionally, lands along the coastline and lagoon would be dedicated to the city and would allow for new beach and recreational opportunities and open space amenities.

#### **E. LOCAL COASTAL PROGRAM COMPLIANCE**

The AHL Local Coastal Program (LCP) segment applies to the PDP. The LCP area is also shown on Exhibit 4 (General Plan Designations/LCP Boundary). Carlsbad received LCP certification and permit authority from the California Coastal Commission (CCC) for most of the city's coastal zone in October 1996. However, the CCC retained permit authority within the AHL LCP.

Therefore, any development within the PDP jurisdiction requires approval of a coastal development permit by the CCC prior to building permit issuance or effectiveness of any entitlement, such as this PDP. Compliance with related coastal permit conditions shall be addressed prior to building permit issuance, as part of the PDP implementation.

The CSDP is consistent with the AHL LCP as reaffirmed by the environmental review and certification and approval of Final EIR 03-05 and EIR 03-05(A). Likewise, the SLS is also consistent with the AHL LCP as stated in the certification and approval of the Final MND.

The Agua Hedionda Land Use Plan specifically addresses generation of electricity and power plants. However, other than descriptive statements about the existing Encina Power Station, the AHLUP has no standards and only one policy regarding generation of

electricity. Land Use Policy 2.3, which regards a 45-acre vacant property located east of and across Interstate 5, is unrelated to the Amended CECP.

**F. GROWTH MANAGEMENT PROGRAM COMPLIANCE**

The Growth Management Program, in accordance with Chapter 21.90 of the Carlsbad Municipal Code, established 25 Local Facilities Management Zones throughout the city. No development can occur in any of the Zones unless consistency of the development is determined with the applicable Local Facilities Management Plan (LFMP) for each Zone. Each LFMP determines existing and future needs for infrastructure so that future Zone demands can be adequately assessed, planned, and provided. The EPS, CSDP, and PDP jurisdiction lie within Local Facilities Management Zone 1 and Zone 3; Zone 1, however, applies only to the northwest corner of the EPS and PDP jurisdiction in the vicinity of the aquaculture facilities and discharge pond.

Implementation of the PDP, including the CSDP, is consistent with the Zone 1 and Zone 3 LFMPs and their performance standards; amendment of the Zone 1 and Zone 3 LFMPs is not necessary to implement the PDP. This was reaffirmed by the environmental review and certification of Final EIR 03-05 and EIR 03-05(A) for the CSDP, and the MND for the SLS, and is summarized below.

<b>LFMP Zone 1 and Zone 3 – Performance Standards &amp; Project Compliance</b>	
<b>Performance Standard</b>	<b>Project Compliance</b>
Administrative Facilities	N/A. This standard does not apply to non-residential uses.
Library	N/A. This standard does not apply to non-residential uses.
Wastewater Treatment	The sewer lift station would improve the existing wastewater facilities and will handle the projected build-out sewage anticipated from the service area.
Parks	N/A. This standard does not apply to non-residential uses.
Drainage	Negligible Effect. The EPS, CSDP, and SLS all have a Stormwater Pollution Prevention Plan (SWPPP) in place. In addition, the future plans for the Amended CECP, including demolition of the existing EPS and remediation of the site, will be required to implement a SWPPP.
Circulation	Negligible effect. The CSDP will add 120 Average Daily Trips (ADT) to the traffic circulation of the area. The sewer lift station will only add 1 additional ADT to the traffic circulation of the area for a maintenance vehicle to monitor and service the sewer lift station. The future Amended CECP will replace the existing EPS. Impacts associated with circulation will be analyzed as part of the CEC’s environmental analysis of the project.
Fire	N/A. This standard does not apply to non-residential uses.
Open Space	No effect on open space compliance.
Schools	N/A. This standard does not apply to non-residential uses.

<b>LFMP Zone 1 and Zone 3 – Performance Standards &amp; Project Compliance</b>	
<b>Performance Standard</b>	<b>Project Compliance</b>
Sewer	Effects of the CSDP on sewer capacity are discussed and mitigated in the EIR and Mitigation Monitoring Reporting Program. The SLS project will not increase in sewer flow. The future Amended CECP will replace the existing EPS. Impacts associated with sewer capacity will be analyzed as part of the CEC’s environmental analysis of the project.
Water	The CSDP is anticipated to substantially improve the quantity and quality of the water supply available to the City, neighboring water agencies and the region. Desalinated water is required to meet all federal, state, regional and local standards. The SLS project includes the installation of a 12-inch diameter recycled water line. This line will serve to distribute recycled water in the northern portion of Carlsbad for landscape irrigation. The future Amended CECP will replace the existing EPS. Impacts associated with water demand will be analyzed as part of the CEC’s environmental analysis of the project..

**G. COMMUNITY THEME CORRIDORS**

The City of Carlsbad General Plan designates specific transportation corridors as scenic roadways. Carlsbad Boulevard on the western perimeter of the PDP is designated as a "Community Theme Corridor". Carlsbad Boulevard, the local segment of the coast highway located along southern California’s coast, provides superior visual access with lagoon, ocean, beach, horizon and sunset views.

The NCTD railroad right of way is noted as a “special condition” in the City’s Scenic Corridor Guidelines. Provisions require treatment of areas adjacent to the railroad right of way to enhance the visual image of the city to railroad passengers.

The Circulation Element of the General Plan notes that Community Theme Corridors "connect Carlsbad with adjacent municipalities and present the City of Carlsbad to persons entering and passing through the community". The EPS has been in this location for nearly 50 years and, in part, defines part of the existing overall community character.

The review and certification of Final EIR 03-05 included visual assessment of the desalination facility, recognizing that it proposes to replace an existing oil tank. The MMRP implemented by the EIR 03-05 generated certain mitigation measures regarding aesthetics and view impacts from Carlsbad Boulevard and the NCTD railroad right of way. These mitigation measures are incorporated in the MMRP. Changes proposed to the CSDP as part of PDP 00-02(B) do not trigger any new mitigation measures, as described in EIR 03-05(A).

**H. COASTAL RAIL TRAIL**

The City of Carlsbad in coordination with other cities in coastal San Diego County, is implementing the Coastal Rail Trail (CRT), designed to provide a non-motorized trail mostly along the railroad right of way. At completion, this regional trail is intended to

provide an alternative to freeway commuting along the Interstate 5 coastal corridor. Each city is pursuing individual segments within their jurisdiction based on funding and other factors that facilitate construction.

The City of Carlsbad opened its first segment of the CRT along the east side of the railroad tracks north of Tamarack Avenue to Oak Street in November 2005. Future trail alignment southward of this portion of the CRT would cross the SLS's pipe support bridge over AHL and continue south through the EPS property. The trail would then continue southward along the NCTD right-of-way within the PDP property. The trail would continue south into the existing commercial development located on the north side of Cannon Road. The commercial development accommodates the CRT alignment through its property and facilitates continued southward alignment to city limits.

As stated in the January 14, 2014 Agreement, the City and NRG shall work in good faith to determine a mutually acceptable and appropriate alignment for the CRT (provided however, that failure to reach an agreement on the CRT alignment shall not impact performance of the obligations of the Agreement). Regardless of final alignment, the CRT is considered an allowed and supported land use within the PDP. It is specified as an allowed use within the PDP in Chapter IV, Development Standards.

#### **I. HABITAT MANAGEMENT PLAN**

The City of Carlsbad's Habitat Management Plan (HMP) protects the City's open space resources. The PDP area is south and adjacent to the AHL. Implementation of the PDP will not adversely affect the AHL, nor hinder HMP implementation. The PDP is designated as a "Development Area", and lies outside of any existing or proposed habitat conservation areas.

The PDP will not increase or decrease the amount of open space in the city. Consistency with habitat planning efforts was reaffirmed with the environmental review and certification of Final EIR 03-05, and approval of EIR 03-05(A) for the CSDP and the MND for the SLS.

#### **J. DEVELOPMENT AGREEMENT - DESALINATION FACILITY**

A Development Agreement has been approved between Poseidon Resources Corporation and the City of Carlsbad. The primary functions of the Development Agreement are to eliminate uncertainty in planning and provide for the orderly development of the Project, ensure progressive installation of necessary improvements, provide for public services appropriate to the development of the Project, and generally serve the purposes for which development agreements under Sections 65864, *et seq.* of the California Government Code and Zoning Ordinance Chapter 21.70 are intended. The Development Agreement is on file with the City of Carlsbad, in the Planning Division under the filing reference of DA 05-01(A).

An amendment to the Development Agreement, DA 05-01(A), was part of the amendment package to entitle the reconfigured site plan for the desalination plant covered by PDP 00-02(B), and related agreement details regarding offsite pipeline distribution and operation not in the PDP. The amended agreement was approved in 2009.

## **K. REGIONAL, STATE, FEDERAL OR OTHER AGENCY JURISDICTION**

### LOCAL

- City of Carlsbad/Carlsbad Municipal Water District

### REGIONAL

- San Diego County Air Pollution District (APCD)
- Regional Water Quality Control Board (RWQCB)
- San Diego County Department of Environmental Health (DEH)

### STATE

- California Coastal Commission (CCC)
- California Public Utilities Commission (CPUC)
- California State Lands Commission (SLC)
- California Independent System Operator (ISO)
- California Department of Fish and Game (CDFG)
- California Energy Commission (CEC)
- California Department of Health Services (DHS)

### FEDERAL

- National Marine Fisheries Service (NMFS)
- Federal Energy Regulatory Commission (FERC)
- United States Fish & Wildlife Services (USFWS)
- United States Army Corps of Engineers (USCOE)

Some of these agencies have at their discretion the authority to exercise preemptive jurisdictional regulatory powers over design, facility, and operational characteristics of the EPS and Amended CECP, which are not subject to the regulatory powers of the City of Carlsbad or the PDP.

The CSDP is also subject to the regulatory powers of certain agencies noted above. However, the PDP does not confer any additional regulatory jurisdictional powers upon the City of Carlsbad than it already retains under applicable state and federal laws.

## IV. DEVELOPMENT STANDARDS

Since much of the EPS was built over 30 years ago, the development standards apply only to new onsite development and/or redevelopment. The proposed development standards will apply as appropriate to future activity requiring entitlements and/or building permits.

This chapter reviews and integrates various sources of regulations, requirements, conditions and other provisions. The P-U zoning district, Chapter 21.36, is the primary source of standards and conditions established within the PDP. In many cases, Chapter 21.36 does not establish development standards for the P-U zone; instead, Section 21.36.050 identifies a number of conditions that the City Council may impose on the PDP, such as requirements for setbacks and parking. Other sources of standards originate from related regulations and documents as discussed in Chapter III.

The table below and subsequent discussion provides the necessary guidance to review and approve future building permit and entitlement requests within the PDP area.

### OVERVIEW OF STANDARDS AND REQUIREMENTS FOR PDP AREA

<b>STANDARD or REQUIREMENT</b>	<b>DESCRIPTION</b>	<b>SOURCE of REQUIREMENT</b>	<b>Applies to PA 1</b>	<b>Applies to PA 2</b>	<b>Applies to PA 3</b>
Permitted Uses	See Discussion Below	Chapter 21.36 - 21.36.020	X	X	X
Conditional Uses	See Discussion Below	Chapter 21.36 - 21.36.110; and the PDP	X	X	X
Minimum Lot Area	7,500 square feet	Chapter 21.36 - 21.36.060	X	X	X
Lot Coverage	50% maximum See Discussion Below	Chapter 21.36 - 21.36.070	X	X	X
Parking, Loading and Refuse Collection Areas	None in front, side or rear setback adjoining street; or 10' within side/rear property line. See Discussion Below	Chapter 21.36 - 21.36.080; and the PDP	X	X	X
Landscaping	See Discussion Below	Chapter 21.36 - 21.36.090; and the PDP	X	X	X
Grading	See Discussion Below	Chapter 21.36 - 21.36.050 (6); and the PDP	X	X	X
Architecture and Building Materials	See Discussion Below	Chapter 21.36 - 21.36.050; and the PDP	X	X	X



<b>STANDARD or REQUIREMENT</b>	<b>DESCRIPTION</b>	<b>SOURCE of REQUIREMENT</b>	<b>Applies to PA 1</b>	<b>Applies to PA 2</b>	<b>Applies to PA 3</b>
Setbacks	See Discussion Below	Chapter 21.36 - 21.36.050 (1); and the PDP	X	X	X
Parking	See Discussion Below	Chapter 21.36 - 21.36.050 (11); and the PDP	X	X	X
Building Height	Not to exceed 35 ft	Chapter 21.36 - 21.36.050 (2); and the AHL LCP	X	X	X
Equipment and Storage Tank Screening	To remain reasonable screened by healthy landscaping/planting	Chapter 21.36 - 21.36.050;	X	X	X
Lighting	Lighting Plan approval prior to building permit issuance	Project mitigation measures below	X	X	X
Precise Development Plan: PDP 00-02.	Issuance of building permit or entitlement in P-U zone first requires approved PDP for property.	Zoning Ordinance, Chapter 21.36; SCCRP Section 600 (Ordinance NS-799); Ordinance NS-806 and subsequent amendments approved by ordinance.	X	X	X
Redevelopment Permit:	Rehabilitation, redevelopment, and development activities within SCCRP require redevelopment permit.	SCCRP Sections 200 and 600 (Ordinance NS-799)	X	X	X
Required Finding of Extraordinary Public Purpose-RP required	Many utility uses and government facilities within SCCRP require making of this finding.	SCCRP Section 600 (Ordinance NS-799)	X	X	X

<b>STANDARD or REQUIREMENT</b>	<b>DESCRIPTION</b>	<b>SOURCE of REQUIREMENT</b>	<b>Applies to PA 1</b>	<b>Applies to PA 2</b>	<b>Applies to PA 3</b>
Coastal Development Permit	May be required if new development in AHL LCP segment	LCP Permit and Appeal Jurisdiction map (on file in the Planning Division) California Coastal Commission - San Diego Coast District Office.	X	X	X
Mitigation Measures	Measures to reduce environmental impacts to less than significant as required by EIR's and MND's.	MMRPs per Final EIR 03-05 for CSDP and other project approvals as applicable.	X	X	X
Final Precise Development Plan	Required for Building Permit Issuance	Zoning Ordinance Chapter 21.36 - 21.36.100	X	X	X

### **PERMITTED USES**

Permitted uses within the PDP shall be based on the following allowances and/or criteria:

- Consistency with the PDP, including the existing uses for the subject Planning Area as established by the PDP including Chapter II. B.
- Consistency with the Carlsbad General Plan and Zoning Ordinance, including the permitted uses and structures as outlined by the Public Utility Zone, Section 21.36.020.
- Consistency with the SCCRP, including Section VI. (600), Uses Permitted in the Project Area.
- Consistency with the LFMPs for Zones 1 and 3.
- Consistency with the AHL Land Use Plan.
- Consistency with the Scenic Corridor Guidelines.
- Compliance with all applicable local, state, and federal permits, including any Coastal Development Permit.
- Consistency with applicable environmental documents including MMRPs.

In addition to the permitted uses listed in the Public Utility Zone, CRT alignments, when associated with future entitlement efforts by the City of Carlsbad and implementation of trail planning programs, shall also be considered permitted uses.

## CONDITIONAL USES

Conditional uses within the PDP shall be based on the same allowances and/or criteria as permitted uses, except as modified below:

- Consistency with the Carlsbad Zoning Ordinance, including procedures and required findings outlined in Chapter 21.42 (Conditional Uses) and Section 21.36.020 (Permitted Uses) of the P-U Zone.
- Conditional Use Permits approved in accordance with these provisions shall make the required finding that the proposed conditional use is consistent with this PDP.

## LOT COVERAGE

The table below reflects compliance with the maximum allowance of 50% lot coverage. The difference between the existing and proposed data reflects the CSDP and SLS.

<b>EXISTING LOT COVERAGE - EPS</b>		
	<b>Acres</b>	<b>Percentage</b>
Buildings	11.96	12.58 %
Paved Area	24.42	25.68 %
Landscaped Area	20.64	21.71 %
Unimproved Area	38.06	40.03 %
<b>Total</b>	<b>95.08</b>	<b>100%</b>

<b>LOT COVERAGE – EPS with CSDP</b>		
	<b>Acres</b>	<b>Percentage</b>
Buildings	14.57	15.3%
Paved Area	25.50	26.8%
Landscaped Area	22.14	23.31%
Unimproved Area	32.87	34.6%
<b>Total</b>	<b>95.08</b>	<b>100%</b>

<b>LOT COVERAGE – Sewer Lift Station Project*</b>		
	<b>Acres</b>	<b>Percentage</b>
Buildings	14.82	15.58%
Paved Area	26.20	27.25%
Landscaped Area	22.65	23.67%
Unimproved Area	33.87	33.50%
<b>Total</b>	<b>97.54</b>	<b>100%</b>
<i>*Based on LOT COVERAGE – EPS with CSDP</i>		

## **PARKING, LOADING, AND REFUSE COLLECTION AREAS**

- These areas should continue to be visually screened from public view through the use of existing fencing and landscaping.
- Loading, storage and refuse collection should be placed to the rear or sides of the building they serve.
- Outdoor refuse collection and permanent loading areas visible from public areas should be visually screened, as necessary, to a height up to 10 feet.

Based on a 2001 parking study of the EPS, there are 174 existing parking spaces within Planning Area 1 of the PDP. The 174 existing spaces constitute the PDP's baseline parking supply. The desalination demonstration facility utilizes 23 of the existing spaces onsite, and maximum parking demands of the existing EPS uses require 112 parking spaces. Therefore, the current baseline demand for parking spaces is 135 when combining all existing uses (including the demonstration facility).

At full operation, the CSDP will require 13 parking spaces, a number sufficient for plant employees, visitors and vendors. Accordingly, a 23-space parking lot has been approved on the CSDP site, which exceeds the minimum parking requirement.

Once the CSDP is operational, the seawater desalination demonstration facility will be removed and the 23 parking spaces it now occupies will again be available with one more space added. The 112 spaces required by current EPS uses, combined with the future 13 space parking need required by the CSDP produces a total demand for 125 spaces, which are accommodated by the current baseline of 174 parking spaces plus the 11 extra spaces provided at the CSDP (for a total of 185 available parking spaces).

The SLS will not require any existing parking spaces. There will be sufficient asphalt pavement surrounding the SLS to accommodate the maintenance vehicle that will monitor and service the SLS.

Parking needs for power generation and transmission, desalination and other facilities within the PDP may require case-by-case basis analysis based on employee numbers, hours of operations, and other factors. In addition, when applicable, the parking standards of Zoning Ordinance Chapter 21.44 shall be followed.

## **LANDSCAPING**

A landscape plan may be required prior to building permit issuance. The following criteria and objectives shall guide landscape review and implementation:

- Landscaping shall be provided per the requirements of Section 21.36.090 of the Carlsbad Municipal Code, which requires landscaping with irrigation systems within setbacks, where feasible.

- Consistent with the City of Carlsbad Landscape Manual, minimum plant sizes for onsite plantings, where visible to the public, shall be as follows: 15 gallon for trees, 5 gallon for woody and massing shrubs and 1 gallon plants for color and accent shrubs/flowers.
- Landscaping adjacent to Carlsbad Boulevard and the NCTD railroad right of way shall enhance the visual character of area.
- When parking is visible from Carlsbad Boulevard, landscaping shall screen views of parking from passing motorists and pedestrians.
- Perimeter landscaping, trees or shrubs that are diseased, dying or removed shall be replaced with similar plants of equal or better screening ability in a timely manner to the satisfaction of the City Planner.

## **GRADING**

- Grading in the visible areas surrounding the lagoon and plant should utilize natural contour as opposed to hard, angular or extreme grading concepts, whenever feasible. Any grading should preserve and enhance natural appearances of areas visible to the public to minimize visual impacts.
- Grading shall comply with all City and CCC requirements.

## **ARCHITECTURE & BUILDING MATERIALS**

The form and design of any new structures, including the CSDP and SLS, would largely be determined based as a result of the visibility from offsite locations and applicable government requirements. The following architectural guidelines apply only to the EPS's perimeter, and other publicly visible components of the PDP area.

- Future buildings and structures, and additions and alterations to them or to existing buildings and structures, should be sited and designed in a compatible manner with the EPS's surroundings, which include the overall lagoon and ocean environment, views from scenic corridors, public recreation and open space areas, and established residential neighborhoods.
- Building materials and finishes should also reflect compatibility with surroundings.
- Any mechanical and/or electrical equipment located on the roof of any structure shall be screened in a manner acceptable to the City Planner.

It is recognized that in some cases requirements of other governmental agencies or the function, nature, or location of the structure or building may limit or make impractical the ability or need to follow these guidelines. Accordingly, based on evidence provided by the

applicant to support such a decision, the City Planner may determine compliance with one or more of these guidelines is unnecessary.

## **SETBACKS**

Exhibit 6 of this document depict minimum required setbacks for the PDP area. However, similar to the architectural criteria outlined above, it is recognized that in some cases requirements of other governmental agencies or the function, nature, or location of the structure or building may limit or make impractical the ability or need to follow setback requirements. Accordingly, based on evidence provided by the applicant to support such a decision, the City Planner may determine compliance with setback requirements is unnecessary. All setbacks noted below are required minimums.

- Carlsbad Boulevard: 50' setback from the Carlsbad Boulevard right of way.
- Agua Hedionda Lagoon: 50' setback from the property line along the shoreline of the Lagoon. In cases where the top of the bluff is greater than 50 feet from the property line, the top of bluff shall mark the minimum setback from the Lagoon.
- Interstate 5: 25' setback from Interstate 5 right of way.
- Setback requirements do not apply to:
  - Future potential CRT alignments.
  - Desalination facility pipeline alignments.
  - SLS pipeline alignments and support bridge
  - Reasonable modifications or expansion of existing minor structures and improvements, including fencing and screen walls, utility poles and towers; support structures (i.e., guard stations and aquaculture buildings); detention basins, piping, and underground structures (i.e. oil pumping stations); mandated pieces of equipment (i.e., pollution control facilities) or other minor structures dictated by regional, state or federal agencies; equipment required to support existing operations (i.e. discharge basin, intake system and dredge support equipment); and security measures.
  - At the discretion of the City Planner, setbacks for the above facilities may be required for public health, safety, and welfare purposes, such as to allow adequate vehicle stacking or safe site distances.

## **V. PUBLIC IMPROVEMENTS**

### **A. OVERVIEW**

Since the provision of necessary public improvements is one of the primary purposes of a PDP per Zoning Ordinance Section 21.36.010 (3), this overview provides a summary of compliance.

Public improvements for development will be secured through compliance with conditions of approval consistent with permits issued for activities within the PDP area.

EIR 03-05 analyzed certain improvements associated with the CSDP for environmental impacts and found no significant impacts will result from their implementation. These improvements are described in detail in the EIR document, including pages 3-28 and 3-29; they are referenced herein to indicate their required implementation for consistency with this PDP.

These improvements (using EIR 03-05 references, and also depicted on Exhibit 7 of this document) include: Fishing Beach, Bluff Area, Hubbs Site and South Power Plant public parking area which are generally located along Carlsbad Boulevard and the outer Agua Hedionda Lagoon.

The EIR also addressed improvements regarding Carlsbad Boulevard widening generally south of the PDP boundary, and installing a screen wall and landscaping for the EPS frontage along Carlsbad Boulevard.

As part of the approval of PDP 00-02(B) and RP 05-12(A) for the EPS and CSDP, appropriate public improvement conditions were imposed along and within the PDP. The SLS has negligible if any Growth Management impacts and does not warrant improvements to public facilities.

### **B. OTHER DOCUMENTS – DEVELOPMENT AGREEMENT**

Another mechanism that will generate public improvement enhancements is the approval of Development Agreement (DA 05-01(A)) that involves the City of Carlsbad and Poseidon. The Development Agreement is also discussed in Section III. J. within this document.

## **VI. PROCEDURES AND AMENDMENTS**

### **A. PDP APPROVAL**

In accordance with Section 21.36.040 of the Public Utility Zone, the PDP requires public hearing approval by the City Council, after recommendation action by the Planning Commission.

The City Council's approval of PDP 00-02(F) validates this document as the official PDP for the subject P-U zoned properties.

## **B. BUILDING PERMIT ISSUANCE AND ENTITLEMENTS FOR ALLOWED USES**

Any request for building permit issuance or an entitlement within the PDP area requires review for consistency with the PDP.

Based on the location of the specific request, the Development Standards pertinent to the subject site outlined herein require assessment for compliance. Implementation of this document during building permit and entitlement review will assist the compliance with applicable mitigation measures from EIR 03-05 and the MMRP for the CSDP, and the MND and MMRP for the SLS, the PDP and the various other permits and regulations affecting the PDP jurisdiction.

Coordination with other agencies may be necessary in certain cases.

## **C. FORMAL AMENDMENTS TO APPROVED PRECISE DEVELOPMENT PLAN**

Examples of the types of projects or land uses that would require a formal PDP Amendment subject to City Council approval are listed below. The list is not all-inclusive; the intent is to provide examples of the scale and magnitude of development that would mandate formal amendment to the PDP.

- Any expansion of the CSDP to accommodate more than 50 MGD.
- Any proposal for technological restructuring of the CSDP.
- An amendment initiated by City Council action in order to promote public health safety and welfare relative to operations or uses within the PDP jurisdiction.
- Any addition, expansion, major modification or change of use that would exceed the amount of change permitted by administrative approval consistent with Carlsbad's Planning Division Policy No. 35 regarding Consistency determinations (see VI. D. below).
- Any revision to the boundaries of the PDP area.

Formal amendments to the PDP shall be processed in accordance with the requirements of Chapter 21.52; and Section 21.36.040 of the Carlsbad Municipal Code, which requires City Council approval.

Requests for a formal amendment to the PDP shall be submitted to the Planning Division accompanied by necessary graphics, statements and other information including proposed PDP text and exhibits to support the proposal.



#### **D. CONSISTENCY DETERMINATION WITH APPROVED PDP**

Certain improvements, modifications, maintenance activities or other future proposals may be considered minor in nature and found to be consistent with the PDP.

In these circumstances, building permits may be issued without formal amendment to the PDP.

The process to determine consistency with the PDP shall be according to Planning Division Policy No. 35, Discretionary Permit Consistency Determination, as amended from time to time.




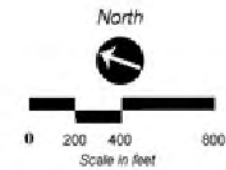
# REGIONAL MAP





**LEGEND**

- O-S** Open Space
- P-U** Public Utility
- R-A 10,000** Residential Agricultural Zone
-  Precise Development Planning Area





**CABRILLO POWER PROPERTIES  
ZONING MAP**

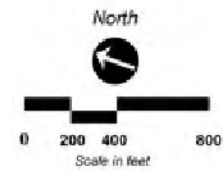
*Encina Power Station Precise Development Plan*

**Exhibit 3**



**LEGEND**

- OS** Open Space
- U** Public Utility
-  Precise Development Planning Area
-  Agua Hedionda LCP Area of Deferred Certification








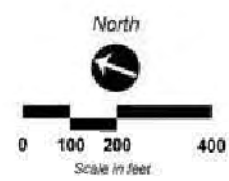
**CABRILLO POWER PROPERTIES  
GENERAL PLAN MAP / AGUA  
HEDIONDA LOCAL COASTAL PLAN**

*Encina Power Station Precise Development Plan*

Exhibit 4



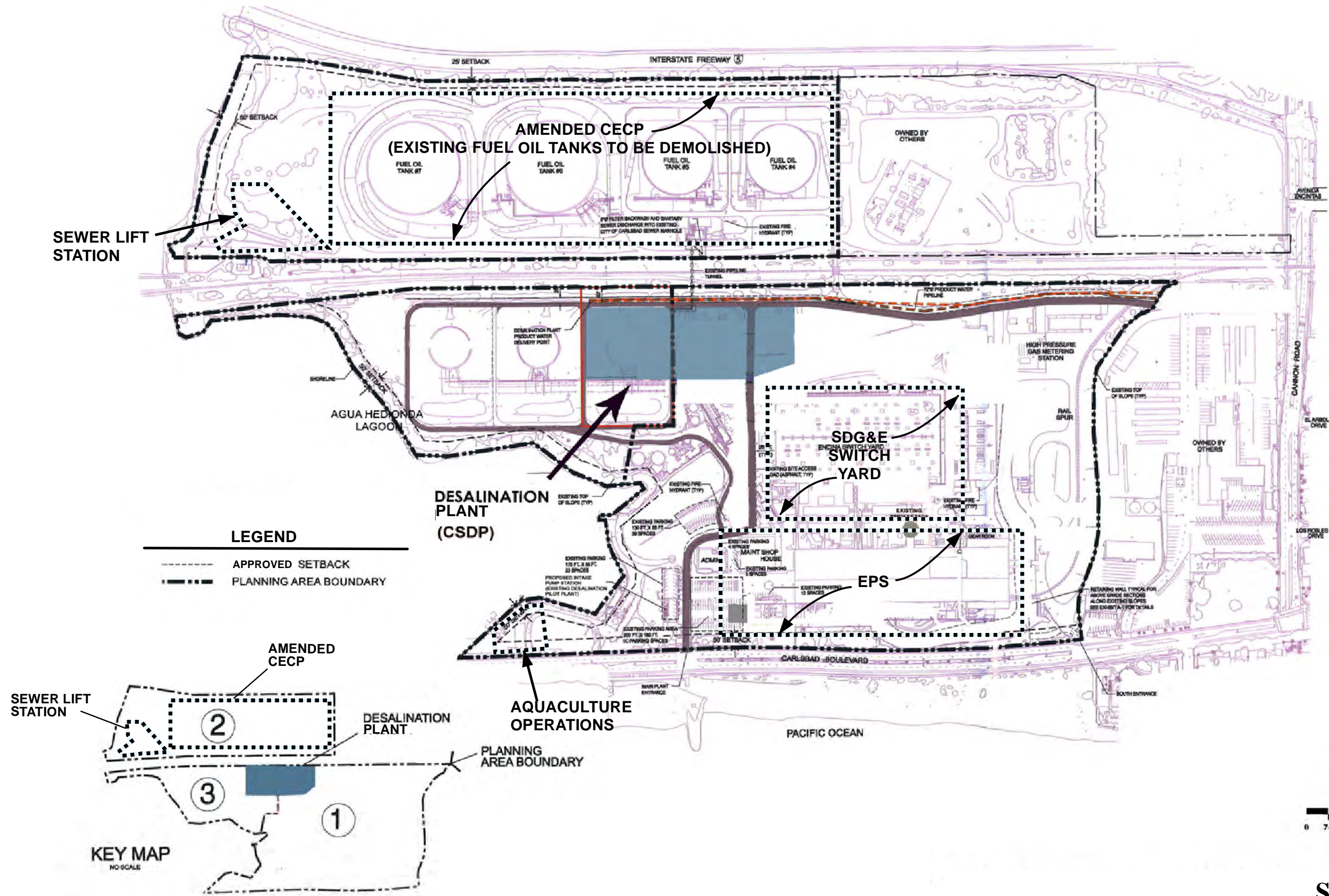
- LEGEND**
-  Planning Area Boundary
  -  Precise Development Planning Area
  -  Desalination Plant
  -  Sewer Lift Station
  -  Amended Carlsbad Energy Center Project (CECP)



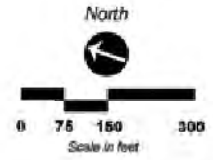
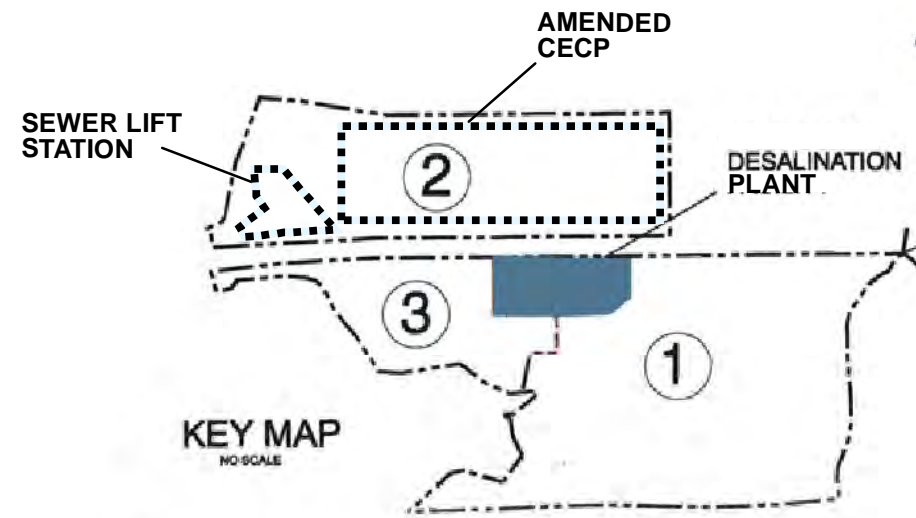
**PLANNING AREA MAP**

*Encina Power Station Precise Development Plan*

**Exhibit 5**





**LEGEND**  
 - - - - - APPROVED SETBACK  
 - - - - - PLANNING AREA BOUNDARY



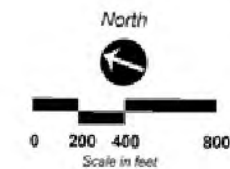
**SITE PLAN**  
*Encina Power Station Precise Development Plan*  
 Exhibit 6



**LEGEND**

-  SCCR Boundary
-  Precise Development Planning Area

- Public Dedications:**
- 1 - Fishing Beach
  - 2 - The Bluff
  - 3 - Land Adjacent to Hubbs
  - 4 - Additional Public Parking



**SOUTH CARLSBAD COASTAL REDEVELOPMENT PLAN (SCCRP) BOUNDARIES / PUBLIC DEDICATIONS**

*Encina Power Station Precise Development Plan*

Exhibit 7