



## Housing Element Implementation and Public Safety Element Update

Final Supplemental Environmental Impact Report  
State Clearinghouse No. 2022090339

*prepared by*

**City of Carlsbad**

Planning Division

1635 Faraday Avenue

Carlsbad, California 92008

Contact: Scott Donnell, Senior Planner

*prepared with the assistance of*

**Rincon Consultants, Inc.**

2215 Faraday Avenue, Suite A

Carlsbad, California 92008

**October 2023**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

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# 1 Introduction

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## 1.1 Final SEIR Contents

This Final Supplementation Environmental Impact Report (Final SEIR) has been prepared by the City of Carlsbad to evaluate the potential environmental impacts of the proposed Housing Element Implementation and Public Safety Element Update Project (“proposed project”).

Pursuant to the California Environmental Quality Act (CEQA) *Guidelines* Sections 15088 and 15132, the lead agency, the City of Carlsbad, is required to evaluate comments on environmental issues received from persons who have reviewed the Draft SEIR and to prepare written responses to those comments. This document, together with the Draft SEIR (incorporated by reference) comprise the Final SEIR for this project. This Final SEIR includes individual responses to each letter received during the public review period for the Draft SEIR. In accordance with CEQA *Guidelines* Section 15088(c), the written responses describe the disposition of significant environmental issues raised.

The City has provided a good faith effort to respond to all significant environmental issues raised by the comments. The Final SEIR also includes amendments to the Draft SEIR consisting of changes suggested by certain comments, as well as minor clarifications, corrections, or revisions to the Draft SEIR. The Final SEIR includes the following contents:

- Chapter 1: Introduction
- Chapter 2: Responses to Comments on the Draft SEIR, which also includes a list of all commenters and public comment letters
- Chapter 3: Revision to the Draft SEIR
- Chapter 4: CEQA Implications for Changes to the Proposed Project

The Mitigation and Monitoring Program (MMRP) is included as Appendix A to this document.

## 1.2 Draft SEIR Public Review Process

The City filed a notice of completion (NOC) and posted the Notice of Availability of a Draft SEIR (NOA) and the Draft SEIR with the Governor’s Office of Planning and Research to begin the 45-day public review period (Public Resources Code [PRC] Section 21161), which began on July 14, 2023 and ended on August 28, 2023. The NOA was published on July 14, 2023 in the *Coast News* and the *San Diego Union Tribune* and filed with the San Diego County Clerk. Copies of the Draft SEIR were made available at three libraries (Carlsbad City Library, 1775 Dove Ln.; Georgina Cole Library, 1250 Carlsbad Village Dr.; and the Carlsbad City Library Learning Center, 3368 Eureka Pl.) and at the city’s Faraday Center, 1635 Faraday Ave. The Draft SEIR was also available online at [www.carlsbadca.gov/housingplan](http://www.carlsbadca.gov/housingplan) and the Planning Division’s webpage at <https://www.carlsbadca.gov/departments/community-development/planning/agendas-minutes-notice>. Additionally, the city notified all property owners and occupants within 600-feet of each housing site of the availability of the Draft SEIR and comment period.

As a result of these notification efforts, 39 written comments on the content of the Draft SEIR were received. Chapter 2, Responses to Comments on the Draft SEIR, identifies these commenting parties, their respective comments, and responses to these comments. None of the comments

received, or the responses provided, constitute “significant new information” by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

## 1.3 SEIR Certification Process and Project Approval

Before adopting the proposed project, the lead agency is required to certify that the SEIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information in the SEIR, and that the SEIR reflects the independent judgment of the lead agency.

Upon certification of an SEIR, the lead agency makes a decision on the project analyzed in the SEIR. A lead agency may: (a) disapprove a project because of its significant environmental effects; (b) require changes to a project to reduce or avoid significant environmental effects; or (c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (State CEQA Guidelines Sections 15042 and 15043).

In approving a project, for each significant impact of the project identified in the SEIR, the lead or responsible agency must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible (State CEQA Guidelines Section 15091). Per PRC Section 21061.1, feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account, economic, environmental, legal, social, and technological factors.

If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision and explains why the project's benefits outweigh the significant environmental effects (State CEQA Guidelines Section 15093).

When an agency makes findings on significant effects identified in the SEIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects (State CEQA Guidelines Section 15091[d]).

## 1.4 Draft SEIR Recirculation Not Required

CEQA Guidelines Section 15088.5 requires Draft SEIR recirculation when comments on the Draft SEIR or responses thereto identify “significant new information.” Significant new information is defined as including:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

The comments, responses, and Draft SEIR amendments presented in this document do not constitute such “significant new information;” instead, they clarify, amplify, or make insignificant modifications to the Draft SEIR. For example, none of the comments, responses, and Draft SEIR amendments disclose new or substantially more severe significant environmental effects of the proposed project, or new feasible mitigation measures or alternatives considerably different than those analyzed in the Draft SEIR that would clearly lessen the proposed project’s significant effects.

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## 2 Responses to Comments on the Draft SEIR

This chapter contains copies of the comment letters received during public circulation of the Draft Supplemental Environmental Impact Report (SEIR) prepared for the Housing Element Implementation and Public Safety Element Update Project (proposed project). The City of Carlsbad received 39 comment letters on the Draft SEIR during the 45-day comment period.

Comments and responses to comments are organized by public agency comments and responses (Group A), organization comments and responses (Group B), and individual comments and responses (Group C).

The commenters and the page number on which each commenter's letter appear are listed below.

Letter Number and Commenter		Page No.
<b>Public Agencies (Federal, State, Regional, Local, Tribal) (A)</b>		
A1	San Diego County Regional Airport Authority	2-3
A2	California Geological Survey (CGS)	2-5
A3	Rincon Band of Luiseño Indians	2-8
A4	California Department of Fish and Wildlife (CDFW)	2-14
A5	California Department of Transportation (Caltrans)	2-23
A6	North County Transit District (NCTD)	2-29
<b>Organizations (B)</b>		
B1	Colleen Reilly, Carlsbad Research Center Owners Association Board of Directors	2-37
B2	Saahil Khandwala, Alps Group	2-41
B3	Tony Pauker, Brookfield Properties Development	2-61
B4	Raymond Bower, Rancho Carlsbad Owners Association	2-67
<b>Individuals (C)</b>		
C1	Donald Sonck	2-73
C2	Larry Hammer	2-75
C3	Megan Gonzalez	2-77
C4	Kervin Krause	2-79
C5	Michelle Miller	2-81
C6	Vicki Robertson	2-83
C7	Kim Geraghty	2-85
C8	Sharyl Hess	2-87
C9	Lori Robbins	2-90
C10	Christine Amato	2-92
C11	Laurie Weinberger	2-95
C12	Liberato Tortorici	2-97
C13	Robert Rodewald	2-113
C14	Yolanda Higgins	2-115
C15	Michelle Soos	2-117
C16	Christopher Byrum	2-119

Letter Number and Commenter		Page No.
C17	Cheri White	2-121
C18	Bradford Robbins	2-123
C19	D. Lech	2-125
C20	Luigi Persico	2-129
C21	Jeff Johnson	2-131
C22	Chris Galindo	2-134
C23	Mike Geraghty	2-137
C24	Dale Ordas	2-142
C25	Teri Jacobs	2-146
C26	Ellen Fawls	2-148
C27	Christine Amato	2-150
C28	Annette Swanton	2-152
C29	Patrick Kerins	2-154

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response A1-1, for example, indicates that the response is for the first issue raised in Comment Letter A1).

Responses focus on comments that raise important environmental issues or pertain to the adequacy of analysis in the Draft SEIR or to other aspects pertinent to the potential effects of the proposed project on the environment pursuant to CEQA. Comments that address policy issues, opinions or other topics beyond the purview of the Draft SEIR or CEQA are noted as such for the public record. Many commenters provided comments on the proposed project, rather than on the adequacy of the information or analysis in the Draft SEIR. Where comments are on the merits of the proposed project rather than on the Draft SEIR, these are also noted in the responses. While the commenters' statements related to the proposed project are noted, they do not address the analysis or conclusions of the Draft SEIR specifically. As stated in Section 15088 of the CEQA Guidelines, "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft SEIR and shall prepare a written response. The lead agency shall respond to comments raising significant environmental issues received during the noticed comment period..." As stated in the Guidelines, the lead agency is only required to evaluate comments on environmental issues. Nonetheless, all comments will be forwarded to the City of Carlsbad Planning Commission and City Council for their consideration.

Where appropriate, the information and/or revisions suggested in the comment letters have been incorporated. These revisions are included in Chapter 3, Revisions to the Draft SEIR, of this Final EIR.

## 2.1 Public Agency Comments and Responses

This section provides each letter received from public agencies in response to the Draft SEIR, with specific comments identified with a comment code in the margin. Public agencies include federal, state, regional or local agencies as well as tribal governments. Following the letters, responses to the comments are provided.

---

**From:** Gowens Ed <egowens@san.org>  
**Sent:** Thursday, July 27, 2023 2:57 PM  
**To:** Scott Donnell  
**Subject:** RE: Housing Element SEIR Notice

Letter A1

Hi, Scott,

We are in receipt of the notice sent to our agency via certified mail about the availability of the supplemental EIR for the Housing Element Implementation and Public Safety Element Update.

It went through another department to get to us, so, if possible, I recommend that "Airport Land Use Commission" be appended as a second line to Airport Authority on your mailing list for our agency address to ensure proper routing of any future mailings regarding our ALUC function.

As I had advised in my earlier message, I understand from the project description that this will involve rezones and amendments of land use plan designations, and, if any of those subject properties are located within the noise contours and/or safety zones of the McClellan-Palomar Airport Influence Area, those will require a consistency determination from us before Council action.

Let me know if you have any questions.

Regards,

*Ed Gowens*

Senior Airport Planner  
Airport Land Use Commission  
San Diego County Regional Airport Authority ➔  
Post Office Box 82776  
San Diego, California 92138-2776  
voice (619) 400-2244

All correspondence with this email address is a matter of public record subject to third party review.

Is it worth a tree to print me? 

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**From:** Scott Donnell <Scott.Donnell@carlsbadca.gov>  
**Sent:** Tuesday, September 20, 2022 7:52 AM  
**To:** Gowens Ed <egowens@san.org>  
**Subject:** RE: General Plan & Zoning Ordinance Update

Hi Ed,

Yes all is well and always good to hear from you. Thanks for the reminder about the consistency determination. Getting the NOP out was important, but I know there's much additional work to do such as this consistency determination.

Thanks.



## Letter A1

**COMMENTER:** Ed Gowens, Senior Airport Planner, San Diego County Regional Airport Authority

**DATE:** July 27, 2023

### Response A1-1

The commenter states they received the notice of availability (NOA) for the Supplemental EIR through another department. The commenter requests that “Airport Land Use Commission” be appended as a second line to Airport Authority on the city’s mailing list for the San Diego County Regional Airport Authority’s address to ensure proper routing of any future mailings.

This comment is noted and future correspondence will be directed to Airport Land Use Commission as requested.

### Response A1-2

The commenter states that if any of the properties subject to rezones and land use designation changes are located within the noise contours and/or safety zones of the McClellan-Palomar Airport Influence Area, they will require a consistency determination from the San Diego County Regional Airport Authority before Council action.

Subsection 2.6, Required Approvals, in Section 2, *Project Description*, of the Draft SEIR acknowledges that the proposed project would likely require approval from the San Diego County Regional Airport Authority (Airport Land Use Commission) and the Federal Aviation Administration.

As discussed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft SEIR, a portion of Site 10 is within Zone 2 - Inner Approach/Departure Zone, and a portion of Site 9 is within Zone 3 - Inner Turning Zone. In addition, the remaining portions of Sites 9 and 10 as well as Sites 4, 6, 7, 8, and 11 are within Zone 6 - Traffic Pattern Zone. For development within the Review Areas, new development proposals must process a site development plan or other development permit and be found consistent or conditionally consistent with applicable land use compatibility policies with respect to noise, safety airspace protection, and overflight, as contained in the ALUCP. The project would be subject to the land use compatibility policies 2.6, 3.5, and 3.6 in the McClellan–Palomar ALUCP, directing the Airport Land Use Commission to review land use actions which may have noise or safety concerns and real estate disclosures regarding overflight compatibility for sites in the Airport Influence Area. Additionally, as discussed in Table 4.7-1, the proposed project would be consistent with policies within the ALUCP.

As discussed in Section 4.10, *Noise*, of the Draft SEIR, Sites 6, 8, 9, and 16 are located within the 60 to 65 dB CNEL noise contour of the McClellan-Palomar Airport. None of the sites are located within the noise contours above 65 dB CNEL except for a small portion of northern corner of Site 9 which is within the 65-70 dB CNEL noise contour. Although a small portion of Site 9 is within the 65-70 dB CNEL noise contour, a project has been approved at this site for 192 units that included its own project-level CEQA review. The portion of the project site in the 65-70 dB CNEL noise contour is also within Safety Zone 3 and would include low density units to comply with ALUCP policies. The project was found not to conflict with ALUCP policies related to safety or noise.

Overall, the Draft SEIR acknowledges that approvals from the Airport Land Use Commission would be required for the proposed project and no changes to the SEIR are required in response to this comment.

**From:** Olson, Brian@DOC <Brian.Olson@conservation.ca.gov>  
**Sent:** Wednesday, August 16, 2023 4:31 PM  
**To:** Scott Donnell  
**Cc:** OLRA@DOC; OPR State Clearinghouse; Schmidt, Anna@DOC  
**Subject:** City of Carlsbad - Housing Element Implementation and Public Safety Update

**SCH Number**

2022090339

**Lead Agency**

City of Carlsbad

**Document Title**

Housing Element Implementation and Public Safety Update

**Document Type**

SIR - Supplemental EIR

**Received**

7/13/2023

Hello Scott,

Thank you for providing the City's Notice of Preparation (NOP) of a Supplemental EIR for our review. This email conveys the following recommendations from CGS concerning geologic and seismic hazard issues in the provided General Plan documents:

1. Tsunami Hazards

- The EIR provides a discussion of tsunami inundation hazards within the City of Carlsbad and provides a figure depicting "Maximum Tsunami Projected Runup" zones mapped by the County of San Diego. The Supplemental EIR should also discuss and depict CGS Tsunami Hazard Areas (THAs), which are mapped along the entire California coast. The purpose of a THA is to assist public agencies in identifying their exposure to tsunami hazards. It is intended for local jurisdictional, coastal evacuation planning uses only. Additional information and map files can be found at the links below:  
<https://www.conservation.ca.gov/cgs/tsunami>  
<https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps>  
[https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami\\_Hazard\\_Area\\_Map\\_San\\_Diego\\_County\\_a11y.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Hazard_Area_Map_San_Diego_County_a11y.pdf)
- The City should also check to see if any re-zone sites are included in a Tsunami Design Zone established by the California Building Code (CBC). The CBC requires certain design standards for essential/critical or larger structures within these zones. The following website provides additional information regarding Tsunami Design Zones: <https://asce7tsunami.online/>.

Please let me know if you have any questions.



**Brian Olson, CEG**  
**Senior Engineering Geologist**  
**Seismic Hazards Program**

**13** Years of Public Service



@CAgeosurvey

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**California Geological Survey**

320 W. 4th Street, Suite 850, Los Angeles, CA 90013

M: (213) 507-1080

E: [Brian.Olson@conservation.ca.gov](mailto:Brian.Olson@conservation.ca.gov)

*"A team is not a group of people who work together.*

*A team is a group of people who trust each other." – Simon Sinek*

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## Letter A2

**COMMENTER:** Brian Olsen, Senior Engineering Geologist, California Geological Survey

**DATE:** August 16, 2023

### **Response A2-1**

The commenter states that the Draft SEIR includes a “Maximum Tsunami Projected Runup” zone map as mapped by the County of San Diego. The commenter states that the SEIR should discuss and depict California Geological Survey (CGS) Tsunami Hazard Areas (THA). The commenter states that the purpose of the THA is to assist agencies in identifying their exposure to hazards.

The commenter’s request has been noted and Figure 4.8-4 of the Draft SEIR has been revised to include CGS mapping. The revised Figure is included in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response A2-2**

The commenter states that the city should check to see if any housing inventory sites fall within a Tsunami Design Zone established by the California Building Code (CBC).

None of the rezone sites are located in a Tsunami Design Zone established by the CBC.<sup>1</sup> Nonetheless, all specific project development would be required to comply with all regulations and requirements set forth by FEMA and the CMC, as well as policies 6-P.1 through 6-P.12 of the Public Safety Element Update which would implement and develop flood control programs and require installation of protective structures to minimize impacts of flooding.

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<sup>1</sup> CBC Tsunami Design Zones: <https://asce7tsunami.online/>

# Rincon Band of Luiseño Indians

## CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082  
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



August 16, 2023

Letter A3

Sent via email: [scott.donnell@carlsbadca.gov](mailto:scott.donnell@carlsbadca.gov)

City of Carlsbad  
Mr. Scott Donnell  
1635 Faraday Ave.  
Carlsbad, CA 92008

**Re: GPA2022-0001 Housing Element Implementation and Public Safety Element Update, City of Carlsbad, California (GPA 2022-0001/ZC 2022-0001/ZCA 2022-0004/LCPA 2022-0015/EIR 2022-0007 (PUB 2022-0010))**

Dear Mr. Donnell,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Tribe”), a federally recognized Indian Tribe and sovereign government. Thank you for providing us with the Notice of Availability of a Supplemental Environmental Impact Report (SEIR) and ongoing consultation on the City of Carlsbad Housing Element Implementation and Public Safety Element Update project. [REDACTED]

The Tribe would like to remind the city that under the CEQA Guidelines, generally an EIR may not include or publicly disclose information that is protected against disclosure under the California Public Records Act (Govt C §§6250–6276.48). The following information has potential to identify locations of tribal cultural significance and we ask for omission or reduction of the letter for the public record. Rincon’s Tribal Historic Preservation Office (THPO) has reviewed the draft SEIR and we have the following project specific concerns and comments:

[REDACTED]

The Tribe asks that the SEIR will state that proposed housing sites [REDACTED] will require a complete environmental review under the California Environmental Quality Act (CEQA) including

consulting with the Rincon Band under AB52 to provide the opportunity to further identify and assess impacts to Tribal Cultural Resources and historic properties.

4 cont.

The Tribe understands that the “city proposes under this project to undergo both General Plan land use and zoning map amendments as necessary to permit housing on the 18 rezone sites identified in the Housing Element and as directed by City Council in February 2022”.

5

Again, the Tribe would reiterate that we request that no CEQA exemptions will apply as proposed construction may impact tribal cultural resources and historic properties. Additionally, we understand that the city anticipates that future construction projects within the proposed housing sites, will potentially be CEQA exempt. The Tribes would like to learn how the City will address such project proposals that have potential to impact tribal cultural resources under their grading policy and other regulations.

As stated throughout our consultations, the Tribe recommends further consultation with the Rincon Band on Open Space designations within the City of Carlsbad. This would allow further protection of the city’s cultural heritage to dedicate Open Spaces on properties with known significant cultural resources.

6

The Tribe has also general concerns regarding the *Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines* (2017)<sup>1</sup> which have been referenced in the SEIR to regulate cultural resources treatment and protection measures. The Tribe would like to reiterate our concerns regarding the interpretation of the guidelines and implications to the cultural mitigation measures as utilized by the city.

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As per Council Policy Statement from February 23, 2016, the purpose of the Tribal Cultural Resource Protection is for “the City of Carlsbad [to] recognize its 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 consultations with Native American Tribes that are traditionally and culturally affiliated with the City of Carlsbad including the San Luis Rey Band of Mission Indians.” The Tribe is concerned that the city seems to have interpreted this statement to the point that the San Luis Rey Band of Mission Indians is the sole affiliated Tribe, which is mostly reflected in the current standard cultural mitigation measures which do not afford the Rincon Band equal consultation opportunities. The THPO would like to draw again attention to the fact that different Luiseño Bands have geographical associations and historical and living relationships to various places, landscapes, and resources throughout the diverse Luiseño ancestral territory and traditional cultural landscape. This includes the Rincon Band’s irrevocable ties to the lands and waters of what today is called the City of Carlsbad.

From our ongoing consultation with the city, we understand that further consultation with the Tribe regarding the *Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines* will occur. As we believe this to be a thoughtful longer process, we would like to learn what immediate steps the city will take to address our following concerns:

8

- We ask that the Rincon Band is being afforded to also consult on what is identified in the SEIR (4.4-23) as “two standard treatments applicable to historical resources which may be used to mitigate impacts”, such as consultation on any interpretive or educational materials including panels etc.

<sup>1</sup> [637425976516870000 \(carlsbadca.gov\)](https://www.carlsbadca.gov/637425976516870000)

- Additionally, the current *Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines* limit the Tribe's involvement and prevents engagement between the Tribe and the city in regard to any cultural resources' assessments or treatments. For example, segments *8.0 Tribal Cultures Resources Procedures and Section 9.0 Cultural Resources Procedures*, which include withholding project consultation opportunities from the Rincon Band such as *8.1.1.1 Procedure for Pre-NOE Consultation with the SLRBMI*; Section *8.2.2.4 Tribal monitoring*, which omits any consideration of cultural resources being returned to affiliated Tribes other than SLRBMI, and ignoring knowledge and tribe-specific expertise in determination of significance of findings. The Tribe would like to learn how the city will address these concerns in the SEIR.

9

The Tribe is looking forward to further consultation on the project. If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 749-1092 or via email at [cmadrigal@rinconnsn.gov](mailto:cmadrigal@rinconnsn.gov).

Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal  
Tribal Historic Preservation Officer  
Cultural Resources Manager

## Letter A3

**COMMENTER:** Cheryl Madrigal, Tribal Historic Preservation Officer, Rincon Band of Luiseño Indians

**DATE:** August 16, 2023

### Response A3-1

The commenter writes on behalf of the Rincon Band of Luiseño Indians and thanks the City of Carlsbad for providing ongoing consultation.

The comment is noted. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### Response A3-2

The commenter reminds the city that the Draft SEIR should not include or publicly disclose information that is protected against disclosure under the California Public Records Act, and requests information that has the potential to identify locations of tribal cultural significance to be omitted or reduced.

The City of Carlsbad acknowledges the commenter's request for their comments to be redacted. The comment does not address the adequacy or accuracy of information provided in the Draft SEIR; therefore, no further response is required.

### Response A3-3

This comment has been redacted at the request of the commenter.

Nonetheless, Section 4.4, *Cultural and Tribal Cultural Resources*, of the Draft SEIR, development facilitated by the proposed project has the potential to adversely impact tribal cultural resources. Future development would be subject to AB 52 as required by CEQA and would be subject to the Carlsbad Cultural Resource Guidelines. These Guidelines address identification and treatment of tribal cultural resources that may be impacted as a result of development associated with the proposed project. Therefore, potential impacts to tribal cultural resources would be less than significant with adherence to the Carlsbad Cultural Resource Guidelines and implementation of Mitigation Measure CUL-1, as listed in Chapter 3, Revisions to the Draft SEIR. Please see Response A3-5 for an explanation of this added mitigation measure.

### Response A3-4

The commenter requests that the Draft SEIR state that some of the proposed housing sites require a complete environmental review under CEQA including consulting with the Rincon Band under AB 52.

At the request of the commenter, the exact sites have been redacted. Please also see Response A3-3.

### Response A3-5

The commenter requests no CEQA exemptions to apply since proposed construction of the 18 rezone sites could impact tribal cultural resources and historic properties. The commenter



understands the city anticipates that future construction projects would potentially be CEQA exempt, and states that the Tribes would like to learn how the city will address project proposals that have the potential to impact tribal cultural resources under their grading policy and other regulations.

While the comment is acknowledged, some future development proposals on the rezone sites could meet the criteria for a CEQA exemption, some future development could meet the criteria for streamlining under CEQA, and based on project specific impacts, some future development may require project specific CEQA analysis be conducted prior to project approval and issuance of any construction or building permits. In each case, future development will be reviewed by city staff to determine the appropriate level of CEQA analysis required. Nonetheless, development on all 18 rezone sites is analyzed in the Draft SEIR.

Development of rezone sites may not be subject to CEQA due to either an exemption or ministerially processing. Thus, notification of the opportunity to consult on the pending development to California Native American tribes such as under AB 52 would not be required. Further, if development does not require an amendment to the General Plan or a specific plan, notification would also not be required under SB 18.

The city anticipates that ministerial or “by right” processing may occur on the rezone sites. For this reason, project amendments to the RD-M Zone (Chapter 21.24 of the Zoning Ordinance, Title 21 of the Carlsbad Municipal Code) propose this requirement:

Housing developments that contain a minimum of 20 percent affordability to lower-income households as required by Government Code section 65583(c)(1) and 65583.2(h) and that are on specific sites rezoned by the City Council to meet RHNA requirements as detailed in the programs of the Housing Element shall be permitted “by right” as that term is defined in Government Code Section 65583.2(h) and shall be subject to the mitigation measures of Supplemental Environmental Impact Report EIR 2022-0007, certified by City Council Resolution 202X-XXX.

The city’s development permitting system will flag each rezone site to require compliance with the mitigation measures when applications are submitted and before permits are issued. “Flagging” in the system is already a common city practice, such as for ensuring payment of fees prior to development approval.

Additionally, a new mitigation measure has been added to address project proposals that have the potential to impact tribal cultural resources. Please see Chapter 3, Revisions to the Draft SEIR, for the text of the new mitigation measure (Mitigation Measure CUL-3) and the revised impact analysis for Section 4.4, *Cultural and Tribal Cultural Resources*, of the Draft SEIR. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

## **Response A3-6**

The commenter recommends further consultation on open space designations with the city, which would allow further protection of the city’s cultural heritage to dedicate open space on properties with known significant cultural resources.

The comment is noted. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response A3-7**

The commenter expresses concerns regarding the Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (2017) referenced in the Draft SEIR, including interpretation of the guidelines and implications to the cultural mitigation measures utilized by the city.

The commenter references Council Policy Statement from February 23, 2016, which says the purpose of the Tribal Cultural Resource Protection is for *“the City of Carlsbad [to] recognize its 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 consultations with Native American Tribes that are traditionally and culturally affiliated with the City of Carlsbad including the San Luis Rey Band of Mission Indians.”* The commenter expresses concern that the city has misinterpreted this statement to the point that the San Luis Rey Band of Mission Indians is the sole affiliated Tribe, which is reflected in the current standard cultural mitigation measures which do not afford the Rincon Band equal consultation opportunities.

The comment is in reference to the Council Policy Statement and specific sample mitigation measures as they are adopted. Any updates to the guidelines will be a public process.

### **Response A3-8**

The commenter requests for consultation on the “two standard treatments applicable to historical resources which may be used to mitigate impacts” as outlined on Page 4.4-23 of the Draft SEIR.

These are sample standard treatments in the existing Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (2017). They are not the limit of potential measures and guidelines. Each future project will be evaluated consistent with the guidelines in place.

### **Response A3-9**

The commenter expresses the opinion that the current Carlsbad Tribal, Cultural, and Paleontological Resources Guidelines (2017) limits the Tribe’s involvement and prevents engagement between the Tribe and the city in regard to any cultural resources’ assessments or treatments. The Tribe requests for the city to address these concerns in the Draft SEIR.

The city is committed to completing consultation consistent with California and CEQA laws and regulations.



STATE OF CALIFORNIA • NATURAL RESOURCES AGENCY Gavin Newsom, Governor  
DEPARTMENT OF FISH AND WILDLIFE Charlton H. Bonham, Director

South Coast Region  
3883 Ruffin Road | San Diego, CA 92123  
wildlife.ca.gov



August 25, 2023

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008  
[Scott.Donnell@carlsbadca.gov](mailto:Scott.Donnell@carlsbadca.gov)

**Subject: Housing Element Implementation and Public Safety Element Update,  
Draft Supplemental Environmental Impact Report (SEIR),  
SCH #2022090339**

Dear Scott Donnell:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability (NOA) of a Supplemental Environmental Impact Report (SEIR) from the City of Carlsbad for the Housing Element Implementation and Public Safety Element Update (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW previously provided comments on the Notice of Preparation for the Project on October 24, 2022. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

#### CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines §

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Scott Donnell  
 City of Carlsbad Planning Division  
 August 25, 2023  
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15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

1, cont.

The City of Carlsbad has an approved and permitted Subarea Plan (City of Carlsbad Habitat Management Plan (HMP)) under the subregional North County Multiple Habitat Conservation Program (MHCP). The City adopted their HMP in December 1999; CDFW and the U.S. Fish and Wildlife Service (USFWS) (jointly, the Wildlife Agencies) granted final approvals, including an Implementing Agreement (IA), in November 2004. The SEIR for the proposed Project must ensure and verify that all requirements and conditions of the HMP and IA are met. The SEIR should also address biological issues that are not addressed in the HMP and IA, such as specific impacts to and mitigation requirements for wetlands or sensitive species and habitats that are not covered by the HMP and IA.

2

## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Carlsbad (City)

**Objective:** The SEIR is a supplement to the Carlsbad General Plan and Climate Action Plan EIR (State Clearinghouse #2011011004), certified in 2015. The Project consists of updates to the City's General Plan, including the Land Use and Community Design Element and Public Safety Element, and updates to Carlsbad Municipal Code Title 21, the Zoning Ordinance. The updates are necessary to implement the programs of the City's Housing Element Update 2021-2029 (Housing Element), which was adopted by the Carlsbad City Council on April 6, 2021, and changes in State law.

3

The Project proposes to change of land use and zoning designations on 18 sites (rezone sites) to facilitate residential development. The rezone sites consist of properties currently designated for low-density residential, commercial, industrial, or public land uses. As proposed, the rezone sites will be partially or entirely redesignated to medium or high-density residential land use

Scott Donnell  
 City of Carlsbad Planning Division  
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 Page 3 of 7

designations. Based on the SEIR and our August 16, 2023, discussion with City staff (Rosanne Humphrey), it is our understanding that Project approval would not include approval of any physical development (e.g., construction of housing or infrastructure); however, the SEIR assumes that such actions are reasonably foreseeable future outcomes of the Project. Any future development projects would be further evaluated for consistency with the City's HMP and proposed HMP Minor Amendments would be evaluated in coordination with the Wildlife Agencies.

**Location:** The Project incorporates 18 rezone sites, numbered as Site 1 through 18, located within the City's jurisdiction and HMP Plan Area. Several of the proposed sites are located within the California Coastal Zone. In addition, four of the sites (Sites 4,6,9,17) are located within or adjacent to a Standards Area, Proposed Hardline, and/or Existing Hardline identified in the HMP.

**Biological Setting:** The diverse habitats of the City support a wide variety of biological resources, including many species listed under CESA, the federal Endangered Species Act (ESA), as well as Narrow Endemics (NE), Obligate Wetland Species (OWS), California Fully Protected Species (FP), and California Species of Special Concern (SSC). Some of the rezone sites proposed in the SEIR are occupied by, or have the potential to be occupied by, several sensitive species, to include, but not limited to: California Orcutt grass (*Orcuttia californica*; ESA-listed Endangered, CESA-listed Endangered, NE, OWS), San Diego button celery (*Eryngium aristulatum* var. *parishii*; ESA-listed Endangered, CESA-listed Endangered, NE, OWS), thread-leaved brodiaea (*Brodiaea filifolia*; ESA-listed Threatened, CESA-listed Endangered, NE), spreading navarretia (*Navarretia fossalis*; ESA-listed Threatened, NE, OWS), little mouseltail (*Myosurus minimus* ssp. *apus*; NE, OWS), Orcutt's brodiaea (*Brodiaea orcutti*; NE, California Rare Plant Rank (CRPR) 1B.1), least Bell's vireo (*Vireo bellii pusillus*, ESA-listed Endangered, CESA-listed Endangered), coastal California gnatcatcher (*Polioptila californica californica*; ESA-listed Threatened, SSC), San Diego fairy shrimp (*Branchinecta sandiegonensis*; ESA-listed Endangered, NE, OWS), and Riverside fairy shrimp (*Streptocephalus wootoni*; ESA-listed Endangered, NE, OWS). The SEIR stipulates that future development projects will be required to provide a biological resources technical report that incorporates site-specific information including a biological resource inventory, impact analysis, and mitigation measures consistent with the City's HMP requirements.

3, cont.

Scott Donnell  
 City of Carlsbad Planning Division  
 August 25, 2023  
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## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The SEIR should provide adequate and complete disclosure of the Project's potential impacts on biological resources [Pub. Resources Code, § 21061; CEQA Guidelines, §§ 15003(i), 15151].

### Comments

#### 1. **Potential Impacts to Listed Vernal Pool Species and Conserved Lands:**

Table 4.3-1 of the SEIR indicates that one of the Project's proposed rezone sites, Site 17, currently overlaps with the Poinsettia Station Vernal Pool Preserve (Preserve). The Preserve provides high quality vernal pool habitat for several listed and sensitive species including California Orcutt grass, San Diego button-celery, spreading navarretia, little mouseltail, Orcutt's brodiaea, San Diego fairy shrimp, and Riverside fairy shrimp. The Preserve is managed by the City as a condition for vernal pool species coverage under the HMP (referenced on List 3, page C-12 in the HMP) and is protected under a Conservation Easement (CE) signed on July 25, 1994. The CE was granted to CDFW as mitigation for impacts to San Diego button-celery, pursuant to the CESA Memorandum of Understanding (MOU) 2081-1994-001-5 for the Poinsettia Lane Commuter Rail Station Project.

The Project's proposal to change the land use designation of Site 17 from Public Transportation Center (P, TC) to Residential 15-23 dwelling units/acre (R-23, P) would not be compatible with the provisions of the CE. The CE language strictly prohibits any activity on or use of the property that is inconsistent with retaining the property in a natural condition and protecting its natural resources in perpetuity; therefore, CDFW strongly discourages the City from allowing future development (e.g., housing) in any area that overlaps with the conserved property or otherwise results in indirect or cumulative impacts to the biological resources within the CE area. We recommend that the City coordinate with CDFW early on in their review of future development plans on Site 17 to ensure that any proposed impacts within, or adjacent to, the conserved property will be

4

Scott Donnell  
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avoided to be consistent with the conservation goals and requirements of the HMP and the provisions of CESA MOU and CE.

4, cont.

2. **Natural Habitat Areas:** Per the SEIR's 4.33c Project Impacts and Mitigation Measures section, pages 4.3-20 through 4.3-21, rezone sites that contain or are adjacent to natural habitat areas, including coastal sage scrub, oak woodlands, vernal pools, and riparian habitat, have the potential to support special-status species. The SEIR indicates that Sites 1-2, 6-9, and 18 contain natural habitat or woodlands and Site 17 contains vernal pools. Based on our review of Table 4.3-1, Site 4 also contains natural habitat such as coastal sage scrub, riparian associated with Agua Hedionda Creek, and grassland with high potential for thread-leaved brodiaea. Therefore, we recommend that this section of the SEIR be revised to list Site 4 as one of the sites that contains natural habitat for consistency in the document. In addition, we recommend that this section be revised to consider grasslands, of both native and non-native composition, as natural habitat areas that may also support special-status species (e.g., raptor foraging, sensitive plant species' habitat, habitat linkages).

5

6

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the

Scott Donnell  
City of Carlsbad Planning Division  
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environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

Thank you for the opportunity to comment on the SEIR. CDFW appreciates the partnership with the City, and we look forward to working together in the future. Questions regarding this letter or further coordination should be directed to Alison Kalinowski, Environmental Scientist, by email at, [Alison.Kalinowski@wildlife.ca.gov](mailto:Alison.Kalinowski@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
D700B4520375406...

David Mayer  
Environmental Program Manager  
South Coast Region

ec: CDFW  
Karen Drewe, San Diego – [Karen.Drewe@wildlife.ca.gov](mailto:Karen.Drewe@wildlife.ca.gov)  
Melanie Burlaza, San Diego – [Melanie.Burlaza@wildlife.ca.gov](mailto:Melanie.Burlaza@wildlife.ca.gov)  
Cindy Hailey, San Diego – [Cindy.Hailey@wildlife.ca.gov](mailto:Cindy.Hailey@wildlife.ca.gov)

Office of Planning and Research  
State Clearinghouse – [State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

United States Fish and Wildlife Service  
Jonathan Snyder – [Jonathan\\_D\\_Snyder@fws.gov](mailto:Jonathan_D_Snyder@fws.gov)

City of Carlsbad  
Rosanne Humphrey – [Rosanne.Humphrey@carlsbadca.gov](mailto:Rosanne.Humphrey@carlsbadca.gov)



Scott Donnell  
City of Carlsbad Planning Division  
August 25, 2023  
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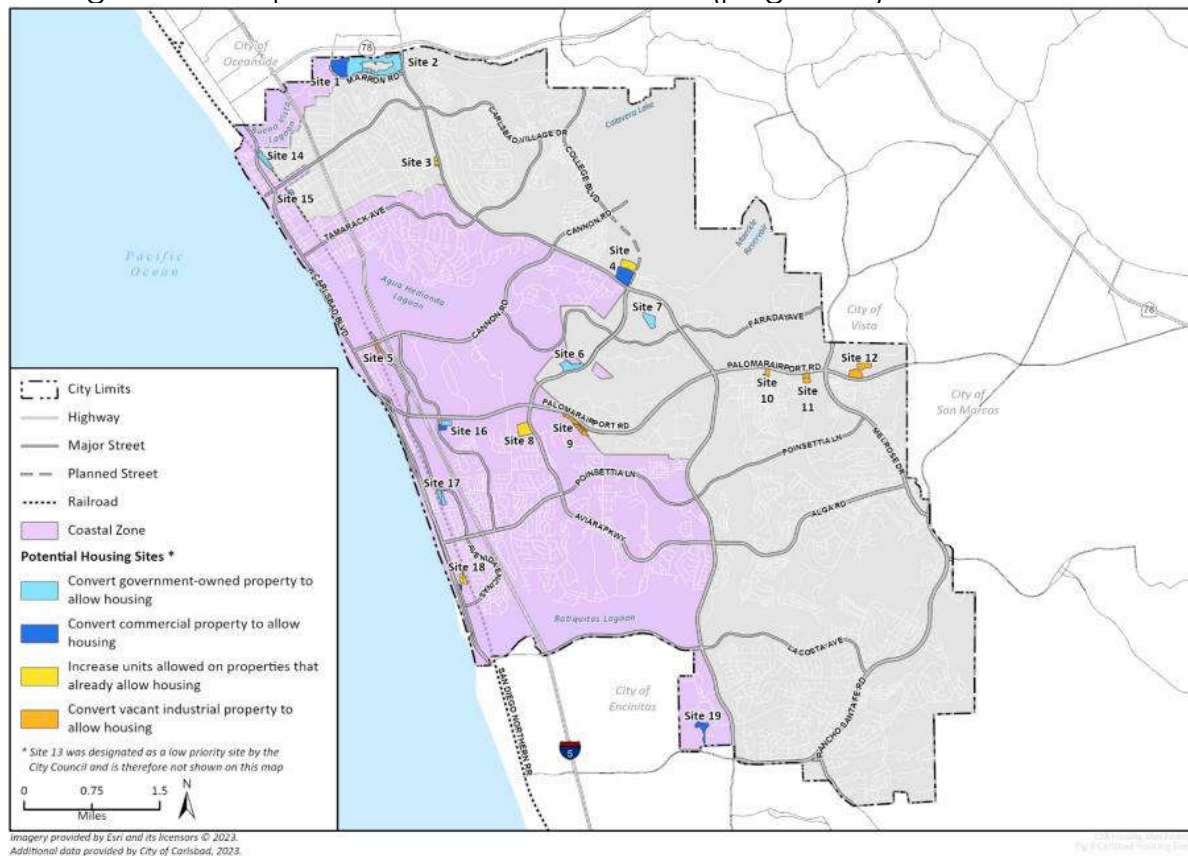
## References

City of Carlsbad. August 2023. Draft Supplemental Environmental Impact Report for the Housing Element Implementation and Public Safety Element Update.

City of Carlsbad. December 1999. Habitat Management Plan.

## Figures

SEIR Figure 2-4: Proposed Rezone Site Locations (page 2-13)



## Letter A4

**COMMENTER:** David Mayer, Environmental Program Manager, South Coast Region, California Department of Fish and Wildlife

**DATE:** August 25, 2023

### Response A4-1

The commenter states that CDFW is a trustee agency for fish and wildfire resources.

As stated in Section 1, *Introduction*, of the Draft SEIR, a trustee agency refers to a State agency having jurisdiction by law over natural resources affected by a project. There are no trustee agencies for the proposed project or EIR. Implementation of the proposed project would not directly cause development in areas where trustee agencies mentioned in *CEQA Guidelines* Section 15386 have jurisdiction. However, future development projects could be located on lands under trustee agency jurisdiction, at which time subsequent environmental review would occur. Therefore, it is acknowledged CDFW may be trustee agency with jurisdiction of the conservation, protection, and management of fish, wildlife, and native plants and habitat for future development projects on the rezone sites.

### Response A4-2

The commenter states that the city has an approved and permitted Subarea Plan (City of Carlsbad Habitat Management Plan (HMP)) under the subregional North County Multiple Habitat Conservation Program (MHCP). The commenter states that the SEIR must ensure and verify that all requirements and conditions of the HMP and Implementing Agreement (IA) are met and that the SEIR should also address biological issues that are not addressed in the HMP and IA, such as specific impacts to and mitigation requirements for wetlands or sensitive species and habitats that are not covered by the HMP and IA.

This comment is informational background regarding the MHCP and city's Subarea Plan. These documents and requirements were reviewed for project consistency as discussed in the SEIR, as well as the CEQA environmental checklist for all biological resources that are considered sensitive under CEQA (such as wetlands). The Carlsbad HMP and project consistency with the HMB is discussed in Section 4.3, *Biological Resources*, of the Draft SEIR. Additional information and responses to specific comments raised on the Draft SEIR are provided in Responses A4-3 through A4-6.

### Response A4-3

The commenter summarizes the project proponent, project details, project location, and biological setting.

The commenter's summary of the project and setting is accurate.

### Response A4-4

The commenter states that Site 17 overlaps with the Poinsettia Station Vernal Pool Preserve (Preserve), which provides high quality vernal pool habitat for several listed and sensitive species. The commenter states the Preserve is managed by the city as a condition for vernal pool species coverage under the HMP and is protected under a Conservation Easement (CE). According to the commenter, the proposed land use designation change of Site 17 from Public Transportation Center (P, TC) to Residential 15-23 dwelling units/acre (R-23, P) [see Table 2-4 for the correct existing and

**Housing Element Implementation and Public Safety Element Update**

proposed land use and zoning] would not be compatible with the provisions of the CE because the CE language strictly prohibits any activity on or use of the property that is inconsistent with retaining the property in a natural condition and protecting its natural resources in perpetuity. Therefore, the commenter states that CDFW discourages the city from allowing future development (e.g., housing) in any area that overlaps with the conserved property or otherwise results in indirect or cumulative impacts to the biological resources within the CE area. The commenter recommends that the city coordinate with CDFW early on in their review of future development plans on Site 17 to ensure consistency with the HMP and the CE.

As discussed in Section 4.3, *Biological Resources*, of the Draft SEIR, Mitigation Measure BIO-5 on page 4.3-25 requires agency coordination for any proposed development on sites that encompass aquatic resources, including Site 17. In response to this comment, Mitigation BIO-7 has been revised to include coordination with responsible and administering resource agencies including CDFW and USFWS. This revision is shown in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

**Response A4-5**

The commenter states that rezone sites that contain or are adjacent to natural habitat areas, including coastal sage scrub, oak woodlands, vernal pools, and riparian habitat, have the potential to support special-status species. The commenter states that the SEIR indicates that Pages 4.3-20 through 4.3-21 of the SEIR says Sites 1-2, 6-9, and 18 contain natural habitat or woodlands and Site 17 contains vernal pools. The commenter explains that based on their review, Site 4 also contains natural habitat such as coastal sage scrub, riparian associated with Agua Hedionda Creek, and grassland with high potential for thread-leaved brodiaea. Therefore, the commenter recommends that the SEIR be revised to list Site 4 as one of the sites that contains natural habitat.

Table 4.3-1 on page 4.3-2 of the Draft SEIR lists coastal sage scrub, riparian, and grassland with high potential for thread-leaved brodiaea as occurring on Site 4. The *Special-Status Species* section on Page 4.3-21 under BIO-1 identifies that there are natural areas present on Sites 1- 4, 6-9, 17-19 and mitigation measures are identified accordingly. No revisions to the Draft SEIR have been made in response to this comment because mitigation is already required on Site 4 which addresses the commenter's concern.

**Response A4-6**

The commenter recommends that the SEIR be revised to consider grasslands, of both native and non-native composition, as natural habitat areas that may also support special-status species.

Page 4.3-4 of the Draft SEIR, *Grassland*, describes grassland habitat (including non-native grasslands) within the city as potentially supporting sensitive plant and animal species including foraging raptors such as the California Fully Protected white-tailed kite (*Elanus leucurus*). This section also states: *Non-native grassland may also support sensitive plant species such as the federally and state-listed thread leaved brodiaea (Brodiaea filifolia) and San Diego thorn-mint (Acanthomintha ilicifolia), and may serve as a habitat linkage for a number of wildlife species such...as the coastal California gnatcatcher.* Grassland habitat is identified in Table 4.3-1 as occurring on sites 4, 6, and 7. Potential impacts to these sites and sensitive species potentially occurring in these grassland habitats is discussed in Bio-1 on page 4.3-21 of the Draft SEIR. No revisions to the Draft SEIR have been made in response to this comment.

## California Department of Transportation

DISTRICT 11

4050 TAYLOR STREET, MS-240

SAN DIEGO, CA 92110

(619) 709-5152 | FAX (619) 688-4299 TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)



Letter A5

August 28, 2023

11-SD-5, 78

PM VAR

Housing and Safety Element

DEIR/SCH# 2022090339

Mr. Scott Donnell  
Senior Planner  
City of Carlsbad  
1635 Faraday Ave.  
Carlsbad, CA 92008

Dear Mr. Donnell:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Draft Environmental Impact Report (DEIR) for the Housing and Safety Elements located near Interstate 5 (I-5) and State Route 78 (SR-78). The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Safety is one of Caltrans' strategic goals. Caltrans strives to make the year 2050 the first year without a single death or serious injury on California's roads. We are striving for more equitable outcomes for the transportation network's diverse users. To achieve these ambitious goals, we will pursue meaningful collaboration with our partners. We encourage the implementation of new technologies, innovations, and best practices that will enhance the safety on the transportation network. These pursuits are both ambitious and urgent, and their accomplishment involves a focused departure from the status quo as we continue to institutionalize safety in all our work.

Caltrans is committed to prioritizing projects that are equitable and provide meaningful benefits to historically underserved communities, to ultimately improve transportation accessibility and quality of life for people in the communities we serve.

We look forward to working with the City of Carlsbad in areas where the City and Caltrans have joint jurisdiction to improve the transportation network and connections between various modes of travel, with the goal of improving the experience of those who use the transportation system.

Caltrans has the following comments:

### **Caltrans Maintenance and Operations Station**

The Housing Element proposes 182 housing units on the existing, actively used Caltrans' Carlsbad Maintenance Station near I-5/Palomar Airport Road, Carlsbad. The Caltrans Maintenance Station is the only one in North San Diego County and services areas from Del Mar to the San Diego County border at Orange County as well as freeways from I-5, SR-76 and SR-78. The land is not in Caltrans excess land, and is expected to be used for Caltrans Maintenance Operations for the long-term future.

If at some point in the future the City of Carlsbad would like to explore conversion of the Caltrans Maintenance Station for purposes of affordable housing, a number of things would need to happen, including but not limited to:

1

- A formal agreement would be needed between Caltrans and the City, detailing what would need to be done to transfer the parcel. The agreement would need to include cost considerations, to be borne by the City. The valuation of the current site would need to be "fair market value" at the time of sale or transfer.
- A suitable replacement site would need to be provided, and Caltrans Maintenance and Operations facilities built on the new site to accommodate work needs for Caltrans Maintenance activities that are done on the current site. Site acquisition costs, development costs, and building construction costs would be borne by the City.
- Since the existing Caltrans Maintenance yard site provides maintenance services to such a large geographic area, some additional land (ie. a larger parcel) may be needed to accommodate future CT Maintenance activities & needs.
- Several processes (internal to Caltrans) such as declaring the current site to be an excess parcel would need to be completed.

## **Traffic Impact Studies and VMT**

- New developments resulting from the City of Carlsbad Housing Element should provide a Vehicle Miles of Travel (VMT) based Traffic Impact Study (TIS) and local mobility analysis should be provided for future projects. Please use the Governor's Office of Planning and Research Guidance to identify VMT related impacts.<sup>1</sup>
- The TIS may also need to identify a proposed development project's near-term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

## **Planning**

As part of the City's 2023 Housing Element update, Caltrans requests that the City include discussions and mapping/graphics that describe the City's existing and future housing inventory per the City's Regional Housing Needs Assessment (RHNA).

Housing-element law requires a quantification of each jurisdiction's share of the regional housing need as established in the RHNA Plan prepared by the jurisdiction's metropolitan planning organization (MPO) or council of governments.

In accordance with California Government Code Sections 65583 and 65584, housing elements shall contain an analysis of population and employment trends and documentation of projections and quantification of the locality's existing and projected housing needs for all income levels. These projected needs shall include the locality's share of the regional housing needs (ie. RHNA) per Government Code Section 65584.

## **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation network. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation network. Early coordination

<sup>1</sup> California Governor's Office of Planning and Research (OPR) 2018. "Technical Advisory on Evaluating Transportation Impacts in CEQA." [https://opr.ca.gov/docs/20190122-743\\_Technical\\_Advisory.pdf](https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf)

Mr. Scott Donnell, Senior Planner

August 28, 2023

Page 4

4, cont | with Caltrans, in locations that may affect both Caltrans and the City of Carlsbad is encouraged.

**Broadband**

5

Caltrans recognizes that teleworking and remote learning lessen the impacts of traffic on our roadways and surrounding communities. This reduces the amount of VMT and decreases the amount of greenhouse gas (GHG) emissions and other pollutants. The availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the state's transportation and climate action goals.

**Right-of-Way**

6

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans' R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans' R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or emailing [D11.Permits@dot.ca.gov](mailto:D11.Permits@dot.ca.gov) or by visiting the website at <https://dot.ca.gov/programs/traffic-operations/ep>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions or concerns, please contact Kimberly Dodson, LDR Coordinator, at (619) 985-1587 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

*Maurice A. Eaton*

Maurice Eaton

Office Chief (Acting) | Office of Housing and Transportation  
Division of Transportation Planning  
California Department of Transportation

## Letter A5

**COMMENTER:** Maurice Eaton, Office Chief Division of Transportation Planning, California Department of Transportation

**DATE:** August 28, 2023

### Response A5-1

The commenter states that the Housing Element proposes 182 units on the existing, actively used Caltrans' Carlsbad Maintenance Station, which is expected to be used for Caltrans Maintenance Operations for the long-term future. The commenter expresses that if the city wishes to use the Carlsbad Maintenance Station for purposes of affordable housing, a formal agreement would be needed; a suitable replacement site would need to be provided; additional land may be required to accommodate future Caltrans Maintenance activities; and several internal Caltrans processes would be required to be completed.

Approval of the proposed project would not approve any physical development (e.g., construction of housing or infrastructure). However, the Draft SEIR assumes that such actions are reasonably foreseeable future outcomes of the proposed project because the proposed project involves rezoning 18 sites to implement the Housing Element and facilitate future housing development. Table 2-4 in Section 2, *Project Description*, of the Draft SEIR states that Site 16 currently includes the Caltrans Maintenance Station. Section 3, *Environmental Setting*, explains that the northern parcel of Site 16 is developed with a Caltrans maintenance station and the southern, privately-owned parcel is occupied by commercial uses. It is acknowledged that should future development occur on the northern parcel of the site, an agreement would be needed prior to any approval of a project between Caltrans and the project proponent. Because Caltrans owns the northern parcel of the site, development could not occur without property owner agreement.

### Response A5-2

The commenter states that future development facilitated by the project should provide a VMT based Traffic Impact Study (TIS) and local mobility analysis. The commenter expresses that the TIS may also need to identify a proposed development project's near term and long-term safety or operational issues, on or adjacent any existing or proposed State facilities.

As discussed under Mitigation Measure T-1 in Section 4.13, *Transportation*, of the Draft SEIR, future development at the 18 rezone sites would undergo review by the city and each project would be compared to the City of Carlsbad VMT Analysis Guidelines screening criteria to determine if the submitted project is eligible to be screened out of conducting project-level VMT analysis. If a project meets one or more of the screening criteria, the project would be determined to have a less than significant impact to VMT in accordance with the city's VMT Analysis Guidelines. A project that has not been excluded from the VMT analysis screening process outlined above must undergo a quantitative VMT analysis to determine whether it will have a significant impact on VMT. If it is determined that the project would have a significant impact on VMT (i.e., it does not result in at least a 15 percent reduction in VMT compared to existing conditions), the project would be required to implement project-level VMT reduction measures to mitigate project VMT impact to the extent feasible.

Further, while not required for CEQA, a TIS (or Traffic Impact Analysis Report) was prepared for the project and is available online at the City's website here:



<https://www.carlsbadca.gov/departments/community-development/planning/agendas-minutes-notices>

### **Response A5-3**

The commenter expresses the opinion that the city should include discussions and mapping/graphics that describe the city's existing and future housing inventory per the city's RHNA.

The city's existing and future housing inventory is discussed in the 2021-2029 Housing Element Update. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response A5-4**

The commenter recognizes bicycle, pedestrian, and transit modes as integral elements of the transportation network. The commenter encourages early coordination with Caltrans.

The comment is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response A5-5**

The commenter opines that the availability of affordable and reliable, high-speed broadband is a key component in supporting travel demand management and reaching the State's transportation and climate action goals.

The comment is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response A5-6**

The commenter states that any work performed within a Caltrans right-of-way will require discretionary review, an encroachment permit, and approval by Caltrans.

Future development with work performed within a Caltrans right-of-way would obtain an encroachment permit from Caltrans prior to start of work.



810 Mission Avenue  
 Oceanside, CA 92054  
 (760) 966-6500  
 (760) 967-2001 (fax)  
 GoNCTD.com

August 31, 2023

Mr. Scott Donnell  
 Senior Planner  
 City of Carlsbad  
 1635 Faraday Avenue  
 Carlsbad, CA 92008  
 Sent Via Electronic Mail: [scott.donnell@carlsbadca.gov](mailto:scott.donnell@carlsbadca.gov)

Re: Housing Element Implementation and Public Safety Element Update Supplemental Environmental Impact Report

Dear Mr. Donnell:

The North County Transit District (NCTD) appreciates the opportunity to comment on the City of Carlsbad's Housing Element Implementation and Public Safety Element Update Draft Supplemental Environmental Impact Report (dSEIR), pursuant to the City of Carlsbad's (City) notice of availability published on July 14, 2023. Accordingly, NCTD's comments are provided below:

#### **I. Section 2.4.3**

NCTD is the owner of two sites: Site 14, Carlsbad Village COASTER Station, and Site 17, Poinsettia COASTER Station, which are under evaluation for land use changes and development in the dSEIR. NCTD is strongly in favor of advancing development opportunity for these two sites. We appreciate the City's consideration of our sites for future development. Regarding the description of our sites, please consider the following clarifications:

##### **A. Site 14: Carlsbad Village COASTER Station**

- i. Number of Parcels and Assessor Parcel Numbers (APN): In this location, NCTD owns 4 parcels, not 2 as described in the dSEIR. The APNs described in the dSEIR are also incorrect. The correct APNs are as follows: 155-200-11-00, 155-200-12-00, 203-054-28-00, and 203-296-12-00.
- ii. Total acreage is incorrect as listed in the document. NCTD presently owns 17.26 acres at this location.
- iii. The Village and Barrio Master Plan currently allows for a density range of 28-35 units. NCTD supports inclusion in the dSEIR of 30 du/acre or greater.

##### **B. Site 17: Poinsettia COASTER Station**

- i. Number of Parcels and Assessor Parcel Numbers (APN): In this

	location, NCTD owns 3 parcels, not 2 as described in the dSEIR. The APNs described in the dSEIR are also incorrect. The correct APNs are as follows: 214-150-11-00, 214-150-08-00, and 214-150-20-00.	3, cont.
ii.	Total acreage is incorrect as listed in the document. NCTD presently owns 12.11 acres at this location.	
iii.	The dSEIR appears to contemplate an R-23 zoning for this site, whereas the associated fact sheet proposes: three potential zoning scenarios for Site 17: R-30, R-35, and R-40. NCTD supports zoning R-35 and R-40 designations, which would allow the site to maximize potential densities placing future residents immediately adjacent to public transportation consistent with SANDAG's 2021 Regional Plan reducing car dependence, traffic congestion, and support regional housing goals.	4
<b>II. <u>Section 4.43</u></b>		
A.	The section omits any reference to 400 Carlsbad Village Dr., which is the site of the Carlsbad Santa Fe Depot, built in 1887, and which also served in other locally significant functions other than a train depot. It was listed on the National Register of Historic Place on September 30, 1999. It is located on Site 14 of the proposed project in the dSEIR.	5
<b>III. <u>Section 4.13</u></b>		
A.	NCTD recommends the following clarifications noted in red to Section 4.13.1: Bus Service NCTD <b>fixed-route</b> bus service is referred to as <b>their BREEZE service</b> . <b>BREEZE</b> NCTD currently operates approximately <b>nine twelve BREEZE</b> bus routes within the city, including routes 101, 302, 304, 309, <b>315</b> , 323, <b>345/325</b> , 444, 445, <b>604</b> , <b>609</b> , and <b>632/623</b> . Buses generally operate on <b>20-minute</b> <del>30-minute</del> to 60-minute headways depending on the day of the week. NCTD also offers LIFT, a curb-to-curb service for <del>disabled</del> persons <b>with disabilities</b> who are unable to utilize <b>fixed-route services</b> <del>the BREEZE serve</del> and are certified as eligible to use the service, as required by the ADA.	6
B.	NCTD recommends the following corrections to Section 4.13.1: COASTER COMMUTER Rail	
i.	Headway times southbound vary from 20 minutes to 80 minutes Monday to Friday with shorter headway times occurring during the busiest hours.	
ii.	Headway times northbound vary from 20 minutes to 140 minutes Monday to Friday with shorter headway times occurring during the busiest hours.	7
iii.	COASTER service is extended into the evening hours during weekends and holidays.	
<b>IV. <u>Section 6.2</u></b>		
	NCTD is supportive of Alternative 2 in addition to the Project in principle. However, the unit count calculation assumes that 180 units would be built at Sites 14 and 17 without explaining why the need for 180 units as opposed to replacing the net increase in units from Sites 3, 8, and 15, which total 137 dwelling units. NCTD	8

requests clarification as to why it was assumed that 180 units would need to be constructed at Sites 14 and 17.

8, cont.

NCTD also disagrees that air quality impacts would be larger for Alternative 2. Mobilization, demobilization, initial ground disturbance for foundation work of five sites, and associated work is likely to be much more impactful than two sites at a greater density.

9

Additionally, NCTD requests clarification regarding conflicting findings in Section 6.2(f), Green House Gas Emissions (GHG). In this section, the dSEIR states that “per capita VMT would be lower than that of the 2015 General Plan EIR, since Alternative 2 would place more residents in proximity to jobs, services, and transit thereby reducing the need for single-occupancy vehicles.” However, the comparative impact assessment provided in Table 6-6 indicates that the 2015 General Plan EIR GHG impacts equated to Less than Significant, or LTS, impacts, whereas it assigns to Alternative 2 impacts that are significant and unavoidable, or SAU. Such a finding appears to conflict with the preceding text in Section 6.2(f).

10

VMT analysis under this section should clarify assumptions with respect to how residents at Site 14 and 17 will use transit as opposed to undertake single-occupancy vehicle trips given their proximity to transit. Potentially, VMT emissions from two sites adjacent to transit centers could be less than the proposed project with 3 sites proposed at locations far away from transit centers. NCTD requests clarification regarding whether VMT calculations account for proximity to transit and clarification regarding the final calculation suggesting that the Proposed Project would result in less VMT than Alternative 2. Finally, and as stated above, we disagree with the finding that development at the two NCTD-owned sites at a higher density will result in significant and unavoidable GHG impacts given assumptions that placing residents adjacent to transit will ultimately result in fewer single-vehicle occupancy trips.

11

Finally, we remain concerned that Table 6-6 is misleading for the general public who may not read in detail the technical studies or the associated dSEIR text. The dark red could be construed by a reader as carrying greater significance even though ultimately the impacts of varying alternatives are the same. We recommend that the color choices be removed or alternatively, changed.

12

Thank you for allowing NCTD to review and comment on the dEIR. Should you have any questions, feel free to contact Lillian Doherty at (760) 967-2803 or via e-mail at [ldoherty@nctd.org](mailto:ldoherty@nctd.org).

Sincerely,



Lillian Doherty  
Director of Planning and Development

cc: Tracey Foster, Chief Development Officer, NCTD

## Letter A6

**COMMENTER:** Lillian Doherty, Director of Planning and Development, North County Transit District

**DATE:** August 31, 2023

### Response A6-1

The commenter explains that the North County Transit District (NCTD) is the owner of Site 14, Carlsbad Village COASTER Station, and Site 17, Poinsettia COASTER Station. The commenter expresses support for development of these two sites. The commenter states that for Site 14, the Draft SEIR incorrectly lists the number of parcels, APNs, and acreage, and clarifies that the NCTD owns 4 parcels, not 2 as described in the Draft SEIR. The commenter states that the correct APNs are: 155-200-11-00, 155-200-12-00, 203-054-28-00, and 203-296-12-00, and the total acreage should be 17.26 acres.

The commenter's request has been noted and page 2-15 of the Draft SEIR (Table 2-4) has been revised as listed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### NCTD Response A6-2

The commenter comments on Site 14, and states that although the Village and Barrio Master Plan currently allows for a density range of 28 to 35 units, the NCTD supports a density of 30 dwelling units per acre or greater.

The comment is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### Response A6-3

The commenter comments on Site 17, and states that the Draft SEIR incorrectly lists the number of parcels, APNs, and acreage of this site. The commenter clarifies that NCTD owns 3 parcels, not 2 as described in the Draft SEIR. The commenter also clarifies that the correct APNs are: 214-150-11-00, 214-150-08-00, and 214-150-20-00, and the total acreage should be 12.11 acres.

APN 214-150-11 was not directed to be studied by City Council and is not included in Site 17. The commenter's request has been noted and APN numbers on page 2-16 of the Draft SEIR (Table 2-4) has been revised as noted in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### Response A6-4

The commenter states that Draft SEIR lists an R-23 zoning for Site 17, whereas the fact sheet proposes three potential rezoning scenarios for the site: R-30, R-35, and R-40. The commenter recommends implementation of the R-35 and R-40 zoning designations which would allow the site to maximize potential densities.

City Council directed Site 17 to be rezoned to R-23. The fact sheet referenced by the commenter is incorrect as it provides only potential rezoning scenarios under Alternative 2 and not the project as directed by the City Council. The current proposed zone changes under the project are accurate as summarized in Section 2, *Project Description*, of the Draft SEIR. The comment is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response A6-5**

The commenter states that Section 4.4.3 of the Draft SEIR omits reference to 400 Carlsbad Village Drive, located on Site 14, which is the site of the Carlsbad Santa Fe Depot built in 1887, and listed on the National Register of Historic Place on September 30, 1999.

According to the city's Potential Housing Sites Map, 400 Carlsbad Village Drive is not located on Site 14 and is not proposed for rezoning under the proposed project.<sup>2</sup> If NCTD is interested in development of that site, that could be submitted through a separate project and would go through a separate review of the entire proposed project, including historic and environmental review provisions.

### **Response A6-6**

The commenter recommends clarifications to Section 4.13.1.

The commenter's request has been noted and revisions have been made to Page 4.13-1 of the Draft SEIR as detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response A6-7**

The commenter recommends corrections to Section 4.13.1: COASTER Commuter Rail.

The commenter's request has been noted and Page 4.13-1 of the Draft SEIR has been revised as detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response A6-8**

The commenter comments on Section 6.2 of the Draft SEIR. The commenter expresses support for Alternative 2, however, the commenter states that the unit calculation assumes 180 units would be built at Sites 14 and 17 without explaining the need for 180 units as opposed to replacing the net increase in units from Sites 3, 8, and 15, which total 137 dwelling units. The commenter requests clarification as to why 180 units were assumed for Sites 14 and 17.

The unit estimate was based upon a review of potential land available for housing as a conservative estimate. Based on the potential land available and the minimum densities of the land use designations either existing (Site 14) or proposed (Site 17), unit yields for the project were determined. This resulted in a yield of 93 units for Site 14 and 27 units for Site 17. Under

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<sup>2</sup> Carlsbad Potential Housing Sites Map:  
<https://carlsbad.maps.arcgis.com/apps/webappviewer/index.html?id=4a5a710965bd4e6da387aa3183fd5ae2>

Alternative 2, the City Council directed higher unit yields for Site 14 (200 units) and Site 17 (100 units). The 180 units results from the difference between the yields estimated for the project vs. Alternative 2. This estimate was created prior to preliminary plans put out by NCTD for development on the site.

### **Response A6-9**

The commenter expresses disagreement with the determination that air quality impacts would be worse under Alternative 2 since mobilization, demobilization, and ground disturbance for five sites would likely be more impactful than two sites at a greater density.

As discussed in Section 6.3.2b, *Alternative 2 – Air Quality*, of the Draft SEIR, and shown in Table 6-2, since Alternative 2 would result in an overall net increase in units by 43 units, slightly more construction emissions would be emitted when compared to the proposed project. Therefore, air quality impacts would be slightly increased under Alternative 2 when compared to the proposed project.

### **Response A6-10**

The commenter requests clarification regarding Section 6.2f, Greenhouse Gas Emissions. The commenter states that there is a discrepancy between the analysis and Table 6-6.

As discussed in Section 6.2f, *Alternative 2 - Greenhouse Gas Emissions*, and as shown in Table 6-3, GHG emissions under Alternative 2 would increase, due to the development of 43 more housing units compared to the proposed project. Therefore, GHG impacts associated with Alternative 2 would be similar, but slightly increased as compared to the proposed project. Table 6-6 shows that Alternative 2 would also have a significant and unavoidable impact similar to the proposed project even with implementation of Mitigation Measure GHG-1. However, since GHG emissions would slightly increase under Alternative 2, Alternative 2 was found to result in an increased level of impact, detailed with the red colored highlight and the (-) denotation.

### **Response A6-11**

The commenter requests clarification regarding the VMT analysis in Section 6.2, since VMT from two sites adjacent to transit centers would be less than the proposed project with three sites proposed at locations far away from transit centers. The commenter requests clarification on whether VMT calculations account for proximity to transit and for the determination that the proposed project would result in less VMT than Alternative 2. The commenter also expresses her disagreement that development at the two NCTD-owned sites would result in significant and unavoidable GHG impacts given the assumption that placing residents adjacent to transit will ultimately result in fewer single-vehicle occupancy trips.

The comments pertain to the GHG emissions analysis in Section 6, *Alternatives*, of the Draft SEIR and the VMT metric employed. For this analysis, Fehr & Peers used the Total VMT calculation method with the CAP approach. This methodology encompasses all VMT generated within the city (internal VMT) and half of the VMT generated between the city and areas outside but within the region (half of internal to external VMT and external to internal VMT) based on the model data.

The Total VMT reflects the collective VMT for the entire city and region and does not specifically isolate Sites 14 and 17. Consequently, direct comparisons of VMT generated for these sites in the proposed project and alternative 2 are not possible. The difference in Total VMT between the proposed project and alternative 2 for the entire region is a minimal 56 VMT out of a total of 3.7

million VMT, as indicated in the table below. This small difference underscores its insignificance within the broader context of the SEIR analysis.

The model does incorporate various transportation modes and infrastructure, including transit. However, it is crucial to reiterate that the Total VMT calculation is regional in nature. Thus, establishing a direct correlation between increased housing development in two relatively small sites and its impact on the Total VMT can be challenging due to the complex regional dynamics involved.

Scenario	Total VMT
2035 Proposed Project	3,733,018
2035 with Project Alternative 2	3,733,074
<u>Difference</u>	<u>56</u>
<u>Percent Difference</u>	<u>0.0015%</u>

## Response A6-12

The commenter recommends for the color choices to be removed or changed for Table 6-6 since it could be misleading for the general public, specifically the dark red coloring which could be misconstrued as carrying greater significance even though the impacts of varying alternatives are ultimately the same.

As discussed in the footnotes section of Table 6-6 in Section 6, *Alternatives*, of the Draft SEIR, the red color denotes that the specific issue is inferior to the proposed project, or in other words, would result in an increased level of impact, which contrasts to the green color which denotes that the specific issue is superior to the proposed project, or in other words would result in a reduced level of impact.



## 2.2 Organization Comments and Responses

This section provides each letter received from organizations in response to the Draft SEIR, with specific comments identified with a comment code in the margin. Following the letters, responses to the comments are provided.

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**From:** Eddie Nava <enava@planningsystems.net>  
**Sent:** Monday, August 7, 2023 8:49 AM  
**To:** Scott Donnell  
**Cc:** Andrea Tagle; Colleen Blackmore  
**Subject:** Public Notice: Housing Sites Under Consideration  
**Attachments:** 7-27-23 - Letter RE Future Housing Sites.pdf

Letter B1

Mr. Donnell,

This email and the attached letter are in response to a recent public notice that was mailed out regarding potential future housing sites under consideration within the City of Carlsbad. The notice stated that the public review period closes on August 28, 2023. The attached letter is from the President of the Board of Directors of the Carlsbad Research Center business park, Colleen Reilly.

Please consider this response letter as the official position of the Carlsbad Research Center Board of Directors, specifically in regards to sites that are adjacent to the boundaries of the Carlsbad Research Center.

Thank you very much.

**Eddie Nava**

Planning Systems  
1530 Faraday Ave. Suite 100  
Carlsbad, CA 92008  
Direct Phone: (760) 362-8945  
Phone: (760) 931-0780 Ext. 110  
Fax: (760) 931-5744

**CAUTION:** Do not open attachments or click on links unless you recognize the sender and know the content is safe.

July 27, 2023

Mr. Scott Donnell Principal Planner  
City of Carlsbad, Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008

Carlsbad City Council  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

Re: City of Carlsbad mailed notification regarding Planning for future housing sites under consideration in Carlsbad

Dear Mr. Donnell:

The Carlsbad Research Center Owners Association Board of Directors wishes to express its opposition and concern regarding the subject notification. The Board disagrees with any City policy to place incompatible uses adjacent or in proximity to each other. This is simply bad land use planning. It is well known that residential uses near or inside commercial office, R&D and manufacturing districts create conflicts. These use types are incompatible and lead to many avoidable ongoing issues which are not in the best interest of residents or non-residential properties.

2

In addition, specifically, the Board opposes the parcels identified in the subject notification to be potentially rezoned from non-residential land use to high density residential use. Specifically, sites 4, 6 and 7 as shown on the City of Carlsbad ArcGIS map which is part of this notification. These sites are adjacent to the boundaries of the Carlsbad Research Center which is a 540-acre City of Carlsbad Specific Plan area (SP 180H).

3

The Board of Directors as individuals have extensive and lengthy experience as office, R&D and manufacturing property owners and developers. The experience of the Board having been witness to historic conflicts between residential developments and business parks throughout Southern California and elsewhere mandates that the Board make this strong statement to the City of Carlsbad.

4

Carlsbad has a number of successful, valuable, and prominent business parks within its boundaries. Carlsbad Research Center is one of the most prominent. Changing zoning to insert

Carlsbad  
Research Center

Owners Association  
Board of Directors

residential uses in proximity to business parks is ill advised, if not reckless. The Board strongly objects to it and opposes (and will continue to oppose) any action to pursue this intention.

Sincerely,

Colleen Reilly  
President of the Board Directors, Carlsbad Research Center

4 cont.

cc: Carlsbad Research Center Board of Directors

## Letter B1

**COMMENTER:** Colleen Reilly, President, Carlsbad Research Center Owners Association Board of Directors

**DATE:** July 27, 2023

### **Response B1-1**

The commenter introduces the comment letter as a letter from the President of the Board of Director of the Carlsbad Research Center business park and asks for this letter to be considered the official position of the Carlsbad Research Center Board of Directors.

While the commenters' opinions are noted, they do not address the analysis or conclusions of the Draft SEIR specifically from which to provide a more detailed response.

### **Response B1-2**

The commenter states that the Carlsbad Research Owners Association Board of Directors opposes the proposed project. The commenter states an opinion that residential uses near or inside commercial office, R&D and manufacturing districts create conflicts and that these land use types are incompatible with residential uses.

While the commenters' statements related to the proposed project are noted, they do not address the analysis or conclusions of the Draft SEIR specifically. The Draft SEIR analyzes potential impacts associated with the placement of residential uses on the 18 rezone sites insofar as potential physical environmental impacts would occur from development of such housing. The commentators' opinions about the merits of the project and on rezoning sites adjacent to office, R&D, and manufacturing will be provided to city decision-makers for consideration.

### **Response B1-3**

The commenter states that the Carlsbad Research Owners Association Board of Directors opposes the rezoning of sites 4, 6, and 7, which are adjacent to the boundaries of the Carlsbad Research Center, from non-residential to high-density residential.

While the commenters' opinions are noted, they do not address the analysis or conclusions of the Draft SEIR specifically from which to provide a more detailed response.

### **Response B1-4**

The commenter states that the Carlsbad Research Owners Association Board of Directors has experience witnessing historic conflicts between residential developments and business parks and therefore strongly opposes changing zoning to allow residential uses in proximity to business parks. The commenter states opposition to changing zoning to residential in proximity to business parks.

While the commenters' opinions are noted, they do not address the analysis or conclusions of the Draft SEIR specifically from which to provide a more detailed response.

August 28, 2023

Scot Donnell  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, California 92008  
Via Email: [scot.donnell@carlsbadca.gov](mailto:scot.donnell@carlsbadca.gov)

SUBJECT: Public Comments Regarding the Housing Element Implementation Update Supplement  
Environmental Impact Report

Dear Mr. Donnell,

The owner of Site 10, Bressi Ranch Colt Place (APN: 213-262-17; 2.6 acres), has a vested interest in all changes proposed for their property. A condominium project was submitted for Preliminary Review and comments were received from the City of Carlsbad (city) dated January 12, 2022, prior to the issuance of the Notice of Preparation (NOP) for the subject Draft Supplemental Environmental Impact Report (SEIR). The P-C (Planned Community) zoning of the site is covered by the Bressi Ranch Master Plan, which designates the site for (P-M) Planned Industrial uses. The current General Plan designation of the site is PI (Planned Industrial), which is proposed for amendment to R-23 via the city's Housing Element Implementation Update project. The Housing Element Implementation Update project has been assessed by a Draft SEIR released for public review in July 2023. The items below reflect the property owner's comments on the SEIR for the public record:

1. **Executive Summary:** It is acknowledged that there are no Mitigation Measures that are specifically required for future development of Site 10. This is assumed based on the specific callouts for certain Sites under specific mitigation measures. It is not clear, however, if or how the general Mitigation Measures apply to all sites. We request this be clarified in the SEIR.

2. **Introduction:** It is recognized that Site 10 is specifically called out in multiple public comments received during the public scoping period (September 14, 2022 through October 14, 2022) as provided in **Table 1-1**.

Under Biological Resources, the commenter is concerned potential development on Site 10 would affect nesting habitat for hawks and owls. The city responds that the issue of impacts on habitat and special status species is addressed in Section 4.3 *Biological Resources* (Impact BIO-1) of the SEIR.

Under Transportation, the commenter is concerned regarding the impact of increased development of sites on emergency evacuation, particularly Site 10. The city responds that this issue is addressed in multiple areas of the SEIR, including Section 4.7 *Hazards and Hazardous Materials* (Impact HAZ-5), Section 4.13 *Transportation* (Impact T-4), and Section 4.15 *Wildfire* (Impact WF-2).

Under Utilities and Service Systems, the commenter is concerned the electrical grid will be able to handle additional residents on sites such as Site 10. The city responds that impacts associated with electrical infrastructure to connect new development are discussed in Section 4.14 *Utilities and Service Systems*.

3, cont

However, when reviewing these sections, there is no direct discussion of Site 10. While it can logically be inferred that Site 10 is excluded unless specified, we request that more direct language be included in the table or the sections to explicitly state that Site 10 will not result in impacts to the areas of concern stated in the public comments received during the NOP public scoping period.

4

3. **Project Description:** Section 2.4.1 states that project includes “[revising] various master plans and specific plans as necessary to reflect amendments to the General Plan, Zoning Ordinance, and Local Coastal Program”. It is not clear in the SEIR when or how these amendments will be completed. There should be a statement added specifying when the master plan/specific plan amendments will be completed.

5

Additionally, Section 4.9 Land Use of the SEIR concludes no significant impacts or mitigation measures. However, changing the underlying zoning designations of sites, such as Site 10, inherently implies a potential conflict with the governing land use plan and associated policies. Alternatively, if it has been analyzed and determined that the change in the underlying zoning designations will NOT result in any specific environmental impacts related to the change to the master plan(s) and/or specific plan(s), this should be explicitly stated to support the conclusion of Less than Significant without Mitigation.

6

Should there be a statement under **Section 4.9 Land Use** that lays out the process of updating any impacted specific plans or master plans, such as the Bressi Ranch Master Plan? Perhaps a Mitigation Measure similar to that for updating the city’s Climate Action Plan (MM GHG-1) should be added to the Land Use section. The measure could include a process to address text changes to the applicable planning areas of the master plan to change from industrial or residential with corresponding development standards established; outline approval procedures that accommodate this citywide General Plan Amendment effort and EIR; and account for potential amendments to the existing master plan or specific plan EIRs that were prepared based on project impacts not contemplated by changes imposed by this Housing Element SEIR.

7

If it is the intent of the city to have the master plans and specific plans updated as part of this project, then the proposed updates should be included and discussed in the project description and any potential impacts addressed in each relevant environmental topic sections. Further, it should be made clear as to whether the amendments to the master and specific plans would require subsequent environmental analysis under their corresponding environmental documents (i.e., Bressi Ranch EIR).

8

4. **Project Description:** Site 10 is included in **Table 2-4** of the Project Description, which lists sites proposed for General Plan Land Use and Zoning Map Changes. The table descriptors include the site number, location, APN, current and proposed land use designations (Site 10: PI → R-23), current and proposed Zoning designations (Site 10: P-C → P-C), number of existing units (zero), unit yield under existing designations (Site 10: PI and P-C yield zero units), the proposed unit yield (Site 10: 19 du/ac for a total of 49 units), and the net increase in units (Site 10: 49 units as there are currently zero).

The current zoning of Site 10, P-C, is not proposed to change under the Housing Element Implementation Update project. This is true of multiple sites. We request that a “no change” designator be included for any site that is not going to have its Zoning designation change (i.e., Sites 10, 11, and 19), as is shown for Site 14 and Site 15.

- 9 | We request that Site sizes are included in Table 2-4 since unit yields are presumably based on dwelling units per acre (du/ac).
- 10 | The baseline densities contemplated in the SEIR could be exceeded by pursuing the high-end of the density allowance of the R-23 designation being implemented by the city (i.e., 23 units per acre or 60 units for Site 10), and then state density bonus units could be proposed on top of that density unit yield. Assuming a base density yield of 60 units per acre, an inclusion of 11% affordable units, and the implementation of a 35% density bonus, Site 10 has the potential to yield up to 81 units rather than 49 units. As stated above, Preliminary Review of a residential project on this site has been initiated and includes up to 81 units on the property as it is the property owner's intent to implement state density bonus. How does the SEIR account for sites that will exceed mid-range baseline assumptions *and* apply state density bonus allowances? Since the SEIR includes an estimated yield of 49 units on Site 10, would that prevent future development from exceeding that number? Or, in the event of a project proposing a number greater than 49 units, would that require an amendment to the SEIR?
- 11 | There is a footnote in Table 2-4 that states "Unit yields are estimates only." We request that this footnote be expanded to 1) clearly be applied to all site yield assumptions, 2) expanded to explain why the yields are estimates only, and/or 3) have a new footnote or text paragraph that explains the use of TOTAL new unit yield (e.g., 3,295) when analyzing certain topics (i.e., air quality, transportation, noise) versus the estimated yield per site and how the yield on individual sites may fluctuate and still be covered under this SEIR, as long as the total number of projected new units is not exceeded.
- 12 | 5. **Project Description:** Section 2.4.7 discusses the need to amend multiple master and specific plans in association of the rezoning of sites 1, 2, 7, 10, 11, 14, 15, and 19. Again, there is no further discussion within the SEIR as to how or when these amendments will be undertaken or if the amendments to those master and specific plans would, in turn, require additional or new environmental review under CEQA Guidelines. Furthermore, while Table 2-4 described the change in land use designation and zoning, there is no description of the potential change in the master or specific plan designation of a site. For example, the underlying zoning for Site 10 is currently (P-M) Planned Industrial. What would the new designation of Site 10 be in the Bressi Ranch Master Plan? Would the change in Site 10's underlying zoning designation require any sort of revision to the certified Bressi Ranch Master Plan EIR (SCH No. 1999041010) or would this SEIR be the appropriate CEQA document to use to assess future development on this site?
- 13 | 6. **Project Description:** As detailed in Section 2.6 Required Approvals, it is assumed that future projects on the rezone sites will adhere to the CEQA mitigation measures identified in the Mitigation Monitoring and Reporting Program for this SEIR for the site to develop consistent with the purpose of the rezone and to ensure that future development reduces environmental impact to the extent feasible. The section then states that development consistent with the project description of the SEIR could proceed "by right" or could potential qualify to tier from the SEIR, as appropriate per CEQA Guidelines Sections 15152, 15162, and 15168. Please explain how this applies to the sites that fall within master or specific plan areas, especially since there are no details as to what these sites (e.g., sites 1, 2, 7, 10, 11, 14, 15, and 19) will be rezoned to under their governing land use plans or whether that action will require additional CEQA review related to each master or specific plan CEQA document.
- 14 |



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|----|--|
| 15 | 7. <b>Environmental Setting:</b> We request that <b>Table 3-1</b> be revised to include whether a Site is within a master or specific plan (e.g., sites 1, 2, 7, 10, 11, 14, 15, and 19).  |
| 16 | 8. <b>Environmental Setting:</b> As noted in <b>Table 3-1</b> , Site 10 has been pre-graded via prior master plan mass grading activity and its vegetation community is designated as Disturbed in Table 4.3-1 of the SEIR. We request this detail to be added to the description of Site 10 in Table 3-1.   |
| 17 | 9. <b>Section 4.1 Aesthetics, subsection 4.1.2 Regulatory Setting, c. Local:</b> On page 4.1-5 of the SEIR, Specific and Master Plans are very broadly discussed. A series of master plans (e.g., Aviara, Bressi Ranch, Calavera Hills, Rancho Carrillo, Robertson Ranch, and Villages of La Costa) are acknowledged as existing. Then there is the following sentence: “The Village Master Plan (described below) guides development <i>in that area</i> .” (emphasis added). The paragraph that follows then provides a short description of the Village Master Plan generally. However, it is not clear what area is being referred to in the preceding sentence. Furthermore, why aren’t the relevant master and specific plans being described, such as the Bressi Ranch Master Plan (sites 10 and 11) or The Shoppes Specific Plan (site 2)? |
| 18 | 10. <b>Section 4.1 Aesthetics, subsection 4.1.3 Impact Analysis, c. Project Impacts and Mitigation Measures, Threshold 1:</b> In the third paragraph, soft language is used without explanation – “in most cases”, “most of the development on the rezone sites”, “many of the views” – and only sites 1, 2, 11, and 12 are detailed for building height maximums. Three of those sites are listed as being part of master or specific plans (1, 2, and 11), but again, there is no description of their future underlying zoning designation or resultant development standards. We request that the description be clarified with callouts or descriptions of all sites proposed for rezoning.   |
| 19 | 11. <b>Section 4.2 Air Quality, subsection 4.2.3 Impact Analysis, c. Project Impacts and Mitigation Measures, Threshold 2, Operation:</b> It is not clear what is meant by “full buildout of the proposed project”. Please refer to comment 4 above regarding potential approaches to explaining the estimated unit yield per site versus the assumed total unit yield of all new rezoned properties. An expanded discussion of the methodology for quantifying air quality impacts could help support the impact conclusions.   |
| 20 | 12. <b>Section 4.4 Cultural and Tribal Cultural Resources:</b> In Table 4.4-2 what is the difference between eligibility statuses of “N/A” versus “Unknown”. If a rezoned site, such as Site 10, is documented as vacant and has been previously disturbed with rough grading, why would its eligibility status be “unknown”? Furthermore, it is unclear if any previous CEQA review/documentation was reviewed to assist in the determination of potential historical resources at the rezone sites, specifically for those sites that are part of master or specific plans. If a site is listed as “unknown”, what would the future analyses process look like for a proposed project?   |
| 21 | 13. <b>Section 4.4 Cultural and Tribal Cultural Resources, subsection 4.4.4 Impact Analysis, c. Project Impacts and Mitigation Measures, Threshold 4s and 4b:</b> How can the conclusion be “less than significant” if consultation with tribes is on-going? If the tribes have mitigation requests for any of the rezone sites, how will the city ensure compliance with the agreed upon measures? If site specific measures get incorporated into the Carlsbad Cultural Resource Guidelines, shouldn’t there be a mitigation measure capturing that process in and of itself? What if consultation results in  |

21, cont	measures specific to one of the rezone sites, how will the property owners (and public generally) be notified?
22	14. <b>Section 4.6 Greenhouse Gas Emissions:</b> Similar to comment 11 related to air quality modeling, how was the growth forecast determined? Please also refer to comment 4 above.
23	<p>15. <b>Section 4.6 Greenhouse Gas Emissions, subsection 4.6.3 Impact Analysis, c. Project Impacts and Mitigation Measures:</b> It was noted that the proposed project involves development beyond what was anticipated in the 2015 General Plan EIR. Therefore, the new units (i.e., 3,295 units) and their associated GHG emissions were not accounted for in the CAP analysis. The targets and measures in the existing CAP do not consider the growth accommodated by the proposed project and thus the proposed project would not be consistent with the existing City of Carlsbad CAP.</p> <p>Furthermore, the SEIR presents, the 2015 General Plan EIR found that implementation of the CAP was required to reduce GHG impacts resulting from implementation of the General Plan. However, since the proposed project (i.e., 3,295 units) was not accounted for in the CAP analysis, <i>the proposed project would not be consistent with the General Plan until the CAP is updated</i>. This does not seem to make sense. While it is understood that the CAP would not apply to development of the sites listed for rezoning until it is updated, the project itself is meant to ensure consistency among city planning documents, including the General Plan. We ask that the city revise this statement for accuracy and possibly specify that the CAP is still valid if the total number of units developed does not exceed the assumptions contained in the analysis conducted as a part of the 2015 General Plan EIR.</p>
24	<p>16. <b>Section 4.6 Greenhouse Gas Emissions, subsection 4.6.3 Impact Analysis, Summary and Mitigation Measure GHG-1:</b> The SEIR concludes that as the project would result in an increase in housing units that were not accounted for in the CAP analysis, which included setting emissions reductions targets and identifying measures to meet the targets, the proposed project would conflict with applicable plans, policies, and measures an agency adopted for the purpose of reducing emissions of GHG emissions and impacts would be potentially significant.</p> <p>Mitigation Measure GHG-1 describes the steps the city must take to update the Climate Action Plan, but it appears to be broad in its scope, not just updating to account for the additional units under the proposed project, but to update the entirety of the CAP to account for new legislation. For example, what is AB 1279 and how is it related to the proposed project? It is discussed in the Regulatory Setting section as existing legislation, but no additional mention of it again until the mitigation measure.</p>
25	<p>While it is understood that the CAP needs to be updated to account for GHG emissions from the additional units under this project (as well as generally requiring updating), there may be a more efficient way to accomplish this while still allowing for development of the rezoned site. For example, the existing CAP accounts for emissions from a total maximum number of units (i.e., full buildout of the General Plan), rather than pinpointing development of individual projects on individual lots. The city has an existing available housing capacity of 6,218 units (SEIR Section 2.4.8). Rather than viewing development on the rezone sites as individually impacting GHG emissions, the city could view development under the umbrella of the 6,218 available units citywide that are accounted for in the current CAP. Therefore, development can continue to be</p>

25 cont	proposed on all eligible properties, including the rezone sites, as long as the total number of new units does not exceed 6,218 units citywide, while the CAP is being updated to account for the general increase in housing units and to address the new changes in legislation.
26	17. <b>Section 4.9 Land Use and Planning:</b> We request that <b>Table 4.9-1</b> Existing Land Use Designation include a detail to indicate whether a site is in a master or specific plan area and label which one as applicable.
27	18. <b>Section 4.9 Land Use and Planning, subsection 4.9.2 Regulatory Setting, c. Regional and Local:</b> There is a brief description of specific and master plans, but no detail is provided. We request that descriptions of all relevant, impacted specific or master plans be included throughout the SEIR, but particularly in the Land Use and Planning Section as they are important to this section discussion.
28	In addition, there is no discussion of the city's Climate Action Plan as a regulatory document related to land use and planning. The CAP Consistency Checklist, which is used to ensure project compliance with citywide emissions reduction goals, includes specific design and operational requirements that projects must comply with as part of the project review process. Please explain why this document is not included in the list of Local regulatory documents or add it to this section.
29	19. <b>Section 4.9 Land Use and Planning, subsection 4.9.3 Project Impacts and Mitigation Measures, Threshold 2:</b> How can the city conclude less than significant impacts to land use plans and policies with no disclosed review of any impacted master or specific plans? Please refer to comment 3 above. Furthermore, the implementation of the project results in a significant and unavoidable impact related to GHG emissions until the city's CAP is updated. Is the CAP not considered a land use plan or policy document? If it is, then how can the conclusion here be less than significant, whereas the conclusion to GHG Threshold 2 is significant and unavoidable?
30	
31	20. <b>Section 4.10 Noise, subsection 4.11.2 Regulatory Setting, c. Local:</b> Please include a discussion of McClellan-Palomar Airport Land Use Compatibility Plan noise policies.
32	21. <b>Section 4.10 Noise, subsection 4.11.3 Project Impacts and Mitigation Measures, d. Cumulative Impacts, Airport Noise:</b> The cumulative discussion of airport noise does not seem to be writ en correctly. It is implying that the proposed increase in residential development would not result in an increase in aircraft operations. This is impossible to know as it is feasible that an increase in local population could result in an increase in demand for flights out of or into the local airport. Since the related threshold asks if a project would expose more people to airport noise, logically a cumulative increase in population WOULD expose more people to airport noise. This conclusion should be rewrite n.
33	22. <b>Section 4.11 Population and Housing:</b> The air quality section includes a mitigation measure to report the revised city of Carlsbad growth projections to SANDAG to ensure consistency with regional forecasting. Is the regional forecasting update part of the SANDAG 2021 Regional Plan? It would appear this should be discussed in the Pop and Housing section somewhere.
34	23. <b>Section 4.15 Wildfire Impact WF-1:</b> Impact HAZ-5 (page 4.7-21) determined that development facilitated by the project would not impair implementation of or physically interfere with an

- 34 cont | adopted emergency response plan or emergency evacuation plan. Impact T-4 (page 4.13-19) determined development of the project would not result in inadequate emergency access. Why then, is the determination of Impact WF-1 (page 4.15-13) that development facilitated by the project “could result in changes to emergency evacuation routes or could increase roadway congestion such that the use of an evacuation route would be hindered”? The impact analysis discussion consistently concludes that there is no such hinderance or interference. This impact statement should be revised to reflect the analysis.
- 35 | 24. **All Section 4 Environmental Impact Analysis sections, subsection 4.xx.2 Regulatory Setting, c. Local:** Why is there no discussion of relevant master or specific plans in each section?
- 36 | 25. **All Section 4 Environmental Impact Analysis sections, subsection 4.xx.3 Impact Analysis, b. Prior Environmental Analysis:** Perhaps this is an appropriate place to include a discussion of master and specific plan CEQA documents that made impact determination of the relevant sites (e.g., sites 1, 2, 7, 10, 11, 14, 15, and 19) related to environmental impacts, as appropriate.
- 37 | 26. **All Section 4 Environmental Impact Analysis sections, subsection 4.xx.3 Impact Analysis, c. Project Impacts and Mitigation Measures introduction:** Provide more explanation as to how the lead agency has determined that future updates to the Master and Specific Plans, for consistency between the city’s planning documents, in and of themselves will not result in physical changes to the environment thereby not resulting in impacts, but then each analysis section focuses on impacts associated with implementation of the rezone program which would facilitate the development of 18 rezone sites listed in Table 2-4 in Section 2, *Project Description*. Either there are impacts from these rezones or there are not. Please refer to comment 3 above.
- 38 | 27. **General Comment:** We recommend doing a review of references to the City’s CAP throughout the document. Since the update to the CAP is a substantial mitigation measure (SU until completed), it should be disclosed that any referenced CAP measures may need to be revised or amended with the update. This concern is notable in **Section 4.14 Utilities and Service Systems** where multiple CAP policies are referenced in support of policies decreasing potential impacts.

Thank you for the opportunity to provide our comments and concerns. We look forward to receiving responses to our comments and continuing the conversation with the City of Carlsbad.

Sincerely, on behalf of Saahil Khandwala of Alps Group,



L. Stan Weiler - HWL

Cc via email:

Saahil Khandwala – Alps Group  
Eric Munoz - HWL  
Sally Schiffman - HWL

## Letter B2

**COMMENTER:** Saahil Khandwala of Alps Group

**DATE:** August 28, 2023

### **Response B2-1**

The commenter states that the owner of Site 10, Bressi Ranch Colt Place, has a vested interest in all changes proposed for their property. The commenter states that a condominium project was submitted for Preliminary Review and comments were received from the city on January 12, 2022, prior to issuance of the NOP for the Draft SEIR. The commenter states that the Planned Community (P-C) zoning of the site is covered by the Bressi Ranch Master Plan, which designates the site for Planned Industrial (P-M) uses. The commenter expresses that the current General Plan designation for the site is Planned Industrial (PI), which is proposed by the Housing Element Update to be amended to R-23.

This comment includes background information and does not directly relate to the analysis or conclusions in the Draft SEIR.

### **Response B2-2**

Referring to the Executive Summary of the Draft SEIR, the commenter states that no mitigation measures are specifically required for development of Site 10. The commenter expresses his confusion whether general mitigation measures apply to all sites, and requests for clarification in the Draft SEIR.

Unless otherwise specified in the mitigation measure, all mitigation measures in the Draft SEIR would apply to Site 10. For example, Mitigation Measure BIO-1 lists which sites the measure is required for and Site 10 is not included. The Mitigation Monitoring and Reporting Program (MMRP) lists which mitigation measures apply to which rezone sites. The MMRP is included in Appendix A of this Final SEIR.

### **Response B2-3**

Referring to Section 1, *Introduction*, of the Draft SEIR, the commenter states that Site 10 is called out in multiple public comments received during the public scoping period, such as for biological resources, transportation, and utilities and service systems. However, no direct discussion of Site 10 is provided. The commenter requests more direct language be included in the table or in sections to explicitly state that Site 10 will not result in impacts to the areas of concern stated in the public comments received during the NOP public scoping period.

As explained in Section 1, *Introduction*, because the Draft SEIR analyzes impacts associated with the proposed land use changes described in Section 2, *Project Description*, and does not analyze specific development projects, the Draft SEIR is a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are typically more conceptual and may contain a more general or qualitative discussion of impacts, alternatives, and mitigation measures than a Project EIR. Therefore, impacts associated with development on the rezone sites are analyzed at the program level. For example, air quality impacts are assessed for the program as a whole. Nonetheless, some issue areas, such as biological resources, address site-specific impacts and those impacts are called out as appropriate. Table 1-1 of the Draft SEIR adequately summarizes

responses to the NOP and indicates where issue raised are addressed in the Draft SEIR. No revisions to the Draft EIR have been made in response to this comment.

### **Response B2-4**

The commenter comments on Subsection 2.4.1 of the Draft SEIR and states that the Draft SEIR is not clear on when or how the amendments will be completed. The commenter recommends adding a statement in specifying when the master plan or specific plan amendments will be completed.

As discussed in Section 2, *Project Description*, of the Draft SEIR, several of the rezone sites are within master or specific plans. These plans require amendment as necessary to ensure consistency with the General Plan and Zoning Ordinance and Map as proposed by this project. Amendments to master and specific plans that are occurring to ensure internal consistency amongst city planning documents and to implement the Housing Element are occurring as part of the proposed project and will occur at the same time the other zoning and General Plan amendments would occur. In response to this comment, additional information has been provided in Section 2, *Project Description*, to further explain the proposed amendments to the master and specific plans. These revisions are detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not constitute significant new information and recirculation of the Draft SEIR is not warranted. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response B2-5**

The commenter states that Section 4.9, *Land Use*, of the Draft SEIR concludes no significant impacts or mitigation measures. However, changing the underlying zoning designations of sites inherently implies a potential conflict with the governing land use plan and associated policies. The commenter expresses the opinion that if it has been determined that the change in underlying zoning designations will not result in specific environmental impacts related to the change to master plans or specific plans, this should be explicitly stated to support the conclusion of less than significant without mitigation.

As acknowledged in Section 4.9, *Land Use and Planning*, of the Draft SEIR, the proposed project involves updates to master and specific plans that are being proposed as part of the project for consistency between the city's planning documents. These amendments are being proposed to ensure that the city's land use planning documents are internally consistent and that no conflicts between documents would result from implementation of the project. These amendments in and of themselves would not result in physical changes to the environment such that impacts would occur, but these amendments are intended to implement the Housing Element and ensure consistency among planning documents. The primary driver of the project that would result in physical environmental changes to the environment are the land use changes shown in Table 2-4 that would allow for increased development on the rezone sites compared to what would be allowed by the 2015 General Plan and as assumed in the 2015 General Plan EIR. The commenter has not provided substantial evidence that significant environmental land use impacts would occur and no changes to the Draft SEIR have been made in response to this comment.

## **Response B2-6**

The commenter expresses the opinion that a mitigation measure similar to Mitigation Measure GHG-1 of the Draft SEIR should be added under Section 4.9, *Land Use*, to lay out the process of updating any impacted specific plans or master plans, such as the Bressi Ranch Master Plan.

Please see Response B2-4. The amendments to city land use plans are occurring at the same time as analyzed in the Draft SEIR and mitigation is not required.

## **Response B2-7**

The commenter expresses the opinion that proposed updates to the master plans and specific plans as part of the proposed project should be discussed in the Project Description and any potential impacts addressed in each relevant environmental topic section. The commenter opines that it should be clarified whether amendments to master and specific plans would require subsequent environmental analysis under their corresponding environmental documents.

Section 2, *Project Description*, does explain that the proposed project involves amendments to several master and specific plans. Further, as discussed under the “Project Impacts and Mitigation” sections in each section within Section 4, *Environmental Impact Analysis*, of the Draft SEIR, these amendments themselves would not result in physical environmental impacts but are text changes to ensure internal consistency among city planning documents to implement the city’s Housing Element. Nonetheless, the Draft SEIR does analyze effects associated with buildout of the rezone sites that could occur after the land use amendments have been made because the development could result in physical environmental impacts and future development is a reasonably foreseeable outcome of the proposed project. No revisions to the Draft SEIR have been made in response to this comment.

## **Response B2-8**

The commenter comments on Table 2-4 of the Project Description and requests a “no change” designator be included for any site that will not include a change in zoning designations (i.e., sites 10, 11, and 19), as is shown for sites 14 and 15.

In response to this comment, revisions have been made to Table 2-4 in Section 2, *Project Description*, of the Draft SEIR. These revisions are detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

## **Response B2-9**

The commenter requests for site sizes to be included in Table 2-4.

In response to this comment, revisions have been made to Table 2-4 in Section 2, *Project Description*, of the Draft SEIR. These revisions are detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

## Response B2-10

The commenter states that the baseline densities proposed in the Draft SEIR could be exceeded by pursuing the high-end of the density allowance of the R-23 designation implemented by the city, and then State Density Bonus units could be proposed on top of the density unit yield. The commenter expresses the opinion that Site 10 has the potential to yield up to 81 units rather than 49 units, and preliminary review of a residential project on the site that has already been initiated also includes up to 81 units on the property. The commenter questions how the Draft SEIR accounts for sites that will exceed mid-range baseline assumptions and apply State Density Bonus allowances. The commenter asks that since the Draft SEIR includes an estimated yield of 49 units on Site 10, if that would prevent future development from exceeding that number, or whether an amendment to the Draft SEIR would be required if a project on Site 10 proposes more than 49 units.

The Draft SEIR estimates buildout at each of the rezone sites based on the assumptions listed in Section 2, *Project Description*, of the Draft SEIR. This is consistent with an approach to estimate impacts on a variety of sites in a programmatic EIR and consistent with the approach taken by the 2015 General Plan EIR. This document does not change existing state law, including allowing for density bonus. Should future development on Site 10 exceed estimated buildout, future development would determine the level of CEQA analysis needed. As explained in Section 1, *Introduction*, of the Draft SEIR, the city intends to take full advantage of the CEQA streamlining provisions in order to encourage the construction of more housing options more quickly and efficiently. The SEIR will help facilitate the opportunity for projects to utilize Public Resource Code Section 21159.24, which allows urban infill residential development that meets certain criteria be exempt from CEQA. The city would also facilitate the statutory Infill Housing Exemption by providing updated community level environmental review, as defined by Public Resources Code Section 21159.20, for properties designated for residential development by the General Plan. In addition, the city may utilize the SB266 CEQA streamlining provisions that was adopted as part of CEQA Guidelines Section 15183.3 to streamline review for eligible infill projects by limiting the topic subject to review at the project level. Therefore, at the time a specific development project is proposed, the project proponent in coordination with the city will determine what level of additional CEQA review is needed. This may include CEQA streamlining or an Addendum to the SEIR or possibly a project level CEQA analysis, if warranted. No revisions to the Draft SEIR have been made in response to this comment.

## Response B2-11

The commenter requests for the footnote that “unit yields are estimates only” under Table 2-4 to be expanded to clearly be applied to all site yield assumptions, expanded to explain why yields are estimates only, and/or include a new footnote or text paragraph that explains the use of total new unit yield (3,295 units) when analyzing certain topics verses the estimated yield per site and how the yield on individual sites may fluctuate and still be covered under the Draft SEIR, as long as the total number of projected new units is not exceeded.

As explained in Section 1, *Introduction*, of the Draft SEIR, the proposed project involves the implementation of a broad policy planning document. The project-level details for each of the 18 rezone sites analyzed under the proposed project are not known at the time of preparation of the Draft SEIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The Program EIR approach would provide a sufficient level of analysis for the broad nature of the proposed project and future development goals. The city intends to take full advantage of the CEQA streamlining provisions in order to encourage the construction of more



housing options quicker and more efficiently. Future projects will be able to determine consistency with the analysis of the Draft SEIR to determine what level of additional CEQA review may be needed. No revisions to the Draft SEIR have been made in response to this comment.

### **Response B2-12**

The commenter states that Section 2.4.7 discusses the need to amend multiple master and specific plans in association with rezoning sites 1, 2, 7, 10, 11, 14, 15, and 19. However, the Draft SEIR does not elaborate how or when the amendments will be undertaken or if the amendments would require new environmental review under CEQA guidelines.

Please see Response B2-4.

### **Response B2-13**

The commenter states that while Table 2-4 describes the change in land use designation and zoning, there is no description of the potential change in the master or specific plan designation of the site. The commenter provides Site 10 as an example, stating that it is currently zoned as Planned Industrial, but questions what the new designation of the site will be in the Bressi Ranch Master Plan. The commenter asks whether the change in Site 10's underlying zoning designation would require revisions to the certified Bressi Ranch Master Plan EIR or if the Draft SEIR would be the appropriate CEQA document to assess future development on the site.

Please see Response B2-4.

### **Response B2-14**

The commenter states that Section 2.6, *Required Approvals*, of the Draft SEIR details that future rezone site projects would adhere to mitigation measures identified in the Mitigation Monitoring and Reporting Program. Additionally, development consistent with the project description of the SEIR could proceed "by right" or could potentially qualify to tier from the Draft SEIR. The commenter requests explanation of how this applies to sites that fall within master or specific plan areas, especially since there are no details as to what these sites (e.g., sites 1, 2, 7, 10, 11, 14, 15, and 19) will be rezoned to under their governing land use plans or whether that action will require additional CEQA review related to each master or specific plan CEQA document.

Please see Response B2-4. There is no difference in how sites within master and specific plans or those not in a master and specific plan would be treated under the proposed project. As discussed above, the master and specific plan amendments are occurring with the proposed project. No revisions to the Draft SEIR have been made in response to this comment.

### **Response B2-15**

The commenter requests for Table 3-1 to be revised to include whether a site is within a master or specific plan (e.g. sites 1, 2, 7, 10, 11, 14, 15, and 19).

In response to this comment, Table 3-1 has been revised to state which sites are within a master or specific plan. These revisions are detailed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

## Response B2-16

The commenter states that Table 4.3-1 of the Draft SEIR notes that Site 10 has been pre-graded prior to master plan mass grading activity and its vegetation community is designated as Disturbed. The commenter requests for this to be added to the description of Site 10 on Table 3-1.

Table 3-1 already acknowledges that Site 10 has been previously graded. The table states “The site is a previously graded but vacant lot located between residential developments.” This table is an overview of the settings for each site whereas specific details are provided in the individual sections within Section 4 of the SEIR as needed. No revisions to the Draft SEIR have been made in response to this comment.

## Response B2-17

Referring to Section 4.1, *Aesthetics*, of the Draft SEIR, the commenter states that specific and master plans are very broadly discussed on page 4.1-5 of the Draft SEIR. The commenter states that the sentence “The Village Master Plan (described below) guides development *in that area*.” (emphasis added) is unclear as to what area is being referred to. The commenter questions why the relevant master and specific plans such as the Bressi Ranch Master Plan or The Shoppes Specific Plan is not described.

In response to this comment, revisions have been made to Page 4.15 of the Draft SEIR to clarify the text and to add additional information relevant to the setting including a description of the Bressi Ranch Master Plan. These revisions are listed in Chapter 3, Revisions to the Draft SEIR. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

## Response B2-18

The commenter comments on Section 4.1.3, *Aesthetics*, of the Draft SEIR, and expresses the opinion that soft language such as “in most cases”, “most of the development”, and “many of the views” are used without explanation and only sites 1, 2, 11, and 12 are detailed for building height maximums. The commenter states that three of the sites (1, 2, and 11) are listed as being a part of a master or specific plan, but there is no description of their future underlying zoning designation or resultant development standards. The commenter requests that the description be clarified with callout for descriptions of all sites proposed for rezoning.

As explained in Section 1, *Introduction*, because the Draft SEIR analyzes impacts associated with the proposed land use changes described in Section 2, *Project Description*, and does not analyze specific development projects because such projects have not been proposed at this time, the Draft SEIR is a Program EIR. Consistent with the CEQA requirements, development is analyzed conceptually and contains a more general or qualitative discussion of impacts associated with aesthetics than would be discussed in a Project EIR. Therefore, aesthetic impacts associated with development on the rezone sites are analyzed at the program level. The analysis does include additional info on rezone sites 1, 2, 11, and 12 because those are sites where the maximum allowed height would increase and therefore aesthetic impacts may occur. The commenter does not provide substantial evidence to contradict the findings or conclusions of the Draft SEIR and no changes have been made in response to this comment.

A description of the zoning changes is provided in Table 2-4 in Section 2, *Project Description*, of the SEIR at the level of detail known at this time.

## Response B2-19

The commenter comments on Section 4.2.3, *Air Quality*, of the Draft SEIR and opines that it is unclear what is meant by “full buildout of the proposed project”, and points back to Comment B2-4. The commenter expresses the opinion that an expanded discussion of methodology for quantifying air quality impacts would help support the impact conclusions.

As discussed on Page 4.2-11 in Section 4.2, *Air Quality*, of the Draft SEIR, “For this SEIR, the methodology for determining the significance of air quality impacts is by analyzing impacts resulting from buildout of the 18 rezone sites identified in Table 2-4 in Section 2, *Project Description*....For modeling purposes, this evaluation assumes that buildout under the proposed project would be 3,295 units of mid-rise apartments...during the planning period.” Please also see Response B2-4. Methodology for the air quality analysis is provided on pages 4.2-11 – 4.2-12. The commenter is not clear on what additional information about the methodology is recommended and no revisions to the Draft SEIR have been made in response to this comment.

## Response B2-20

The commenter comments on Section 4.4.4, *Cultural and Tribal Cultural Resources*, of the Draft SEIR and asks what the difference is between the eligibility statuses of “N/A” versus “Unknown” under Table 4.4-2. The commenter asks why Site 10’s eligibility status is “unknown” even though it is documented as vacant and has been previously disturbed with rough grading. The commenter states that it is unclear if any previous CEQA review/documentation was reviewed to assist in the determination of potential historical resources at the rezone sites, specifically for sites part of a master or specific plan. The commenter asks what future analyses would look like for a site listed as “unknown”.

On Table 4.4-2, “N/A” indicates there is no built environment feature or structure present, or no built environment structure or feature that would become of-age over the course of the project. Therefore, “N/A” indicates a built environment evaluation would not be applicable. “Unknown” indicates the site contains an of-age building or structure, but no eligibility information is available. In response to this comment, clarifications have been made to Table 4.4-2 to explain this information and a clarification has been made regarding Site 10. Please see Chapter 3, Revisions to the Draft SEIR. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

As explained in Section 4.4, a California Historical Resources Information System (CHRIS) records search was conducted by the South Coastal Information Center (SCIC) in July 2022 for the proposed project. In addition, existing historical databases were reviewed. As stated, the inventory presented in Table 4.4-2 may not be exhaustive and additional potential historical resources may be located on project sites pending site-specific analysis.

For sites indicated as “unknown” in the table, development facilitated by the project require an historical resources evaluation for developments involving a property that contains buildings or structures that are 45 years of age or older, per the Carlsbad Cultural Resource Guidelines.

## Response B2-21

The commenter comments on Section 4.4.4, *Cultural and Tribal Cultural Resources*, of the Draft SEIR and asks how the conclusion can be “less than significant” if consultation with tribes is still ongoing. The commenter asks if tribes have mitigation requests for rezone sites, how will the city ensure

**Housing Element Implementation and Public Safety Element Update**

compliance with the agreed-upon measures. The commenter wonders if a mitigation measure capturing the process of incorporation of specific measures to the Carlsbad Cultural Resource Guidelines should be added. The commenter asks how property owners will be notified if consultation results in measures specific to one of the rezone sites.

Tribal consultation remains ongoing. The city continues to consult with the Rincon Band of Luiseno Indians, San Luis Rey Band of Mission Indians and the San Pasqual Band of Mission Indians. Upon conclusion of project consultation, future actions will be subject to additional consultation consistent with California Law.

**Response B2-22**

The commenter comments on Section 4.6, *Greenhouse Gas Emissions*, of the Draft SEIR and asks how growth forecast is determined.

As discussed on Page 4.6-16 in Section 4.6 of the Draft SEIR, “Long term emissions were analyzed quantitatively using the methodologies and assumptions presented in Section 4.2.2 (c), Air Quality Methodology. In the absence of an applicable quantitative threshold, emissions are presented for informational purposes, and the proposed project’s operational impacts are discussed qualitatively.” Please also see Response B2-19.

**Response B2-23**

Referring to Section 4.6.3, *Greenhouse Gas Emissions*, the commenter summarizes the conclusions of the Draft SEIR that because the new 3,295 units and their associated GHG emissions were not accounted for in the CAP analysis, the CAP targets and measures do not consider growth accommodated by the project and the project would not be consistent with the existing CAP. The commenter states that it does not make sense that the proposed project (i.e., 3,295 units) would not be consistent with the General Plan until the CAP is updated. The commenter states that this does not make sense, and states that while it is understood that the CAP would not apply to development of the sites listed for rezoning until it is updated, the project itself is meant to ensure consistency among city planning documents, including the General Plan. The commenter requests the city revise the statement and specify that the CAP is still valid if the total number of units developed does not exceed the assumptions contained in the analysis conducted as a part of the 2015 General Plan EIR.

As explained on Pages 4.6-17 – 4.6-18 of the Draft SEIR, the existing CAP was adopted with the 2015 General Plan. The Draft SEIR is a supplemental EIR tiering from the 2015 General Plan EIR and the 2015 General Plan EIR found that implementation of the CAP was needed to reduce GHG impacts resulting from implementation of the General Plan. Therefore, because the proposed project was not accounted for in the CAP analysis, the proposed project would not be consistent with the General Plan until the CAP is updated. Nonetheless, individual projects could still move forward and would be subject to the provisions of the existing CAP until the CAP is updated pursuant to Mitigation Measure GHG-1. As stated in Section 4.6, *Greenhouse Gas Emissions*, of the Draft EIR, impacts related to GHG emissions would be significant and unavoidable.

It should also be noted that the buildout assumption in the Draft SEIR of 3,295 units reflects a reasonably foreseeable maximum amount of development. It is not intended as a development cap that would restrict development on individual rezone sites. Rather, the Draft SEIR allows for flexibility in the quantity and profile of future development within each rezone site. Through the established planning and environmental review and permitting processes required of each

individual development in the City of Carlsbad under the proposed project, City of Carlsbad staff would monitor actual development. As stated in Section 1, *Introduction*, of the Draft SEIR, once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine whether an additional CEQA document needs to be prepared. However, if the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (14 CCR 15168[c]).

### **Response B2-24**

Referring to Section 4.6.3, *Greenhouse Gas Emissions*, of the Draft SEIR, the commenter reiterates the Draft SEIR conclusion that the project would result in an increase in housing units that were not accounted for in the CAP analysis, and would result in a potentially significant impact related to reducing GHG emissions. The commenter expresses the opinion that Mitigation Measure GHG-1 is broad in its scope. The commenter asks what AB 1279 is and how it is related to the project.

As discussed in Section 4.6.2b, *Greenhouse Gas Emissions – State Regulatory Setting*, of the Draft SEIR, AB 1279, "The California Climate Crisis Act," was passed on September 16, 2022 and declares the State would achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and to achieve and maintain net negative greenhouse gas emissions thereafter. In addition, the bill states that the State would reduce GHG emissions by 85 percent below 1990 levels no later than 2045. CARB's new 2022 Scoping Plan lays out a path to achieve AB 1279 targets, and constitutes as a plan adopted for the purpose of reducing the emissions of greenhouse gases (Threshold 2). Impact GHG-1 of Section 4.6 analyzes consistency between the proposed project and the 2022 Scoping Plan, and finds that the proposed project would not conflict with the 2022 Scoping Plan. No revisions to the Draft SEIR have been made in response to this comment.

### **Response B2-25**

The commenter states that the existing CAP accounts for emissions from a total maximum number of units rather than pinpointing development of individual projects on individual lots. The commenter expresses the opinion that rather than viewing development on the rezone sites as individually impacting GHG emissions, the city could view development under the umbrella of the 6,218 available units citywide that are accounted for in the current CAP. Therefore, on the rezone sites, as long as the total number of new units does not exceed 6,218 units citywide, development can continue while the CAP is being updated.

The commenter's suggestion is noted, but the proposed project analyzes impacts associated with development in addition to development under the city's General Plan. No revisions to the Draft SEIR have been made in response to this comment.

### **Response B2-26**

The commenter requests for Table 4.9-1 in Section 4.9, *Land Use and Planning*, to include whether a site is in a master or specific plan area and label as applicable.

Table 4.9-1 in Section 4.9, is the existing General Plan land use designations for the sites. However, Section 2, *Project Description*, and Section 3, *Environmental Setting*, have been revised to state which sites are within master and specific plan areas. These revisions are listed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft

SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response B2-27**

Referring to Section 4.9.2, *Land Use and Planning*, of the Draft SEIR, the commenter requests descriptions of all relevant, impacted specific or master plans to be included throughout the Draft SEIR, and particularly in the Land Use and Planning section.

Section 2, *Project Description*, and Section 3, *Environmental Setting*, have been revised to state which sites are within master and specific plan areas. These revisions are listed in Chapter 3, Revisions to the Draft SEIR, of this document. Additional revisions to the Land Use and Planning Section have been made in response to this comment to add additional information about applicable master and specific plans and these revisions are listed in Chapter 3, Revisions to the Draft EIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response B2-28**

Referring to Subsection 4.9.2, Regulatory Setting of Section 4.9.2, *Land Use and Planning*, of the Draft SEIR, the commenter states that the CAP should be discussed as part of the land use and planning section since projects must comply with the CAP Consistency Checklist as part of the project review process. The commenter asks why the document is not included in the list of regulatory documents or for it to be added to the section.

As discussed in Section 4.9, *Land Use and Planning*, of the Draft SEIR, the plan consistency analysis describes existing regional and local plans and policies and is intended to fulfill the requirements of *CEQA Guidelines* Section 15125(d). The emphasis of the analysis is on plan inconsistency and potential conflicts between the project and existing applicable land use plans, and whether any inconsistencies are significant environmental effects. Consistency with the CAP is discussed in Section 4.6, *Greenhouse Gas Emissions*, of the Draft SEIR because the CAP is a document that sets forth goals for GHG reductions in the city but it is not a document that guides land use decisions or sets land use standards. Future development under the proposed project would be required to assess consistency with the CAP Consistency Checklist as applicable. No revisions to the Draft SEIR have been made in response to this comment.

### **Response B2-29**

The commenter comments on Section 4.9.3, *Land Use and Planning*, of the Draft SEIR and asks how the city can conclude less than significant impacts to land use plans and policies with no disclosed review of any impacted master or specific plans.

As stated in Section 4.9, *Land Use and Planning*, updates to the Master and Specific Plans that are being proposed as part of the project for consistency between the city's planning documents in and of themselves would not result in physical changes to the environment such that impacts would occur. It is unclear what impacts the commenter assumes could occur related to the master and specific plan amendments. The commenter does not provide substantial evidence to contradict the findings or conclusions of the Draft SEIR and no changes have been made in response to this comment.

### Response B2-30

The commenter expresses the opinion that since the project would result in significant and unavoidable impacts related to GHG emissions until the CAP is updated, the conclusion in the Land Use and Planning section cannot be less than significant while the conclusion of GHG Threshold 2 is significant and unavoidable.

As stated in Section 4.9, *Land Use and Planning*, of the Draft SEIR, “For an impact to be considered significant, an inconsistency would also have to result in a significant adverse change in the environment **not already addressed in the other resource chapters of this EIR.**” (Emphasis added). The impact associated with CAP consistency was disclosed in Section 4.6, *Greenhouse Gas Emissions*, of the Draft SEIR and not discussed in the land use and planning section. See also Response B2-28.

### Response B2-31

The commenter comments on Section 4.10.2, *Noise*, of the Draft SEIR and requests inclusion of McClellan-Palomar Airport Land Use Compatibility Plan noise policies.

In response to this comment Page 4.10-32 of the Draft SEIR has been revised as detailed in Chapter 3, Revisions to the Draft SEIR. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### Response B2-32

The commenter comments on Section 4.10.3, *Noise*, of the Draft SEIR and says that cumulative determination is incorrect since it is implying that the proposed increase in residential development would not result in an increase in aircraft operations, whereas the threshold asks if the project would expose more people to airport noise, which it would from a logical point of view.

Impact NOI-4 in Section 4.10, *Noise*, analyzes impacts associated with the proposed project potentially exposing people to excessive airport noise. As discussed, except for a small portion of Site 9, none of the rezone sites would be exposed to noise levels of more than 65 dBA CNEL due to airport noise. Therefore, the increased residential development associated with the proposed project would only subject a portion of one site to noise above 65 dBA CNEL. The project itself would not result in any additional growth that would expose more people to noise, nor would it increase airport operations such that noise associated with the airport would increase and affect a larger number of residents in the vicinity of the airport. Section 4.10.3d, *Noise – Cumulative Impacts*, states that “Although citywide growth could increase the number of people who are exposed to aircraft-related noise impacts, such impacts would be localized in nature... The project would have no contribution to a cumulative impact related to airport hazards or noise. Impacts related to airport or airstrip noise would not be cumulatively considerable and cumulative impacts would be less than significant.” The conclusion in this section is accurate and no changes to the Draft SEIR have been made in response to this comment.

### Response B2-33

Referring to Section 4.11, *Population and Housing*, of the Draft SEIR, the commenter asks if regional forecasting update is part of the SANDAG 2021 Regional Plan. The commenter opines that this should be discussed.

As discussed in Section 4.11 of the Draft SEIR, the Housing Element is designed to accommodate regional growth anticipated by SANDAG's RHNA projections. In accordance with Mitigation Measure AQ-1, Housing Forecast Revisions, prior to the next update of the RHNA and within six months of the certification of the Final SEIR, a city planner will provide a revised housing forecast to SANDAG to ensure that any revisions to the population and employment projections used by SDAPCD in updating the RAQS and the SIP will accurately reflect anticipated growth due to the proposed project. It is assumed that SANDAG will update their regional growth forecasts as appropriate when the Regional Plan is next updated. The commenter does not provide substantial evidence to contradict the findings or conclusions of the Draft SEIR and no changes have been made in response to this comment.

### **Response B2-34**

Referring to Section 4.15, *Wildfire*, of the Draft SEIR, the commenter asks why Impact WF-1 determined that development "could result in changes to emergency evacuation routes or could increase roadway congestion such that the use of an evacuation route would be hindered" if Impact HAZ-5 and T-4 determined that the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or result in inadequate emergency access.

The commenter selects one sentence in isolation that introduces the topic and explains that an impact could occur, but the full analysis under Impact WF-1 and Impact T-4 explains why the project would not result in a significant environmental impact due to the features of the project and existing laws and regulations that would address the impact. The commenter does not provide substantial evidence to contradict the findings or conclusions of the Draft SEIR and no changes have been made in response to this comment.

### **Response B2-35**

The commenter asks why there is no discussion of relevant master or specific plans in each section.

Please see Response B2-17 and B2-27. Each environmental impact section provides adequate setting information to form the baseline of the environmental analysis as required by CEQA. Other than the revisions made to the Aesthetics and Land Use and Planning sections of the Draft SEIR, there are no other sections of the Draft SEIR where it is necessary to provide additional information on the master and specific plans as part of the setting where such information is not already provided as appropriate.

### **Response B2-36**

The commenter expresses the opinion that each resource area should include a discussion master and specific plans under the regulatory setting section.

Please see Response B3-35.

### **Response B2-37**

The commenter requests further explanation as to how the lead agency has determined that future updates to master and specific plans would not result in physical changes to the environment and not result in impacts, but each analysis section focuses on impacts associated with implementation of the rezone program which would facilitate the development of 18 sites.



Please see Response B2-4 and B2-5.

### **Response B2-38**

The commenter recommends reviewing references to the CAP and disclosing that any referenced CAP measures may need to be revised or amended with the update. The commenter points to Section 4.14, *Utilities and Service Systems*, where multiple CAP policies are referenced in support of policies decreasing potential impacts.

The Draft SEIR has been reviewed in response to this comment and no further changes have been made. While Section 4.14, *Utilities and Service Systems*, does reference some CAP policies, these policies are not solely relied on in the impact analysis to ensure impacts would be less than significant. Impacts would be less than significant even without implementation of CAP policies.

August 28, 2023

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Avenue  
Carlsbad, CA 92008  
[Scott.donnell@carlsbadca.gov](mailto:Scott.donnell@carlsbadca.gov)

**Re.: Housing EIR Comments from Brookfield**

Dear Scott:

Brookfield, as owner of the Shoppes at Carlsbad mall, has reviewed the Draft Supplemental Environmental Impact Report dated July 2023 and has the following comments.

1. Land Use Designation: The entire 90+ acre mall currently has the zoning classification of C-2, General Neighborhood Commercial.
  - a. Brookfield requests the entire 90+ property is re-zoned for mixed use that will allow commercial, such as the C-2 classification, and hospitality or residential uses. The EIR only contemplates rezoning the parking fields and not the developed portions of the property. The comprehensive rezoning of the ninety 90+ acres will facilitate long term planning that may contain a mix of uses.
2. Rezone Site Characteristics: Table 3-1 Impacts of third-party ownership/city covenants (page 79) accurately states that the 57 acres included in the EIR *"is owned by the city and encompasses the parking lots for The Shoppes at Carlsbad mall and a North County Transit District transit station"*. However, is omits the fact that deed restriction limits this land for mall parking and any change of such use requires the mutual consent of the City and mall ownership.
  - a. Brookfield requests that this potential impact is identified in the EIR.
3. New Zoning (2-10, page 64): The EIR proposes *"addition of two new residential land use designations (R-35 and R-40) for the accommodation of higher density residential development, establishment of new minimum densities for some residential designations, miscellaneous, related changes to tables, text and policies, and changes to land use designations on multiple sites to accommodate the city's RHNA share"*. There are also some portions of the mall that are proposed to be rezoned to the R/R-40/R-23/OS and R/R-40/R-23 land use descriptions.
  - a. Brookfield requests that the existing developed land footprint also be designated with a mixed-use zoning. That should permit the existing commercial use and potential other future uses including residential. This zoning on the developed footprint should allow up the R-40 density, as well as permit lower density housing to provide a broad range of rental and ownership housing that is needed in the area. This will further allow any future housing to have the flexibility best integrate into adjoining land uses.
  - b. Residential housing should consider a range of uses inclusive of:

- 3, cont
- i. Small lot single family detached homes and duplexes with densities of 6-12 homes per acre. Typically, ownership housing.
  - ii. Townhomes with densities of 12-24 homes per acre. Typically, ownership housing.
  - iii. Three and four-story walk-up buildings with densities of 18-40 units per acre. Typically, apartments.
  - iv. Wrap residential with densities over 40 units per acre. Typically, apartments.
- 4
4. Blending of Zoning: The EIR is silent on the ability to blend densities. Rather it sets minimum and maximum densities.
- a. Brookfield requests that within any zone, the development may have blended densities that take advantage of site topography and offer appropriate bulk and scale to the surrounding uses. This blending should be able to cross zoning designations on the entire 90+ acre property, provided the actual development falls within the overall density range.
- 5
5. On Site Transfer of Density: To address the blending of density noted in #4 above:
- a. Brookfield requests that densities may be transferred between zones on the entire 90+ acre property if that provides more appropriate bulk and scale of development in particular areas. The total transferred densities should not deviate from what densities would be without such density transfers.
- 6
6. Conversion of Existing Commercial to Other Land Uses: The EIR implies that the existing 1.1 million square feet of commercial development will remain. Changing market demand may not support this level or type of commercial.
- a. Brookfield requests that the EIR allow removal of existing commercial and replacement by other land uses that have the same or lower Impacts under the EIR. For example, every 100,000 square feet of commercial removed may be replaced by X housing units, or Y hotel rooms, or Z square feet of office, etc.
- 7
7. Off Site Residential Transfer: The 19 sites identified may prove to not be equally actionable for new housing. This may be a result of existing uses, site constraints, etc.
- a. Brookfield requests that should any of the 19 identified sites prove undevelopable, those units may be transferred to the 90+ acre mall site provided this does not change the impacts studied in this EIR.
- 8
8. Attachments: Attached are maps that show the parcels and City proposed zoning prepared by Brookfield.
- a. Brookfield requests that the city and Brookfield discuss the appropriate residential/commercial mixed-use zoning for those non-City owned parcels on the maps.

Please free to call or email me if you have any questions about our comments.

Best regards,

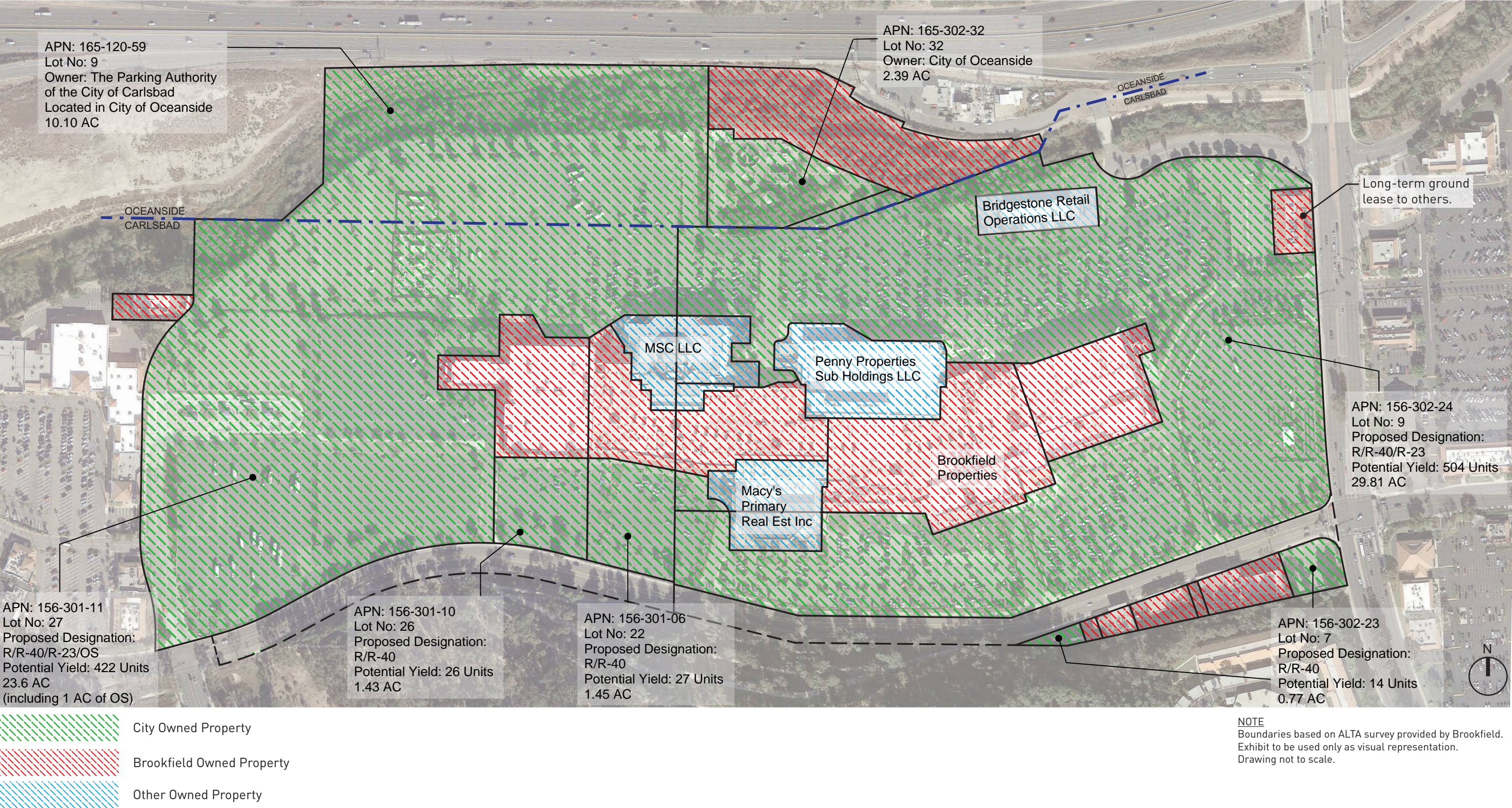
BROOKFIELD PROPERTIES DEVELOPMENT



Tony Pauker  
Vice President of Acquisitions



# PROPERTY OWNERSHIP EXHIBIT





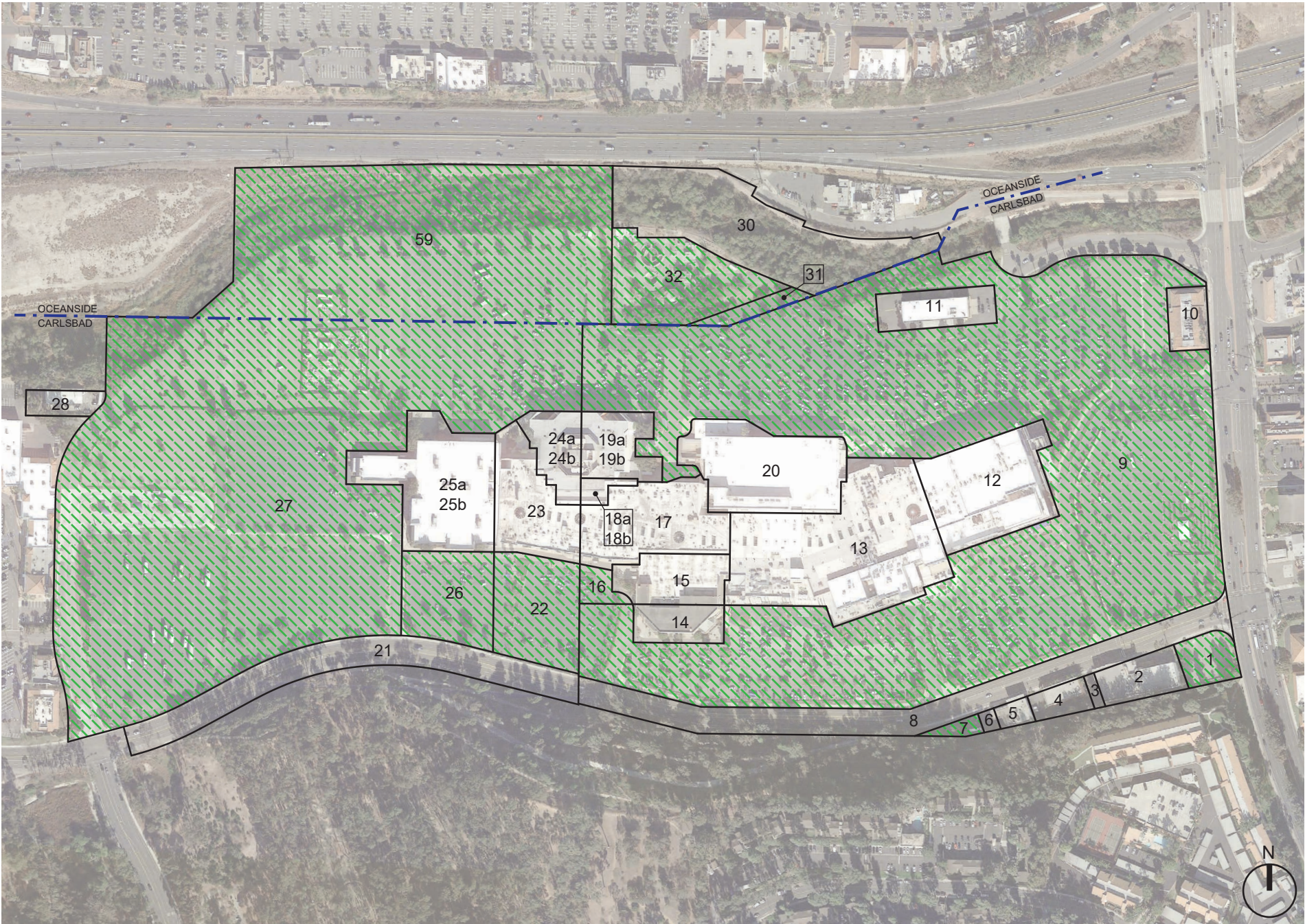
PROPERTY OWNERSHIP EXHIBIT

LOT NO.	APN	OWNERSHIP
1	156-302-23	City of Carlsbad
2	156-302-22	Brookfield Properties Inc.
3	156-302-21	Brookfield Properties Inc.
4	156-302-20	Brookfield Properties Inc.
5	156-302-19	Brookfield Properties Inc.
6	156-302-18	Brookfield Properties Inc.
7	156-302-17	City of Carlsbad
8	156-302-25	City of Carlsbad
9	156-302-24	City of Carlsbad
10	156-302-07	Brookfield Properties Inc. (Long-term ground lease to other)
11	156-302-06	Bridgestone Retail Operations LLC
12	156-302-08	Brookfield Properties Inc.
13	156-302-09	Brookfield Properties Inc.
14	156-302-16	Macy's Primary Real Estate
15	156-302-15	Macy's Primary Real Estate
16	156-302-14	The Parking Authority of the City of Carlsbad
17	156-302-27	Brookfield Properties Inc.
18a	156-302-12	MSC LLC
18b	156-302-12	MSC LLC
19a	156-302-26	MSC LLC
19b	156-302-26	MSC LLC
20	156-302-10	JC Penny
21	156-301-14	City of Carlsbad
22	156-301-06	The Parking Authority of the City of Carlsbad
23	156-301-07	Brookfield Properties Inc.
24a	156-301-08	MSC LLC
24b	156-301-08	MSC LLC
25a	156-301-09	Brookfield Properties Inc.
25b	156-301-09	Brookfield Properties Inc.
26	156-301-10	The Parking Authority of the City of Carlsbad
27	156-301-11	City of Carlsbad
28	156-301-12	Brookfield Properties Inc.
30	156-302-30	Brookfield Properties Inc.
31	156-302-31	City of Oceanside & City of Carlsbad
32	156-302-32*	City of Oceanside
59	165-120-59*	The Parking Authority of the City of Carlsbad**

\* 0.43 acre discrepancy between Assessor Map and ALTA

\*\* Owned by the City of Carlsbad but under City of Oceanside jurisdiction.

NOTE:  
Data obtained from 1/18/2018 "Property Ownership Exhibit" by Hofman Planning & Engineering.



 City Owned Property

NOTE  
Boundaries based on ALTA survey provided by Brookfield.  
Exhibit to be used only as visual representation.  
Drawing not to scale.



## Letter B3

**COMMENTER:** Tony Pauker, Brookfield Properties Development

**DATE:** August 28, 2023

### **Response B3-1**

The commenter identifies as Brookfield Properties, the owner of the Shoppes at Carlsbad mall. The commenter states that the Draft SEIR only proposes rezoning of the parking lots and not the developed portions of the property, and requests for the entire property to be rezoned to mixed-use that would allow for commercial and hospitality or residential uses.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response B3-2**

The commenter states that Table 3-1 (Impacts of third-party ownership/city covenants) states that 57 acres included in the Draft SEIR "is owned by the city and encompasses the parking lots for The Shoppes at Carlsbad mall and a North County Transit District transit station." The commenter states that, however, this omits the fact that deed restriction limits this land for mall parking and any change of use requires mutual consent of the city and mall ownership. The commenter requests for this potential impact to be identified in the Draft SEIR.

While it is acknowledged that deed restrictions may be present, the city has the authority to rezone the site and rezoning and potential future development associated with the rezoning is analyzed throughout the Draft SEIR.

### **Response B3-3**

The commenter states that certain portions of the mall are proposed to be rezoned to the R/R-40/R-23/OS and the R/R-40/R-23 land use designations. The commenter requests for the existing developed land to be designated mixed-use and allow up to the R-40 density as well as permit lower-density housing.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response B3-4**

The commenter expresses the opinion that the Draft SEIR fails to blend densities and rather sets minimum and maximum densities. The commenter requests that development within any zone may have blended densities that take advantage of site topography and offer appropriate bulk and scale to surrounding uses.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and

will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response B3-5**

The commenter requests for densities to be transferred between zones on the entire property.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

### **Response B3-7**

The commenter expresses the opinion that changing market demand may not support the notion from the Draft SEIR that the existing 1.1 million square feet of commercial development will remain. The commenter requests the Draft SEIR to allow removal of existing commercial and replacement by other land uses that have the same or lower impacts under the Draft SEIR.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no revisions to the SEIR are required.

### **Response B3-6**

The commenter expresses the opinion that should any of the 19 identified sites prove undevelopable, units should be transferred to the 90-acre mall site provided that this does not change the impacts studied in the Draft SEIR.

The Draft SEIR analyzes the project as proposed and as summarized in Section 2, *Project Description*, of the Draft SEIR. The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no revisions to the SEIR are required.

### **Response B3-7**

The commenter requests the city and Brookfield discuss the appropriate residential/commercial mixed-use zoning for non-city owned parcels on the maps attached to the letter.

This comment is noted and will be provided to city decision-makers for consideration. The comment does not pertain to the adequacy of the Draft SEIR and no revisions to the Draft SEIR are required.

August 22, 2023

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

**City of Carlsbad**

AUG 30 2023

**Planning Division**

Dear Mr. Donnell:

1 This is a letter of opposition from the Rancho Carlsbad Owners' Association Board of Directors regarding the City's proposed zoning change for Site 4 (northeast corner of El Camino Real and College Blvd.) The Association represents 504 households with more than 800 voters who, along with so many others in this quadrant, will be directly and adversely impacted by the proposed changes.

2 \* Site 4 was originally planned for commercial/shopping, then to mixed use - commercial/shopping and housing. A high density housing proposal not only removes sorely needed shopping services from the area, but would also compound an already intolerable traffic tangle at this intersection as well up and down El Camino Real and College Blvd. Traffic management must be a priority and developed before anymore residents can be "cornered" into traffic and parking purgatory. This is not just about inconvenience - it is about quality of living and greatly about safety as well.

3 \* Another major concern for Rancho Carlsbad residents is that the new proposal could cut-off the Community's Emergency Exit route. Since the City of Carlsbad has failed to address lack of adequate ingress/egress to/from Rancho Carlsbad, the Community relies on an ad hoc dirt road as its' Emergency Route. Take that away and we are even more stranded.

4 \* The City is well aware of the flood threats that The Agua Hedionda Creek poses for Rancho Carlsbad. Additional hardscape storm water run-off from high density development on Site 4 would only exacerbate and heighten the risk of loss of property, and potentially life, in our community.

5 These concerns highlight the existing problems and issues with the zoning changes. There is much more at stake in this proposal than finding a "spot" for meeting housing mandates. Rancho Carlsbad and this quadrant deserve and insist that this new Site 4 zoning proposal be rejected.



Raymond Bower, President  
Rancho Carlsbad Owners' Association



*Rancho Carlsbad* Owners' Association

5200 El Camino Real, Carlsbad, CA 92010  
Phone: 760-438-0332 FAX: 760-438-1808

Keith Blackburn, Mayor

Carolyn Luna, District 2, Council Member

Scott Chadwick, City Manager

Jason Haber, Director of Intergovernmental Affairs

Russ Kohl, Co-Chair, External Relations Committee

Seena Seward, Co-Chair, External Relations Committee

Nancy Dungan, Chair, Creek Control Committee

Board of Directors, Rancho Carlsbad Owners' Association

## Letter B4

**COMMENTER:** Raymond Bower, Rancho Carlsbad Owners Association

**DATE:** July 27, 2023

### Response B4-1

The commenter expresses the Rancho Carlsbad Owners' Association Board of Director's opposition to the city's proposed zoning change for Site 4.

The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no revisions to the SEIR are required.

### Response B4-2

The commenter states that Site 4 was originally planned for commercial/shopping uses, and a high-density residential use as proposed would remove the needed shopping services from the area and would worsen traffic at the intersection as well as up and down El Camino Real and College Boulevard.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

### Response B4-3

The commenter states that the new proposal for Site 4 would cut off the community's emergency exit route since the community currently relies on an ad hoc dirt road as its emergency route.

The emergency exit route that the commenter refers to is not a designated evacuation route. The commenter does not provide evidence that the community relies on a dirt road for emergency evacuation. As discussed under Impact HAZ-5 in Section 4.7, *Hazards and Hazardous Materials*, of the Draft SEIR, the city has adopted the "City of Carlsbad Emergency Operations Plan" prepared in conjunction with the Unified San Diego County Emergency Services Organization (USDCESO) which addresses the city's planned response to extraordinary emergency situations associated with any type of natural disaster, technological incident, or state of war emergency. The USDCESO has also prepared an Operational Area Emergency Plan which outlines determination of emergency evacuation routes during emergencies, and states that evacuation routes will be determined based on the location and extent of the incident and will include as many pre-designated transportation routes as possible.<sup>3</sup>

As discussed in Section 4.15, *Wildfire*, of the Draft SEIR, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback,

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<sup>3</sup> USDCESO Operational Area Emergency Plan:  
[https://www.sandiegocounty.gov/oes/emergency\\_management/protected/docs/2010\\_Complete\\_Plan\\_w\\_Annexes.pdf](https://www.sandiegocounty.gov/oes/emergency_management/protected/docs/2010_Complete_Plan_w_Annexes.pdf)

**Housing Element Implementation and Public Safety Element Update**

signage, and water supply; this help prevent loss of structures or life by reducing access limitations for purposes of accessing and suppressing wildfire locations. CCR Title 14 also sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. Additionally, consistent with the San Diego County's Emergency Operations Plan's purpose to provide a system for effective management of emergency situations, development facilitated by the project would provide emergency vehicle access points and adequate fire truck and apparatus turning radii and clearance for purposes of adequate emergency access and response within Carlsbad in compliance with California Fire Code. Furthermore, the project does not propose physical changes such as realigned or closed-off roadways or changes in general transportation circulation and access that would interfere or impair emergency response or evacuation citywide. As such, the project would also not result in changes to emergency evacuation routes such that use of an evacuation route would be hindered.

The proposed project also includes updates to the Public Safety Element, which would ensure future development would not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan through the addition of policies 6-P.48, 6-P.50 to 6-P.69. Future development would be required to undergo site-specific environmental review which would ensure less than significant impacts regarding emergency evacuation. Additionally, as found in the 2015 General Plan EIR, policies 3-P.12, 3-P.29, 3-P.30, and 3-P.33 would reduce impacts related to emergency access. Therefore, the proposed project would not result in inadequate emergency access.

**Response B4-4**

The commenter explains that the Agua Hedionda Creek poses a flood threat for the Rancho Carlsbad community and additional stormwater run-off from high-density development on Site 4 would exacerbate the risk of loss of property and potentially life in the community.

As discussed under Impact HYD-4 in Section 4.8, Hydrology and Water Quality, although a portion of Site 4 contains designated floodplain areas near Agua Hedionda Creek, development on this site would be required to comply with CMC Chapter 21.110, *Floodplain Management Regulations*, which sets forth design requirements in flood-prone areas such as elevating all residential structures at least two feet above the base flood elevation and constructed with materials that can resist strong hydrostatic and hydrodynamic loads. Additionally, all development would be required to comply with all regulations and requirements set forth by FEMA and the CMC, which would reduce impacts related to flood flows and the release of pollutants in flood-prone areas. Policies 6-P.1 through 6-P.12 of the Public Safety Element Update would also implement and develop flood control programs and require installation of protective structures to minimize impacts of flooding, resulting in less than significant impacts.

As discussed under Impact HYD-3, the proposed project would not alter the existing drainage patterns or contribute runoff water in a manner which would result in substantial erosion, siltation, or flooding, nor would it exceed the capacity of existing or planned stormwater drainage systems with compliance with applicable State and local regulations. No revisions to the SEIR have been made in response to this comment.

**Housing Element Implementation and Public Safety Element Update****Response B4-5**

The commenter expresses the opinion that the Site 4 proposal be rejected.

The commenter's opinion about the project and proposed rezoning is noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no revisions to the SEIR are required.

## 2.3 Individuals Comments and Responses

This section provides each letter received from individuals in response to the Draft SEIR, with specific comments identified with a comment code in the margin. Following the letters, responses to the comments are provided.

**From:** Sonck4@roadrunner.com  
**Sent:** Saturday, July 15, 2023 6:52 AM  
**To:** Scott Donnell  
**Subject:** FW: Housing EIR available for review 🏠

Mr. Donnell,

I'm writing you again ( did so 2 years ago) regarding proposed development of up to 150 residential unit on Site 8, specifically the current Cottage Row Apartments. NO!!!!!!!!!!!!!!!!!!!! NO!!!!!! NO!!!!!! The city is already over-developing this area with the two new MDU developments under construction at the intersection of Aviara Parkway and Palomar Airport Road!!!! This ridiculous density is killing our quality of life in the Aviara area!!!! The increased traffic and noise is already going to continue to worsen as these two units are occupied!!!! Aviara Parkway has become a frag racing strip and is DANGEROUS!! The city should have halted residential construction in this area following completion of the Laurel Tree Apartment complexes years ago!!!!

This is a family community with schools like Aviara Oaks Elementary & Middle Schools and Pacific Rim Elementary nearby! Traffic is already at a dangerous level due to over development! NO MORE!!!! Go east and in commercial areas for new residential construction!!!! Enough is enough!!!!

Donald Sonck  
6482 Torreyanna Circle Carlsbad 92011-4211

Mobile: 760.330.0525

## Letter C1

**COMMENTER:** Donald Sonck

**DATE:** July 15, 2023

### **Response C1-1**

The commenter expresses opposition to the proposed development of up to 150 residential units on Site 8. The commenter states an opinion that the city is already overdeveloping this area with the two new MDU developments under construction at the intersection of Aviara Parkway and Palomar Airport Road.

Approval of the proposed project would not approve any physical development (e.g., construction of housing or infrastructure). However, the Draft SEIR assumes that such actions are reasonably foreseeable future outcomes of the proposed project because the proposed project. As required by CEQA, the Draft SEIR also analyzes cumulative impacts from development under the proposed project in combination with reasonably foreseeable development in the city. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C1-2**

The commenter expresses an opinion that there is increased traffic and noise near Site 8 that will worsen with development on the site as part of the proposed project. The commenter expresses an opinion that the city should have halted residential construction in this area following the completion of the Laurel Tree Apartment complexes years ago. The commenter recommends new residential development be implemented in the east and in commercial areas.

As discussed under Section 4.10, *Noise*, of the Draft SEIR, operational activities for the proposed project, including Site 8, would be typical of the urban environment and would be required to comply with applicable noise standards in the Carlsbad Municipal Code. Furthermore, while development would generate vehicle trips in the city, the increase in mobile noise would not result in a perceptible 3-DBA increase. Therefore, operational noise impacts were found to be less than significant.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS). The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

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**From:** Larry Hammer <lehammer38@yahoo.com>  
**Sent:** Friday, July 21, 2023 7:20 PM  
**To:** Scott Donnell  
**Subject:** Input re: proposed housing

Letter C2

1. If the site mentioned in your on line site Cottage View Apts. has been removed from map 1, why are we receiving notice of that site as being considered, or is it still being considered?

1

2. If the need for 2600 low income units is mandated by the state, I have an idea. Sell the Crossings Golf Course which is operating from all I'm told at a net loss. If I'm wrong here can you provide me with the correct Info re: annual income vs expenditures. Put that land back on the tax role.

2

Respectfully Submitted, Larry Hammer, 1282 Mariposa Rd. Carlsbad, Ca. 92011

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## Letter C2

**COMMENTER:** Larry Hammer

**DATE:** July 21, 2023

### **Response C2-1**

The commenter asks for clarification regarding whether the Cottage View Apartment site is being considered as part of the proposed project.

The Cottage Row Apartments located on 1400 C, Flame Tree Lane, is Site 8 of the proposed project.

### **Response C2-2**

The commenter expresses an opinion that the city should sell the Crossings Golf Course to develop the 2,600 required units on that site.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

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**From:** Megan Gonzalez <hoamegan@yahoo.com>  
**Sent:** Monday, July 24, 2023 11:34 AM  
**To:** Planning  
**Cc:** Scott Donnell  
**Subject:** Re: Housing EIR available for review 🏠

Hello,

Concerned homeowners that live adjacent to site 10 would like an update.

Additional areas in the district have been identified for future planning, is site 10 a possibility to be removed and not developed?

1

Megan J González  
(760) 809-0608  
Hoamegan@yahoo.com  
Board of Directors Kensington at the Square Homeowners Association

## Letter C3

**COMMENTER:** Megan Gonzalez

**DATE:** July 24, 2023

### **Response C3-1**

The commenter asks whether Site 10 would be removed from the inventory and not developed.

Rezoning of Site 10 is considered in the Draft SEIR. The Draft SEIR analyzes reasonably foreseeable development at this site. The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

**From:** Kervin Krause <kervinkrause@gmail.com>  
**Sent:** Monday, July 24, 2023 1:15 PM  
**To:** Scott Donnell; Planning  
**Subject:** The Shoppes Mall Property

Hello,

This is our families input to, [Draft Environmental Impact Report](#) for potential new housing sites in Carlsbad for public review.

We enjoyed shopping at Westfield Mall since the late '80s. Although now we do most of our shopping online, in The Village or along the PCH101 - although we occasionally go to a movie or one of the restaurants at the Mall. We understand the city owns the parking lot, which is empty where Sears used to be, whenever we drive by. Our family feels this is an amazing location with so much potential. So close to the 5 & 78 yet much of the parking lot sits empty most of the time. The transit area is dystopian and even feels dangerous at night being so open and far away from everything else.

Here is some further info we found on the mall property:

Years ago, the city council denied an application to develop much-needed housing in such an amazing location!

And this would actually offer the much-needed "affordable housing" than the \$1.5-2M condos taking over "The Village".

"We would be taking a blighted area and a sea of asphalt into a walkable, livable community with additional green space for the community," Goldman said.

Brian Harper, CEO of Rouse Properties, sent a letter to the city in March explaining why this development is a positive for the city and Rouse.

"We see The Shoppes at Carlsbad as the premiere multi-dimensional experience in the area and we believe the current improvements are simply the foundation for a first-class property," Harper wrote. "The west end of the property, partially under city ownership, is currently a large and underutilized parking lot that represents surplus parking not required for the shopping center's operations or compliance with city parking codes."

<https://thecoastnews.com/carlsbad-denies-application-for-mixed-use-development>

Thank you,  
Segovia-Krause Family  
1220 Stratford Lane

Carlsbad Village by-the-Sea

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## Letter C4

**COMMENTER:** Kervin Krause

**DATE:** July 24, 2023

### **Response C4-1**

The commenter states an opinion that the Westfield Mall would be a good site to develop housing as part of the proposed project. The commenter states that the city previously denied an application for housing development on this site and cites a newspaper article which discusses the positive outcomes of developing this site with housing.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

## Letter C5

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**From:** michelle miller <lmcarlsbad@att.net>  
**Sent:** Saturday, July 29, 2023 12:03 PM  
**To:** Scott Donnell  
**Subject:** Site 4

Hi Scott,

Good Morning!

I'm a homeowner at the Terraces of Sunny Creek. I was wondering what the city was proposing as far as type (single family homes, apartments) and number of units for the area by College and El Camino Real. I see that they would like to change the zoning and increase the number of units. Could you provide more specific information? I was looking online but couldn't find anything specific beside just increasing the number. Also what number would be affordable housing in that zone?

Thank you so very much!

Michelle Miller

Sent from my iPhone

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## Letter C5

**COMMENTER:** Michelle Miller

**DATE:** July 29, 2023

### **Response C5-1**

The commenter asks how many and what type of housing (single family, apartments etc.) are being proposed at College Boulevard and El Camino Real. The commenter requests more information about the proposed zoning changes and unit number increases. The commenter also asks how many of these units would be affordable housing.

As discussed in Section 2, *Project Description*, of the Draft SEIR, the rezone site located off El Camino Real and College Boulevard is Site 4, which is made up of two properties. Property 1 proposes approximately 327 units with 115 units at 12 dwelling units per acre (based on the property's current R-15 designation) and 212 units at 26.5 units per acre (based on the proposed R-30 designation, which would replace the property's other current L (Local Shopping Center) designation. Property 2 proposes approximately 154 units at 26.5 dwelling units per acre, however, since Property 2 is located entirely within a flood zone, no units are counted to help meet the city's housing needs. On property 1, 212 units would be categorized as low-income, and 115 units would be categorized as moderate-income. Specific details of development on Site 4 are unknown at this time, because the proposed project involves rezoning the site but no specific development project has been proposed at this time.

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**From:** Vicki Robertson <pvdgrob@hotmail.com>  
**Sent:** Monday, July 31, 2023 9:49 AM  
**To:** Scott Donnell  
**Subject:** Impact on Coaster Parking

Scott and Carlsbad Planning,

As senior citizens in Carlsbad, we are very concerned about the proposal for additional housing at the Coaster parking area. We use the Coaster as our means of transportation as well as many other citizens and senior citizens here in Carlsbad.

The Coaster is a wonderful means of transportation and any proposal to reduce parking area for riders should not be considered. As gas prices skyrocket (and environmental concerns) and more of us are using public transportation, how could the city possibly propose anything that impacts the parking area of our two Coaster stops??

We understand that the city needs to provide affordable housing, but it should NOT have a negative impact on parking at the Coaster locations. Local streets in the area already have strict parking regulations and there are not alternative parking areas for Coaster riders.

Thank you,  
Vicki Robertson

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## Letter C6

**COMMENTER:** Vicki Roberston

**DATE:** July 31, 2023

### **Response C6-1**

The commenter expresses concern for the housing proposed at the Coaster parking area. The commenter states they use the Coaster as a means of transportation along with many other senior citizens in Carlsbad. The commenter expresses an opinion that any proposal to reduce parking for the Coaster riders should not be considered. The commenter states that there are no alternative parking areas for Coaster riders.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. The provision of parking is not an environmental issue under CEQA. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

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**From:** Kim Geraghty <kgeraghty@roadrunner.com>  
**Sent:** Tuesday, August 1, 2023 10:03 AM  
**To:** Scott Donnell  
**Subject:** Housing EIR available for review - Cottage Row Apartments

Dear Mr. Donnell,

I'm writing you, and voicing my concern and opposition, to the proposed development of up to 150 residential unit on Site 8, specifically the current Cottage Row Apartments.

The city is already over-developing this area with the two new MDU developments under construction at the intersection of Aviara Parkway and Palomar Airport Road. The increased traffic and noise is already going to continue to worsen as these two units are occupied. The city should have halted residential construction in this area following completion of the Laurel Tree Apartment complexes years ago.

Traffic is already at a dangerous level due to over development! Please seriously consider other sites for more development.

A concerned community member,  
Kim Geraghty

1

## Letter C7

**COMMENTER:** Kim Geraghty

**DATE:** August 1, 2023

### **Response C7-1**

The commenter expresses opposition to the proposed development on Site 8, specifically the Cottage Row Apartments.

The commenter states an opinion that the city is over-developing the area with two new MDU developments under construction at the intersection of Aviara Parkway and Palomar Airport Road. The commenter expresses concern over the increased traffic and noise they suspect will increase as these developments are occupied. The commenter expresses an opinion that the city should have halted residential construction in this area following completion of the Laurel Tree Apartment complexes. The commenter states an opinion that traffic is at a dangerous level due to over development and asks the city to consider other sites for development.

As discussed under Section 4.10, *Noise*, of the Draft SEIR, operational activities for the proposed project, including Site 8, would be typical of the urban environment and would be required to comply with applicable noise standards in the Carlsbad Municipal Code. Furthermore, while development would generate vehicle trips in the city, the increase in mobile noise would not result in a perceptible 3-DBA increase. Therefore, operational noise impacts were found to be less than significant.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS). The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

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**From:** SHARYL RAE HESS <sharylrae@aol.com>  
**Sent:** Tuesday, August 1, 2023 7:50 PM  
**To:** Scott Donnell  
**Subject:** Re: Housing EIR available for review 🏠

Thank you for your reply Scott.

I absolutely get that. Are you able to speak into my concerns of accepting monies from California bureaucrats at the demise of our "quaint" Carlsbad Village? California does not "demand" this, we succumb to it for the money.

1

Would you agree that we do not want to be another Dana Point? And that Del Mar and other San Diego cities protect their cities properly?

Thank you,

 **Sharyl**

Sharyl Hess  
(760) 275-3291

On Aug 1, 2023, at 4:12 PM, Scott Donnell <Scott.Donnell@carlsbadca.gov> wrote:

Dear Ms. Hess,

Thank you for your comments and taking the time to write. The EIR is a large document and is required by law to cover a variety of topics, which contributes to its large size.

Your comment will be included as part of the project's public record.

Scott Donnell  
Senior Planner  
1635 Faraday Avenue  
Carlsbad, CA 92008-7314  
[www.carlsbadca.gov](http://www.carlsbadca.gov)

442-339-2618 o | [scott.donnell@carlsbadca.gov](mailto:scott.donnell@carlsbadca.gov)

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**From:** Sharyl Hess <sharylrae@aol.com>  
**Sent:** Saturday, July 22, 2023 2:18 PM  
**To:** Scott Donnell <Scott.Donnell@carlsbadca.gov>  
**Subject:** Re: Housing EIR available for review 🏠

Hello there,

I am writing today because I just looked over your 472 page Housing Implementation Update. First off, who the heck is going to read this? How do our Carlsbad Residents even know what you guys at the city are up to?

We do not need any more housing in Carlsbad. We do not need any more high rise housing of any kind in our beautiful Carlsbad Village. It is becoming another Dana Point. The citizens of Carlsbad continue to make this clear to the city.

We are aware that the "law" that our city of Carlsbad blames on our "California Gov't" ie; Newsom and the bunch, is not valid.

California does NOT require the City of Carlsbad to provide this housing. Carlsbad as a city is doing this for the money they receive from the government. If you abide by their liberal views, you get paid.

We don't want this to happen to our city. Cities like Del Mar, Encinitas, La Jolla are sticking to their guns and listening to their constituents.

We do not want any more building/housing in our city.

Please stop the madness and think about the people. Our quaint village is disappearing right before our eyes.

Thank you for listening,

 **Sharyl**

Sharyl Hess  
(760) 275-3291  
Carlsbad Resident for many decades

On Friday, July 14, 2023 at 04:45:21 PM PDT, City of Carlsbad <[planning@carlsbadca.gov](mailto:planning@carlsbadca.gov)> wrote:

## Letter C8

**COMMENTER:** Sharyl Hess

**DATE:** August 1, 2023

### **Response C8-1**

The commenter expresses an opinion that Carlsbad accepting money from California bureaucrats is contributing to the demise of the quaint Carlsbad village. The commenter states an opinion that California does not demand this development but rather succumbs to it for the money. The commenter compares Carlsbad to Dana Point and asks if the city agrees that Carlsbad does not want to become Dana Point. The commenter also asks if the city agrees that Del Mar and other San Diego cities protect their cities properly.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C8-2**

The commenter expresses concern over how long the Housing Implementation Update is and asks who will read it and how will Carlsbad residents know what the city is up to. The commenter also expresses an opinion that there is no need for additional housing in Carlsbad.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C8-3**

The commenter states an opinion that California does not require Carlsbad to provide additional housing and that Carlsbad is doing this for the money they receive from the government. The commenter states an opinion that cities like Del Mar, Encinitas, and La Jolla are listening to their constituents. The commenter states an opinion that they do not want more housing in the city and that their quaint village is disappearing.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

**Scott Donnell**

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**From:** Lori Robbins <silentmeowing@gmail.com>  
**Sent:** Tuesday, August 8, 2023 10:53 AM  
**To:** Scott Donnell  
**Subject:** EIR citizen vote

Hi Scott

I would like to advocate for **Alternative One** in the Environmental Impact Report.

Alternative One spreads the new housing among the town more evenly.

1. New residents will not be isolated and will integrate better if they are spread throughout the community.
2. Multiple sites can be developed at the same time and multiple builders can benefit from new construction.
3. Spreading the housing would provide more diverse architectural projects and would ease traffic congestion and the use of utilities and infrastructure.

1

Thank you for your consideration.

Lori Robbins  
Carlsbad Resident

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## Letter C9

**COMMENTER:** Lori Robbins

**DATE:** August 8, 2023

### Response C9-1

The commenter expresses support for Alternative 1 because it spreads housing out evenly throughout the city which will allow residents to integrate better, will allow multiple sites to be constructed at the same time, and would provide more diverse architectural projects. The commenter also expresses an opinion that Alternative 1 would ease traffic congestion and the use of utilities and infrastructure.

The commenters' statements about the alternatives and whether or not the project should be approved by the city will be provided to city decision-makers for consideration. Alternative 1 is the No Project Alternative, which is defined in the Draft SEIR as a land use pattern comprised of land use trends according to the 2015 General Plan. It assumes that regional growth trends and land use according to the 2015 General Plan would continue, without the Housing Element Implementation and Public Safety Element Update as proposed under the project. Under Alternative 1, the 18 rezone sites would not be developed at the same capacity under this scenario as it would under the proposed project. As land use under the current General Plan still has residential capacity (as well as capacity for new non-residential construction, such as new commercial and industrial buildings), the city would continue to grow in terms of housing units, population, non-residential square footage, and jobs. This alternative would not be consistent with the required programs of the 2021-2029 Housing Element and the city would be at risk of having the Housing Element "decertified" by the State if this program is not implemented. Alternative 1 would facilitate the fewest number of residential units (506), and therefore result in the fewest construction-related impacts and impacts associated with ground disturbance to areas such as air quality, biological resources, cultural and tribal cultural resources, geology and soils, GHG, hazards and hazardous materials, and hydrology and water quality. However, it should be noted that development at the sites could still occur. And, as a consequence of less compact development as under this alternative, per capita VMT would be greater with Alternative 1 as compared to the proposed project, which would increase operational impacts of air quality, noise, and traffic. Overall, Alternative 1 would eliminate the unavoidably significant GHG impact, but the significant and unavoidable impacts related to air quality, historical resources, construction noise, and transportation would remain. While some environmental benefits may occur by implementing Alternative 1, this alternative would not fulfill the goals of the project as it would not provide additional housing opportunities that will assist the city in meeting its RHNA requirements.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft SEIR does not make significance conclusions for the proposed project or project alternatives related to traffic congestion. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.



## Letter C10

**From:** Christine Amato <christinemamato@icloud.com>  
**Sent:** Wednesday, August 9, 2023 7:00 AM  
**To:** Scott Donnell  
**Subject:** Affordable housing sites 10 & 11

Hello Scott,

I am a homeowner at Kensington at the Square in Carlsbad and my address is 6140 Colt Place, Unit 101, Carlsbad CA 92009.

My concerns are environmental—we have had power outages in this community this past summer. How will many more units affect and already overwhelmed electric grid? Emergency evacuations due to fire, earthquake and other natural disasters. There is no main road to exit. What, if any studies have been done about any of this. Adding more units of medium high density will further exacerbate - also we have a severe drought. We have had ongoing crime as evidenced by car break ins, home break ins, theft, trespassing, drug dealing and overdoses in and around our community. Parking is already a major issue on Colt.

Environmental concerns: emergency evacuations in a medium-high density residential/commercial area with no main road route exits.

Crime, trespassing, traffic implications in our private roads. People speeding through our community with children playing on the streets. We have people living in their cars on the road leading to the proposed site and into our community. They leave trash and do not pick up after their dogs. There is already very limited parking. In our entire community there are only 8 guest spaces and overflow for residents. The rest are open to the public. Many of us use the street where people live in their cars for overflow. The surrounding streets have very little parking due to the density of the homes and driveways. Bressi Ranch was designed with the small yards and in some cases no yards replaced with small parks. I implore you to consider another site for all of these reasons.

For all of the above reasons, please reevaluate sites 10 and 11 for affordable housing, and use the buffer sites.

Christine Amato  
(C) 760.613.2868

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## Letter C10

**COMMENTER:** Christine Amato

**DATE:** August 9, 2023

### Response C10-1

The commenter states they are a homeowner at Kensington in the square in Carlsbad. The commenter states they have environmental concerns. The commenter states they have had power outages in their community this past summer and asks how more units will affect the electric grid.

As discussed in Section 4.16, *Effects Found Not to Be Significant*, of the Draft SEIR, all future development under the proposed project would be required to comply with the latest California Building Code (CBC) requirements, including CBC Energy Efficiency Standards, as well as all federal, State, and local rules and regulations pertaining to energy consumption and conservation. Additionally, as discussed in Section 4.14, *Utilities and Service Systems*, of the Draft SEIR, although development facilitated by the project may require installation of additional electrical and natural gas connections to SDG&E facilities, such connections would be installed during individual project construction and within the disturbance area of such projects or the rights-of-way of previously disturbed roadways; therefore, the construction of these infrastructure improvements would not substantially increase the project's disturbance area or otherwise cause significant environmental effects beyond those identified throughout the Draft SEIR. The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

### Response C10-2

The commenter expresses concern over emergency evacuations and the fact that there is no main road to exit. The commenter asks what studies have been done to address this and opines that adding more medium high-density units will exacerbate this issue.

Please refer to Response B4-3.

### Response C10-3

The commenter expresses concern over the severe drought in the area as well as crime, trespassing, drug dealing, overdoses, and parking in their community.

As discussed under Impact PS-2 in Section 4.12, *Public Services and Recreation*, CEQA is primarily concerned with physical environmental impacts associated with the proposed project. Crime itself is not a CEQA issue but a physical environmental impact could occur if the project resulted in the need for a new or expanded police station, the construction of which could cause an environmental impact. As explained in the Draft SEIR, policies in the Public Safety Element Update would ensure that there are adequate police staffing to meet existing service demands. Police protection service levels would continue to be evaluated and maintained by Carlsbad Police Department accordance with existing policies, procedures and practices as development occurs over the lifetime of the project. In addition, as discussed under Impact UTIL-2 in Section 4.14, *Utilities and Service Systems*, the Carlsbad Municipal Water District (CMWD), Vallecitos Water District (VWD), and Olivenhain Municipal Water District (OMWD) have all prepared a Water Shortage Contingency Plan (WSCP) which would help manage water demands during potential water shortages and droughts. Future

development facilitated by the proposed project would also be required to comply with water conservation regulations as well as 2015 General Plan policies 9-P.3 through 9-P.6 which would help maintain sufficient supplies. Therefore, no physical environmental impacts were found to occur as a result of the proposed project. The provision of parking is not considered an environmental impact under CEQA. The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

#### **Response C10-4**

The commenter expresses concern over emergency evacuation in this area due to it being a commercial area with no main road exists.

Please see Response C10-2.

#### **Response C10-5**

The commenter expresses concern over crime, trespassing, and traffic on private roads. The commenter states people speed through their community where children play and that there are people living in their cars on the road leading to the proposed site. The commenter states there is trash and limited parking on the road due to the high-density development already in this area. The commenter states Bressi Ranch was designed with small yards and in some cases no yards. The commenter asks the city to consider another site other than sites 10 and 11 for affordable housing for these reasons.

Please see Response C10-3.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS).

As discussed under Impact T-3 in Section 4.13, *Transportation*, land use proposals that would add traffic to streets not designed to current standards are evaluated through the environmental review process for consistency with Carlsbad standard processes and the Caltrans recommended guidance, LDIGR Safety Review Practitioners Guide. If needed, mitigation measures are identified therein, and the project is conditioned to construct or provide funding for an improvement that would minimize or eliminate the hazard. New and upgraded roadways needed to accommodate new development would be designed according to applicable Federal, State, and local design standards. Furthermore, policies 3-P.10, 3-P.12, 3-P.13, and 3-P.16 of the 2015 General Plan would reduce impacts related to traffic safety and hazards.

The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

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**From:** laurie ♥ weinberger <boca2ny@aol.com>  
**Sent:** Monday, August 14, 2023 2:59 PM  
**To:** Scott Donnell  
**Subject:** Environmental Impact Report

Scott,

My husband and myself would like to advocate for Alternative One in the Environmental Report. The new housing would be spread out in a better fashion and makes the most sense to us, as residents. 1

Thanks,  
Laurie Weinberger  
Larry Weinberger  
2689 State St  
Carlsbad, CA. 92008

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## Letter C11

**COMMENTER:** Laurie Weinberger

**DATE:** August 14, 2023

### **Response C11-1**

The commenter expresses support for Alternative 1 because they believe the housing would be spread out in a better fashion and would make more sense to them as residents.

Please see Response C9.1.

August 14, 2023

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

Subject: *DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT - HOUSING ELEMENT UPDATE  
IMPLEMENTATION AND PUBLIC SAFETY ELEMENT UPDATE, JULY 2023*

Thank you for the opportunity to review and provide comments on the subject Draft SEIR. My comments are provided below for your consideration and action as may be appropriate.

**1. GENERAL COMMENT REGARDING ACCESSORY DWELLING UNITS (ADUs)**

In January 2021 the California State Legislature found and declared, by enacting Government Code 65852.2, that ADUs are an essential component of the state's housing supply and provide an alternative option to traditional market-rate home construction. This Code which allows and makes it easier for property owners to build ADUs **exempts** the construction of ADUs from the requirements of the California Environmental Quality Act (CEQA). Therefore, the subject Draft SEIR does **not** consider or account for number of ADUs and population increases associated therewith within the City Carlsbad.

Even though the impacts from ADUs are **not** required to be addressed in this Draft SEIR, it is my opinion that the City needs to account for the cumulative impacts associated with the expanded population the ADUs will create. It is further my opinion that to **not** account for ADUs in this Draft EIR would **not** be prudent on the part of the City's elected officials and Division Directors and would **not** be in the best interest of our Carlsbad citizens.

The City most certainly knows how many ADUs currently exist within the City and should have planning level estimates certainly of the potential number of ADUs that might be constructed within the City. These estimates need to factor into the City's overall planning for population increases and the City's ability to provide expanded public services to support this growth. These estimates should be identified for the benefit of our Carlsbad citizens.

**2. EXECUTIVE SUMMARY – ALTERNATIVES**

**Alternative 1, No Project Alternative**

The Alternative 1 population in the Plan Area for 2035 would be 133,410, consistent with the findings of the 2015 General Plan.

*Request for Additional Text*

Please add text to highlight that the Alternative 1 population of 133,410 does **not** include population associated with the California State Government Code 65852.2 ADU mandate as mentioned in Section 4.11.1 (page 319).

2 cont.

### **Alternative 2, Reduced Sites**

The Alternative 2 population in the Plan Area for 2035 is **not** identified.

#### *Request for Additional Text*

Please add text to highlight that the Alternative 2 population will be 141,670 as mentioned in Section 5.1.2 (page 430) and does **not** include population associated with the California State Government Code 65852.2 ADU mandate *as mentioned in Section 4.11.1 (page 319)*. Also please add text that the Alternative 2 population of 141,670 is **not** consistent with the findings of the 2015 General Plan.

3

### **Table ES-1, Air Quality**

#### **Impact AQ-2 (page 14)**

#### *Request for Additional Text*

Please identify how this significant and unavoidable impact compares with the Alternative 2, No Project Alternative.

4

#### **Impact AQ-2 Mitigation Measures (page 15)**

#### *Request for Additional Text*

Please provide information on the “planned networks of active transportation infrastructure”. Who generated the planned network documents? Where can these documents be found for review? How will “expansion” be funded and who will pay?

Please provide information on “implementation of EV charging infrastructure”. Are planning documents currently being developed? Who is generating these documents? Where can these documents be found for review? How will these charging infrastructure facilities be funded and who will pay?

Please clarify what “unbundling parking fee” means.

5

#### **Impact AQ-4 (page 17)**

#### *Request for Additional Text*

Please define and quantify what the “substantial number” is.

6

#### **Impact GHG-1, Mitigation Measures (page 27)**

#### *Request for Additional Text*

7

Please explain what “reach code” means.

7 cont.

Please provide information on “Expand charging infrastructure and parking for electric vehicles” “. Are planning documents currently being developed? Who is generating these documents? Where can these documents be found for review? How will these expanded charging infrastructure facilities be funded and who will pay?

8

#### **Impact POP-2 (page 34)**

##### *Request for Additional Text*

Please define how many is a “substantial number of people”. Please identify how many people are estimated will be displaced. Please identify who will pay to relocate the displaced people.

9

#### **Impacts PS-1, PS-2 and PS-3 (page 35)**

##### *Request for Additional Text*

Please identify how the increase in demands will be funded and who will pay for these increased services. Also, please add some text that ADUs, which are **not** addressed in this Draft SEIR, will further increase services and will require additional funding beyond what will be required for this Project.

10

11

#### **Impact T-2 (page 36)**

##### *Request for Clarification*

The text under this impact states the Project has the “potential” to interfere with achievement of VMT reductions.

Please clarify that this Project will increase population above those identified in the 2015 General Plan. This increase in population will result in the number of vehicles supporting the population increase and will interfere with achievement of VTM reductions set forth by the City unless the reduction strategies identified under Mitigation Measures are undertaken by the City. The costs for these reduction strategies and funding mechanisms are currently not known by the City.

12

#### **Impact T-4 (page 38)**

##### *Request for Additional Text*

How significant will the impact be? Please provide some text on what the consequences of this significant impact will be and provide a comparison of the impact to the No Project Alternative.

13



### 3. SECTION 1 INTRODUCTION

#### *Request for Additional Text*

Please direct the reader to Section 2, Project Description for a discussion on what the driving force is for this Project and what the justification is to deviate from the 2015 General Plan. Also, please discuss what changes in state law as stated in the 1<sup>st</sup> paragraph in Section 2 required the City to adopt the Housing Element Update 2021-2029.

14

#### **Agency Comments – Caltrans (page 47)**

The comment on page 47 “Suggests Carlsbad evaluate and potentially implement Complete Streets projects to improve bicycle and pedestrian access and safety.” I assume this comment and suggestion is specific to this Project

15

The response to this CALTRANS comment states that “Issues are discussed under Impact T-1 of Section 4.13, *Transportation*, of this SEIR”.

#### *Request for Additional Text*

I am unable to find any clear text in Section 4.13 that addresses CALTRANS’ suggestion to evaluate and potentially implement improvements for bicycle and pedestrian access and safety specific to this project. Please add text directing the reader to where in Section 4.13 this CALTRANS comment is specifically addressed.

#### **Agency Comments – Transportation (page 49)**

The comment on page 49 states that “Commenters express concern for potential traffic and congestion increases in the Village, on El Camino Real, College Blvd, Cannon Road, and other corridors and intersections.”

The response to this Transportation comment states “As discussed in Section 4.13, *Transportation*, of this SEIR, pursuant to SB 743, vehicle miles traveled (VMT) would replace level of service (LOS) as the metric for determining significance of transportation impacts. Therefore, this SEIR does not analyze LOS or congestion as they are non-CEQA issues.”

16

#### *Request for Additional Text*

Even though traffic and congestion are non-CEQUA issues they are significant issues to me and likely for most of the Carlsbad citizens. I believe the City is obligated to address these concerns for the benefit of our citizens. Please add text acknowledging these

traffic and congestion concerns and identifying when and how the City will address these concerns.	16 cont.
<b>4. SECTION 2, PROJECT DESCRIPTION</b>	
<b>Section 2.4.2, Core Value and Priority No. 5 (page 63)</b>	
<i>Request for Clarification</i>	19
Please define “intelligent transportation management” and provide examples of where “intelligent transportation management” has been implemented by Carlsbad to enhance mobility.	
<b>Section 2.4.2, Core Value and Priority No. 9 (page 63)</b>	
<i>Request for Clarification</i>	20
Please identify “link density to public transportation” strategies and facilities implemented by Carlsbad on other Projects.	
<b>Section 2.4.8, Anticipated Growth (page 75)</b>	
<u>The 2<sup>nd</sup> paragraph under this section</u> states that the number of Carlsbad housing units <b>excludes</b> accessory dwelling units. I am unable to find anywhere else in this SEIR where it is noted that ADUs are <b>excluded</b> from consideration.	21
<i>Request for Additional Text</i>	
Please highlight the ADU exclusion somewhere in the Executive Summary for the benefit of Carlsbad citizens.	
<u>The last paragraph under this section</u> identified that this project would result in a total for 56,516 housing units in Carlsbad.	22
<i>Request for Additional Text</i>	
Please add text that highlighting that the number of housing units resulting from this project (56,516 units) exceeds the number of housing units identified in the 2015 General Plan (52,320 units) by 4,196 housing units and please highlight that ADUs are <b>not</b> accounted for in this SEIR.	
<b>5. SECTION 3, ENVIRONMENTAL SETTING</b>	
<b>Section 3.2, Rezone Sites Setting, Table 3-1 (Page 79)</b>	23
<i>Request for Additional Text</i>	

I believe it would be beneficial to the reader if Table 3-1 is expanded to include the number of new housing units and additional population for each site that would result from this Project.	23 cont.
<b>6. Section 4.2.3, Impact AQ-4 Analysis (page 117)</b>	
<i>Request for Clarification</i>	24
Please define what a “substantial number” of people is. How many people does the City estimate will be affected?	
<b>7. Section 4.6.3, Impact GHG-1 Analysis (pages 218 and 219))</b>	
<i>Request for Additional Text</i>	25
Please add text acknowledging that ADUs will exacerbate the significant and unavoidable impacts on the meeting the City’s GHG emissions goals. Also, please identify whether the City’s plans to acknowledge and account for ADUs in the CAP Update discussed on page 222. Can this project be approved before the CAP Update is done?	
<b>8. Section 4.11.3, Impact ANALYSIS PH-1 (page 324)</b>	
<i>Request for Additional Text</i>	26
Please add text acknowledging that ADUs will constitute unplanned growth that could render this impact to be significant.	
<b>9. Section 4.11.3, Impact ANALYSIS PH-2 (page 325)</b>	
<i>Request for Additional Text</i>	27
Please define what a “substantial number” of people or housing is. How many people or housings does the City estimate will be affected?	
<b>10. Section 4.13.3, VMT Analysis Methodology (page 360)</b>	
<i>Request for Additional Text</i>	28
Please define under Item 5 what “infill” areas mean.	
<b>11. Section 4-14.1.d, Electrical Power (page 374)</b>	
There is a statement that “by 2025 the use of electricity sourced from out-of-state coal generation will be eliminated. As this transition advances, the grid is also expanding to serve additional loads produced by building and vehicle electrification among other factors”.	29

*Request for Clarification:* Please expand this discussion to include what percentage of the current total electrical power generation in California is supplied by these out-of-state coal generation facilities? Who is developing the plans and design documents for expanding the grid? When will the design for expanding the grid be done? When will the grid expansion be completed? How will this grid expansion being funded, and who will pay for this expansion? This discussion should also include estimates of the increase in electricity demand beyond current demands when State mandates to eliminate fossil fuels for vehicles goes into effect sometime before 2035.

29 cont.

30

It is my opinion that the Draft SEIR needs to acknowledge and consider future conditions that are known to be inevitable and that could impact or be impacted by the proposed Project.

31

## **12. Section 4.14.2, Regulatory Settings – Carlsbad Growth Management Plan (pages 380 and 381)**

The 2<sup>nd</sup> paragraph on page 381 states that “recent State housing laws have preempted the city’s ability to require compliance with the dwelling caps or to stop development due to noncompliance, as acknowledged in adopted City Council Resolution 2021-074 (City of Carlsbad 2023c). It also states that The city is currently developing a new approach to managing growth”.

32

### *Request for Clarification*

Please identify the “recent State housing laws” that preempt the City’s ability to require compliance with Carlsbad dwelling caps. Also, please identify what recourse the City might have to challenge these State mandates.

Thank you for the opportunity to review and provide my thoughts and comments of the subject draft SEIR.

Please feel free to contact me via email or phone if you have any questions about my comments.

*Liberato Tortorici*

Liberato Tortorici  
6436 La Paloma Street  
Carlsbad, CA 9200

Email Address: [ldtortorici@gmail.com](mailto:ldtortorici@gmail.com)

Cell Phone: 619-559-7281

## Letter C12

**COMMENTER:** Liberato Tortorici

**DATE:** August 14, 2023

### Response C12-1

The commenter cites Government Code 65852.2 which exempts accessory dwelling units (ADUs) from CEQA requirements. The commenter states that the SEIR does not account for the number of ADUs or the population increase associated with ADUs in Carlsbad. The commenter states an opinion that the city needs to account for the cumulative impact of ADUs. The commenter expresses an opinion that to exclude ADUs in this Draft SEIR would not be prudent on the part of the city's elected officials and division directors and would not be in the best interest of Carlsbad citizens.

Section 2.4.8, *Project Description – Anticipated Growth*, of the Draft SEIR, states: “As of January 1, 2023, Carlsbad had 47,003 housing units, excluding accessory dwelling units. Therefore, as of release of this SEIR, the city had an available housing unit capacity of 6,218 (53,221 – 47,003) through the buildout year of 2035 under the existing General Plan.” The reference to housing units is intended to indicate the capacity for additional housing units based on what the General Plan residential density policies would allow. State law (California Government Code Section 65852.2) prohibits the city from counting ADUs in residential density calculations, and the law requires that they be considered accessory uses. The city does estimate the population living in ADUs when evaluating public facility needs, such as parks and libraries. The population estimates used in the Draft SEIR include the population in existing ADUs.

The proposed project would not change the number or locations of ADUs that could be constructed in the city. The Draft SEIR analyses effects associated with the land use changes at the 18 rezone sites listed in Table 2-4 of the Draft SEIR and it is assumed that residential units would be constructed on those sites, as allowed by the General Plan residential density policies. ADUs are allowed by right as an accessory use and the proposed project will not directly result in an increase in the number of ADUs allowed. The effects associated with the Housing Element adoption related to ADUs were analyzed in the Addendum prepared for the Housing Element. Therefore, the Draft SEIR is consistent with the city's unit calculation methodology, and consistent with the foreseeable impacts of project implementation.

### Response C12-2

Referring to the Executive Summary of the Draft SEIR, the commenter states that the Alternative 1 population in the Plan Area for 2035 would be 133,410, consistent with the findings of the 2015 General Plan. The commenter requests that text be added to highlight the population of 133,410 does not include population growth associated with ADUs.

The commenter refers to the Executive Summary which is intended to be a brief summary of the analysis and conclusions of the Draft SEIR. This information is not necessary to be added to the Executive Summary. Please also see Response C12-1.

### Response C12-3

Referring to the Executive Summary of the Draft SEIR, the commenter states that the Alternative 2 population in the Plan Area for 2035 is not stated. The commenter requests that text be added to explain that the alternative 2 population would be 141,670 as mentioned on page 430 of the Draft SEIR. The commenter also requests that text be added to highlight the population of 141,670 does not include population growth associated with ADUs and is not consistent with findings of the 2015 general plan.

The commenter refers to the Executive Summary which is intended to be a brief summary of the analysis and conclusions of the Draft SEIR. This information is not necessary to be added to the Executive Summary. Please also see Response C12-1.

### Response C12-4

Referring to Table ES-1, Executive Summary of the Draft SEIR, the commenter requests text to be added under impact AQ-2 on page 14 of the Draft SEIR to identify how the significant and unavoidable impact compares to Alternative 2.

Table ES-1 summarizes impacts of the proposed project as analyzed in the Draft SEIR and the description of Impact AQ-2 is accurate and refers to the air quality analysis conclusions for the proposed project. Air quality impacts related to Alternative 2 are discussed in Section 6, *Alternatives*, of the Draft SEIR and not included in Table ES-1. As discussed in Section 6, *Alternatives*, compared to the proposed project, Alternative 2 would result in a net increase of 43 residential units, and would also result in slightly increased operational emissions (Table 6-2) compared to the proposed project. Therefore, as with the proposed project, air quality impacts for Alternative 2 would be significant and unavoidable.

### Response C12-5

Referring to Table ES-1, Executive Summary of the Draft SEIR, the commenter requests text to be added on page 15 of the Draft SEIR to explain more about the “planned networks of active transportation infrastructure,” “implementation of EV charging infrastructure,” and what “unbundled parking fee” means.

Table ES-1 summarizes impacts of the Draft SEIR and lists the required mitigation measures, including Mitigation Measure AQ-2 which the commenter refers to. As stated in the measure, this measure requires future development to quantify operational emissions, and if emissions exceed threshold the measure provides a list of potential measures projects can incorporate to reduce air pollution emissions. As stated in the measure, this is not an exhaustive list of measures, and individual projects shall incorporate measures that best fit each project design. “Expand and facilitating completion of planned networks of active transportation infrastructure” means improving and expanding infrastructure for alternative modes of transportation. Implementation of EV charging infrastructure for residential development is mandated by the California Building Standards Commission. CalGreen standards are updated every three years. Current development would be required to comply with the 2022 CalGreen standards. Unbundled parking separates parking costs from housing costs and allows occupants that do not have a vehicle to pay less. No revisions to the Draft SEIR have been made in response to this comment.

## **Response C12-6**

Referring to Table ES-1, Impact AQ-4, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 17 of the Draft SEIR to define and quantify what the “substantial number” is.

The commenter refers to text that is a brief summary of impact conclusions. For additional information, please refer to Section 4.2, *Air Quality*, of the Draft SEIR which explains the significance threshold used for determining if the proposed project would create objectionable odors affecting a substantial number of people. Generally, the proposed project involves residential uses and would not create objectionable odors.

## **Response C12-7**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 27 of the Draft SEIR to explain what “reach code” means.

The commenter refers to text that is a brief summary of impact conclusions in the Executive Summary of the SEIR. For additional information, please refer to Section 4.6, *Greenhouse Gas Emissions*, of the Draft SEIR which explains the reach code. A reach code is a local building energy code that goes beyond State minimum requirements for energy use or GHG emissions in building design and construction.

## **Response C12-8**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 27 of the Draft SEIR to add more information on “expanding charging infrastructure and parking for electric vehicles.” The commenter also asks where these documents can be found for review, how will expansion be funded, and who will pay for it.

The commenter refers to Mitigation Measure GHG-1 listed in Table ES-1. This is a proposed measure to be added to the city’s updated Climate Action Plan and not a planning document currently being generated. This measure, if implemented as part of the Climate Action Plan update, would expand the EV network which would promote the usage of EVs and thereby reduce GHG emissions.

## **Response C12-9**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 34 of the Draft SEIR to explain what a “substantial number of people” is. The commenter asks that the Draft SEIR identify the number of people estimated to be displaced and who will pay to relocate displaced people.

As discussed under Impact PH-2 of Section 4.11, *Population and Housing*, of the Draft SEIR, “substantial” displacement would occur if the proposed project would displace more residences than would be accommodated through growth facilitated by the project. Future development would be required to comply with goals and policies under Section 10.7.4 of the 2021-2029 Housing Element which aims to affirmatively further fair housing and ensure all housing opportunities are offered in conformance with open housing policies and free of discriminatory. Furthermore, Program 4.3 and other programs of the 2021-2029 Housing Element ensures the minimization of the occurrence of displacement, especially within groups facing disproportionate housing needs, including but not limited to those with lower incomes.

### **Response C12-10**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 35 of the Draft SEIR to identify how the increase in demands for public services will be funded and who will pay for these increased services.

The commenter refers to text that is a brief summary of impact conclusions in the Executive Summary of the SEIR. For additional information, please refer to Section 4.12, *Public Services and Recreation*, of the Draft SEIR which explains the findings related to the provision of public services.

### **Response C12-11**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 35 of the Draft SEIR to explain that ADUs which are not addressed in the Draft SEIR will further increase services and require additional funding.

Please see Response C12-1.

### **Response C12-12**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 36 of the Draft SEIR to clarify that this Project will increase population above those identified in the 2015 General Plan. The commenter requests text to be added to explain that this increase in population will result in an increase in the number of vehicles supporting the population which will interfere with achievement of VMT reductions set forth by the city unless the reduction strategies identified under Mitigation Measures are undertaken by the city. The costs for these reduction strategies and funding mechanisms are currently not known by the city.

Population is discussed under Section 4.11, *Population and Housing*, of the Draft SEIR. As discussed in Section 4.11, the proposed project would exceed the housing units at buildout assumed in the 2015 General Plan EIR, hence why a Draft Supplemental EIR (Draft SEIR) was prepared.

As discussed under Impact T-2 of Section 4.13, *Transportation*, of the Draft SEIR, even with implementation of Mitigation Measure T-1, because of the uncertainty relating to the feasibility of on-site TDM measures and the implementation process for individual development projects in diverse project settings, the timing that it will take to implement those measures, and the lack of an off-site mitigation option, the effectiveness of reducing an individual project's VMT impact to a less than significant level cannot be determined as part of Draft SEIR, and VMT impacts would be significant and unavoidable.

### **Response C12-13**

Referring to Table ES-1, of the Executive Summary of the Draft SEIR, the commenter requests text to be added on page 38 of the Draft SEIR to explain how significant the impact will be and what the consequences of this significant impact will be. The commenter requests text be added comparing this impact to the no project alternative.

Transportation impacts related to the No Project Alternative (Alternative 1) are discussed in Section 6, *Alternatives*, of the Draft SEIR, and not Section 4.13, *Transportation*. Future development under both the proposed project and Alternative 1 would be required to coordinate with the emergency service providers to ensure that emergency routes remain available. In the long-term, development would be required to provide adequate accommodation of fire access to structure frontages, multiple access points to development, as well as adequate width, height, and turning



radius of roadways and access points, pursuant to California Building Code and California Fire Code requirements. Development would also be required to comply with city and San Diego County standards and requirements and would undergo review by public safety officials as part of the approval process. Therefore, impacts related to inadequate emergency access would be less than significant for both the proposed project and Alternative 1.

### **Response C12-14**

The commenter requests text to be added to Section 1, *Introduction*, of the Draft SEIR to direct the reader to Section 2, *Project Description*, for a discussion on what the driving force is for this project and what the justification is to deviate from the 2015 General Plan. The commenter also requests text be added to include a discussion of what changes in state law as stated in the first paragraph in Section 2 required the city to adopt the Housing Element Update 2021-2029.

Section 1.9, *Introduction – Baseline and Approach for Impact Analysis*, of the Draft SEIR explains the relationship between the proposed project and the 2015 General Plan. This project does not deviate from the 2015 General Plan, rather the Draft SEIR is being prepared to analyze only the changes to the General Plan or changes in circumstances under which the projects would be implemented since certification of the previous 2015 General Plan EIR which occurred on September 22, 2015.

Section 2.3, *Project Description – Background*, of the Draft SEIR, outlines the changes in State law including the State housing legislation and new State safety legislation which prompted the updating of the Housing Element and the Public Safety Element.

### **Response C12-16**

The commenter summarizes Caltrans' comment on page 47 of the Draft SEIR and requests that text be added to Section 4.13 to show where the Draft SEIR clearly addresses Caltrans' suggestion to evaluate and potentially implement improvements for bicycle and pedestrian access and safety specific to this project.

As discussed under Impact T-1 in Section 4.13, *Transportation*, of the Draft SEIR, development under the project would not obstruct existing transit, bicycle, or pedestrian services or facilities, nor would it conflict with existing or planned facilities. All new development would be subject to city discretionary review, allowing the city to ensure that project designs would not interfere with transit operations or bicycle and pedestrian infrastructure. Caltrans suggests the city implement Complete Streets projects to improve bicycle pedestrian access and safety. This is not required for future developments and the city has noted this comment.

### **Response C12-16**

The commenter summarizes the comment regarding traffic congestion and corresponding response indicating that pursuant to SB 743, vehicle miles traveled (VMT) would replace level of service (LOS) as the metric for determining significance of transportation impacts. Therefore, this SEIR does not analyze LOS or congestion as they are non-CEQA issues. The commenter expresses an opinion that even though traffic and congestion are not CEQA issues they are important to them and other citizens and therefore the city is obligated to address these concerns for the benefit of its citizens. The commenter requests text to be added to the Draft SEIR that address these concerns about traffic and congestion.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental

impact.” Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS).

Further, while not required for CEQA, a TIS (or Transportation Impact Analysis Report) was prepared for the project and is available: <https://www.carlsbadca.gov/departments/community-development/planning/agendas-minutes-notice>

### **Response C12-19**

The commenter requests text to be added on page 63 of the Draft SEIR to define “intelligent transportation management” and to provide examples of where intelligent transportation management has been implemented in Carlsbad to enhance mobility.

This comment pertains to a description of the core values in the city’s General Plan and does not pertain to the adequacy of the analysis or conclusions of the Draft SEIR. The quote the commenter referenced is part of the General Plan’s vision and does not relate to the proposed project. Generally, intelligent transportation management refers to technology or infrastructure improvements that may help alleviate traffic congestion.

### **Response C12-20**

The commenter requests strategies and facilities implemented by other projects in Carlsbad to link density to public transportation to be identified.

This comment pertains to a description of the core values in the city’s General Plan and does not pertain to the adequacy of the analysis or conclusions of the Draft SEIR. The quote the commenter referenced is part of the General Plan’s vision and does not relate to the proposed project. Generally, linking density to public transportation refers to placing high density housing near transit to encourage transit use.

### **Response C12-21**

The commenter states that the second paragraph on page 75 states that the number of housing units excludes ADUs. The commenter requests text be added to the executive summary that highlights this.

Please see Response C12-1.

### **Response C12-22**

Referring to Section 2 of the Draft SEIR, the commenter requests text be added to page 75 of the Draft SEIR highlighting that the number of housing units resulting from this project (56,516 units) exceeds the number of housing units identified in the 2015 General Plan (53,320 units). The commenter also requests that text be added to highlight that ADUs are not accounted for in the Draft SEIR.

The information requested by the commenter is provided in Section 4.11, *Population and Housing*, of the Draft SEIR. With respect to ADUs, please see Response C12-1.

### **Response C12-23**

Referring to Section 3 of the Draft SEIR, the commenter requests text to be added in Table 3-1 on page 79 of the Draft SEIR to include the number of new housing units and additional population for each site that would result from this Project.

Section 3, *Environmental Setting*, of the Draft SEIR refers to the environmental setting of the project which is the baseline for the analysis prior to implementation of the proposed project. The number of housing units that could be developed under the proposed project is detailed under Section 2, *Project Description*. Population estimates for the proposed project is discussed under Section 4.11, *Population and Housing*, of the Draft SEIR. As discussed in Section 4.11, the proposed project would result in 8,260 new residents.

### **Response C12-24**

Referring to Section 4.2.3 of the Draft SEIR, the commenter requests text to be added to page 117 of the Draft SEIR to define what a “substantial number” of people is and how many people will be affected.

The CEQA Guidelines do not specifically define what a “substantial” number of people is. The Air Quality analysis generally compares air pollution emissions to established thresholds to determine impacts. Please refer to the methodology, impact analysis, and conclusions in Section 4.2, *Air Quality*, of the Draft SEIR.

### **Response C12-25**

Referring to Section 4.6.3 of the Draft SEIR, the commenter requests text to be added stating that ADUs will exacerbate the significant and unavoidable impact related to meeting the city’s GHG emissions goals. The commenter requests text to be added to clarify whether the city plans to account for ADUs in the CAP Update discussed on page 222. The commenter asks if this project can be approved before the CAP update is done.

Please see Response C12-1. As discussed under Impact GHG-1 in Section 4.6, *Greenhouse Gas Emissions*, of the Draft SEIR, individual projects could be developed prior to the adoption of the updated CAP as required by Mitigation Measure GHG-1, and would not be guaranteed to be consistent with State emissions goals. Therefore, until the city updates the CAP in accordance with Mitigation Measure GHG-1, the project’s impacts related to GHG emissions would be significant and unavoidable.

### **Response C12-26**

Referring to Section 4.11.3 of the Draft SEIR, the commenter requests text to be added to indicate that ADUs will constitute unplanned growth that could render impact PH-1 to be significant.

Please see Response C12-1.

### **Response C12-27**

Referring to Section 4.11.3 of the Draft SEIR, the commenter requests text to be added to define what a “substantial number” of people or housing is and to state how many people or housing units the city estimates to be affected.

The CEQA Guidelines do not specifically define what a “substantial” number of people is. Please refer to the methodology, impact analysis, and conclusions in Section 4.11, *Population and Housing*, of the Draft SEIR.

### **Response C12-28**

Referring to Section 4.13.3 of the Draft SEIR, the commenter requests text to be added to define what “infill” areas mean.

The commenter’s request has been noted and page 2-21 of the Draft SEIR has been revised as described in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response C12-29**

Referring to Section 4.14.1.d of the Draft SEIR, the commenter states there is text that reads “by 2025 the use of electricity sourced from out-of-state coal generation will be eliminated. As this transition advances, the grid is also expanding to serve additional loads produced by building and vehicle electrification among other factors”. The commenter requests text to be added to include what percentage of current total electrical power generation in California is supplied by out of state coal generation factories. The commenter asks who is developing plans and design documents for expanding the grid and when this expansion will be complete. The commenter asks how the grid expansion will be funded and by who.

The commenter’s request has been noted and page 4.14-4 of the Draft SEIR has been revised as listed in Chapter 3, Revisions to the Draft SEIR, of this document. These revisions do not change the findings of the Draft SEIR, do not result in new or substantially more severe significant impacts, and do not constitute significant new information warranting recirculation of the Draft SEIR.

### **Response C12-30**

Referring to Section 4.13, the commenter requests text be added to include estimates of the increase in electricity demand that will occur when the State mandates the elimination of fossil fuels for vehicles.

It is unclear what mandate the commenter is referring to. This analysis would be speculative and this analysis is not provided in the Draft SEIR at this time. Nonetheless, impacts associated with energy use were found to be less than significant.

### **Response C12-31**

Referring to Section 4.14, the commenter expresses an opinion that the Draft SEIR needs to acknowledge and consider future conditions that are known to be inevitable and that could impact or be impacted by the project.

The Draft SEIR does analyze impacts associated with project implementation through 2035, the horizon year of the city’s General Plan, based on known information. The commenter does not provide specifics of what information is needed and no changes to the Draft SEIR have been made in response to this comment.

## **Response C12-32**

Referring to Section 4.14.2, Regulatory Setting, in the Utilities and Service System section of the Draft SEIR, the commenter requests text be added to identify which recent state housing laws have preempted the ability of the city to require compliance with the Carlsbad dwelling unit caps. The commenter asks what recourse the city has to challenge these mandates.

The recent State laws impacting the Growth Management Program are detailed in Section 4.11, *Population and Housing*, of the Draft SEIR and under the reference (City of Carlsbad 2023c) in Section 4.14, *Utilities and Service Systems*, of the Draft SEIR. The reference is the city's Fiscal Year 2021-2022 Growth Management Program Monitoring Report, and impacts of State Law can be found on pages 9 and 10.

(<https://www.carlsbadca.gov/home/showpublisheddocument/13525/638182837741030000>)

Letter C13

**From:** ROBERT RODEWALD <rorodewald@aol.com>  
**Sent:** Friday, August 18, 2023 11:48 AM  
**To:** Scott Donnell  
**Subject:** Additional Housing Issue

Scott

If the State is demanding these additional dwelling units then they should provide State owned land for their construction. In addition, I thought we were in a dramatic drought and our allocation of Colorado river water was being reduced. How does that square with adding thousands of new dwelling units.

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The people of Carlsbad sacrificed and worked hard to be able to afford to live here and this required program is altering the character of the neighborhoods we live in. If you must add additional housing stock, put it in the Shoppes of Carlsbad mall. There is significant vacancy there and that development no longer works as originally planned. As a bonus, you won't destroy the quality of the other neighborhoods that you want to alter.

3

Sincerely,

Robert Rodewald  
3865 Skyline Road  
Carlsbad, CA 92008  
760-519-0262

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## Letter C13

**COMMENTER:** Robert Rodewald

**DATE:** August 18, 2023

### **Response C13-1**

The commenter states an opinion that if the state is demanding additional dwelling units they should provide state owned land for their construction.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C13-2**

The commenter expresses concern over adding dwelling units when there is a drought and reduction of water being allocated to California from the Colorado River.

As discussed under Impact UTIL-1 in Section 4.14, *Utilities and Service Systems*, of the Draft SEIR, the proposed project would not require or result in the relocation or construction of new or expanded water facilities such that significant environmental effects beyond those already identified throughout the Draft SEIR would occur. As discussed under Impact UTIL-2, with compliance with existing State and local regulations aimed at water conservation, as well as Carlsbad Municipal Water District, Vallecitos Water District, and Olivenhain Municipal Water District Water Shortage Contingency Plans and ordinances, water supplies would be sufficient to accommodate the increase in demand for the proposed project. The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

### **Response C13-3**

The commenter states an opinion that the program that requires additional housing in Carlsbad is altering the character of the neighborhoods in the city. The commenter suggests putting additional housing in the Shoppes of Carlsbad mall since there is vacancy there and development in that area would not destroy the quality of other neighborhoods.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

## Letter C14

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**From:** Yolanda Higgins <higgins\_yolanda@yahoo.com>  
**Sent:** Friday, August 18, 2023 2:48 PM  
**To:** Scott Donnell  
**Subject:** Residential on commercial zoned land

I am Yolanda Higgins. I own the property T 5482 Wolverine Terrace in the community of Terraces at Sunnycreek.

I would much rather see an activity center for the children and adults who already reside in the community.

About a year ago I inquired about purchasing the land at the corner of ECR and College. I was hoping to collaborate with city and build a bowling alley and an indoor/outdoor skating rink. Around the holidays, I envisioned turning it into a holiday wonderland.

We need a safe place for the community children and adults to unite.

I can't think of a better place for community gathering for both, young and old alike.

My vote is no on allowing residential building on this commercially zoned land.

If you have any questions or comments , please feel free to contact me at (619) 721-9776.

[Sent from Yahoo Mail for iPhone](#)

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## Letter C14

**COMMENTER:** Yolanda Higgins

**DATE:** August 18, 2023

### **Response C14-1**

The commenter states that they would rather see an activity center be built for children and adults in the community. The commenter states they inquired about purchasing the land at the corner of El Camino Real and College and had hoped to build a bowling alley and skating rink there. The commenter states an opinion that there needs to be safe place for children and adults to unite and expresses opposition to allowing residential uses on this commercially zoned land.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

Letter C15

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**From:** Michelle Soos <msoos717@gmail.com>  
**Sent:** Tuesday, August 22, 2023 10:08 AM  
**To:** Scott Donnell  
**Subject:** Opposition to site 14 - housing site plan

Hello,

I am writing in opposition to site 14 per the below link/map, which would convert the government owned coaster railway parking lots to residential property. This parking is needed for the village, which is already starting to see issues with parking in the streets and public parking, since the many additional condominiums have been built. Can you confirm if they have a plan to add parking if they convert those lots to residential property?

Please let me know if I should write or provide my opposition in another form and where I can find updates to which of these plans are going forward. Appreciate all you do! Thanks much!

Michelle Soos  
Resident of carlsbad village

<https://www.carlsbadca.gov/departments/community-development/planning/housing-plan-update>

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## Letter C15

**COMMENTER:** Michelle Soos

**DATE:** August 22, 2023

### **Response C15-1**

The commenter expresses opposition to the inclusion of site 14 in the proposed project. The commenter states that the Coaster parking on this site is needed for the Village which is already experiencing parking issues due to the construction of condominiums. The commenter asks if there is a plan to add parking if they convert this lot to residential uses.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. The provision of parking is not an environmental issue under CEQA. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

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**From:** Christopher Byrum <cb@chrisbyrum.com>  
**Sent:** Wednesday, August 23, 2023 8:27 AM  
**To:** Planning; Scott Donnell  
**Subject:** Re: Reminder: Housing EIR available for review 🏠

To whom it may concern,

I've already provided my input on my opposition for site 3....extremely bad location for site density zoning changes. Map 2 would be the obvious choice.

1

## Letter C16

**COMMENTER:** Christopher Byrum

**DATE:** August 23, 2023

### **Response C16-1**

The commenter expresses opposition to development on site 3. The commenter states an opinion that this is a bad site for density zoning changes and map 2 would be the obvious choice.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

Letter C17

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**From:** Cheri White <cwrocky@hotmail.com>  
**Sent:** Wednesday, August 23, 2023 3:50 PM  
**To:** Scott Donnell  
**Subject:** Carlsbad Housing

Dear Mr. Donnell,

I am in receipt of the flyer sent out concerning the rezoning of housing in Carlsbad. I have lived in Carlsbad for twenty five years. I moved to Carlsbad because it was a quaint little town. It no longer is and I as a homeowner am very frustrated with all the new construction. When will it stop? I live at 3684 Azure Circle. I know I am not the only homeowner that feels this way but what can we do to stop building more and more homes. You ask us to respond but will you really listen or is this just a waste of my time?

I truly am fed up!!!

Sincerely,

Cheri White

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## Letter C17

**COMMENTER:** Cheri White

**DATE:** August 23, 2023

### **Response C17-1**

The commenter states that they moved to Carlsbad because it was a quaint little town and expresses the opinion that it no longer is. The commenter expresses frustration with all the new construction and asks when it will stop.

The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

Letter C18

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**From:** Bradford Robbins <bradfordrobbins@gmail.com>  
**Sent:** Thursday, August 24, 2023 9:09 PM  
**To:** Scott Donnell  
**Subject:** I vote for Alternative One as a better choice for diversity in Carlsbad.

I vote for Alternative One as a better choice for diversity in Carlsbad.

Brad Robbins  
Resident.

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## Letter C18

**COMMENTER:** Bradford Robbins

**DATE:** August 24, 2023

### **Response C18-1**

The commenter expresses support for Alternative 1.

Please see Response C9.1.

**From:** D Lech <dilech@ymail.com>  
**Sent:** Friday, August 25, 2023 12:33 PM  
**To:** Scott Donnell  
**Subject:** DEIR public comment

Dear Mr. Donnell,

I appreciate the opportunity to provide input on the draft environmental impact report for potential new housing sites within the Housing Element. The report is thorough, objective, and detailed. Thank you for putting this together and presenting it to the public for another opportunity to make comments.

I support Alternative 2 Reduced Sites, especially since it will allow for *more* residences (if needed in the future) than Alternative 1. If the City must comply with current and future RHNA mandates, then Alternative 2 would make the most sense.

As a homeowner living in the northeast quadrant of the City, I, along with many other residents, have been impacted by the continually increasing noise, poor air quality, and intense volume of traffic along El Camino Real between Highway 78 and Faraday Avenue during morning and evening rush hours, due to population growth, locally and throughout the region.

The proposed density increase at Site #3 at Chestnut Avenue and El Camino Real is highly inappropriate for this residential community. The project area is completely surrounded by one or two story single-family homes, with the exception of one discreet condo project on the northwest corner of this intersection. Currently, this intersection is extremely busy with 55+ MPH traffic, students on e-bikes, and pedestrians, as this intersection serves Carlsbad HS, Valley Middle School, and Magnolia Elementary. There is additional traffic heading to Hope Elementary and Kelly Elementary. Let's not forget about the hundreds of commuters using El Camino Real as an alternate to Highway 78 and Interstate 5, due to the failure of SANDAG to build the interchange we continue to pay for. These commuters from around the region will not be using a bus to get to work anytime soon.

This stretch of El Camino Real has gotten worse since the opening of Robertson Ranch in 2017, and is about to get even more intense with:

- 1) completion of Marja Acres with 294 additional residences on El Camino Real and Kelly Drive which will include retail.
- 2) future development of the vacant site at the corner of El Camino Real and Kelly Drive, adjacent to Robertson Ranch.

3) proposed future Robertson Ranch shopping center on El Camino Real and West Ranch Road.

4) proposed residential/commercial developments at El Camino Real and College Blvd. (Site #4).

With the increased traffic from these projects, the El Camino Real corridor could become impassable to the residents of both the northeast and northwest quadrants of the City, not to mention, delay by first responders trying to maneuver through the six lanes of traffic and the soon to be reduction of two lanes to a single lane on our east/west corridors of Carlsbad Village Drive and Tamarack Avenue.

It would be unnecessary and irresponsible to develop a project with the proposed density at Site #3, especially since choosing Alternative 2 Reduced Sites would provide for *more* housing units than Alternative 1.

Site 3 should remain zoned as it is currently designated, or be purchased by the City as open space to preserve the character of this neighborhood and the plant and wildlife species that call it home, while contributing to the City's Forest Canopy. Developing this parcel as proposed would be a safety issue which cannot be ignored. The people of Carlsbad have already expressed their disapproval of increasing the density of this site, along with disapproval of sites 8 and 15 during the public input collected in September and October of 2021. Please listen to the citizens of Carlsbad and do what they feel is safe and appropriate by choosing Alternative 2 Reduced Sites and remove Sites 3, 8, and 15 from the future housing plan.

Thank you for your consideration.

Sincerely,

D. Lech

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## Letter C19

**COMMENTER:** D. Lech

**DATE:** August 25, 2023

### **Response C19-1**

The commenter expresses appreciation for the opportunity to provide input on the Draft SEIR and state the report is thorough, objective, and detailed. The commenter expresses support for alternative 2 because it will allow for more residences than alternative 1.

The commenter's statements about the alternatives and the eventual project that should be approved by the city will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C19-2**

The commenter states that as a homeowner living in the northeast quadrant of the city they have experienced continually increasing noise, air quality, and traffic issues. The commenter specifically expresses concern about the volume of traffic on El Camino Real between Highway 78 and Faraday Avenue during morning and evening rush hours. The commenter expresses the opinion that the proposed density increase at Site 3 is inappropriate due to the surrounding single-family homes and the traffic at the intersection of El Camino Real and Chestnut Ave.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C19-3**

The commenter expresses concern that traffic on El Camino Real will get worse with the completion of Marja Acres on El Camino Real and Kelly Drive, future development of the vacant site at the corner of El Camino Real and Kelly Drive, proposed future Robertson Ranch shopping center on El Camino and West Ranch Road, and proposed development on site 4 on El Camino Real and College Blvd. as part of the proposed project. The commenter expresses concern that with increased traffic from these projects El Camino Real corridor could become impassable to residents of the northeast and northwest quadrants of the city.

Please see Response C19-2.

### **Response C19-4**

The commenter expresses concern that first responders will be delayed by the increased traffic and the reduction of a lane on the east/west corridors of Carlsbad Village Drive and Tamarack Avenue.

As discussed under Impact T-4 in Section 4.13, *Transportation*, of the Draft SEIR, development facilitated by the project would be required to provide adequate accommodation of fire access to structure frontages, multiple access points to development, as well as adequate width, height, and

**Housing Element Implementation and Public Safety Element Update**

turning radius of roadways and access points, pursuant to California Building Code and California Fire Code requirements. Development facilitated by the project would be required to comply with city and San Diego County standards and requirements and would undergo review by public safety officials as part of the approval process. Additionally, as found in the 2015 General Plan EIR, policies 3-P.12, 3-P.29, 3-P.30, and 3-P.33 would reduce impacts related to emergency access. Therefore, the proposed project would not result in inadequate emergency access.

Please also see Response C19-2. The commenter's opinions are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

**Response C19-5**

The commenter expresses an opinion that it would be unnecessary and irresponsible to develop a project with the proposed density at Site 3. The commenter reiterates their support for alternative 2 because it would provide for more housing than alternative 1.

The commenter's statements about the alternatives and the eventual project that should be approved by the city will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

**Response C19-6**

The commenter expresses an opinion that site 3 should remain zoned as it currently is or it should be purchased by the city and converted to open space to support the character of the neighborhood and the plant and wildlife species in the area. The commenter expresses an opinion that to develop site 3 would be a safety issue and urges the city to listen to Carlsbad residents who have provided input indicating their disapproval of the project throughout September and October of 2021. The commenter urges the city to choose alternative 2 and remove sites 3, 8, and 15 from the future housing plan.

The commenter's statements about the alternatives and the eventual project that should be approved by the city will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

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**From:** LUIGI P <astrojupiter.2000@gmail.com>  
**Sent:** Friday, August 25, 2023 12:56 PM  
**To:** Scott Donnell  
**Subject:** Draft EIR

Thank you for allowing me to express my opinion regarding the Draft EIR for the 2021-2029 Housing Element. I am a home owner living in Carlsbad District 2 and I support Alternative 2 Reduced Sites. Most residents who responded to the survey in September and October 2021 objected to the increase density of sites 3, 8 and 15 . Alternative 2 would provide for more residences and at the same time, be agreeable to the local community residents.

Regards,

L. Persico

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## Letter C20

**COMMENTER:** Luigi Persico

**DATE:** August 25, 2023

### **Response C20-1**

The commenter expresses support for alternative 2. The commenter states that most residents who responded to the survey in September and October 2021 objected to the increase in density of sites 3, 8, and 15. The commenter states alternative 2 would provide more residences and be agreeable to the local community.

The commenter's statements about the alternatives and the eventual project that should be approved by the city will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

## Letter C21

**From:** Jeff Johnson <jjbio170@yahoo.com>  
**Sent:** Sunday, August 27, 2023 12:42 PM  
**To:** Scott Donnell  
**Subject:** Regarding housing sites under consideration

Dear Mr. Donnell,

I am writing this letter regarding the rezoning of site 4 for higher density housing. I live in Sunny Creek, right across the street from site 4. I agree that Carlsbad needs to provide more affordable housing, but we need to provide it in a location that best serves the people who need this housing. Several sites, including site #4, are not appropriate locations for these proposed housing developments. Specifically, the reason site #4 is inappropriate (some of these reasons may apply to some of the other sites) are as follows:

1. The entire site sits within or adjacent to the highest severity fire zone.
2. Lack of community services (grocery stores, etc.) within walking distance. We already have one low income apartment housing unit behind the Sunny Creek housing development, and I watch many of these people take their wagons or carts to bring back groceries, etc. This same reasoning applies to parks, schools, and other essential services.
3. El Camino, at least at this location, is not a safe street for a residential complex to be co-located with. Unless the housing community is a walled-off, prison-like compound, people are going to get hurt. I have witnessed several accidents at the intersection of College Blvd. and El Camino due to excess speeds, and I've encountered young, unsupervised special-needs children playing in the streets who live in the existing apartment complex north of Sunny Creek.

I hope that we can place these housing units in a location that provides a real sense of community that is both safe and closer to essential services.

Thank you for your efforts on this challenging but important issue.

Best regards,

Jeffrey Johnson

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## Letter C21

**COMMENTER:** Jeff Johnson

**DATE:** August 27, 2023

### Response C21-1

The commenter expresses opposition to the construction of affordable housing on site 4 because the site sits within or adjacent to the highest fire severity zone, the site lacks community services like grocery stores, parks, and schools within walking distance, and is located near El Camino Real which the commenter opines is not a safe street for a residential complex to be co-located with.

As discussed under Impacts PS-3 through PS-5 in Section 4.12, *Public Services and Recreation*, the proposed project would not require the construction or expansion of schools, recreational facilities, or library facilities. The city would continue to implement policies 7-G.9 and 7-P.23 of the Arts, Culture, History, and Education Element of the 2015 General Plan, which would facilitate coordination with school districts to ensure school facilities have adequate and permanent capacity to accommodate projected future enrollment. The city would also continue to implement policies 4-P.5b and 4-P.20 through 4-P.39 of the Open Space, Conservation, and Recreation Element of the General Plan, which would ensure the city actively seeks to preserve and expand parks to meet the needs of Carlsbad residents as well as meet the park standards outlined in the Citywide Facilities and Improvements Plan of the GMP.

As discussed under Impact T-3 in Section 4.13, *Transportation*, land use proposals that would add traffic to streets not designed to current standards are evaluated through the environmental review process for consistency with Carlsbad standard processes and the Caltrans recommended guidance, LDIGR Safety Review Practitioners Guide. If needed, mitigation measures are identified therein, and the project is conditioned to construct or provide funding for an improvement that would minimize or eliminate the hazard. New and upgraded roadways needed to accommodate new development would be designed according to applicable Federal, State, and local design standards. Furthermore, policies 3-P.10, 3-P.12, 3-P.13, and 3-P.16 of the 2015 General Plan would reduce impacts related to traffic safety and hazards.

As discussed in Section 4.15, *Wildfire*, of the Draft SEIR, site 4 is partially located within an LRA Very High Fire Hazard Severity Zone. However, development facilitated by the project would be subject to the California Fire Code, which includes safety measures to minimize the threat of fire, such as noncombustible or ignition-resistant building materials for exterior from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves, and vents to prevent intrusion by flame or embers. Construction would also be required to meet CBC requirements, including CCR Title 24, Part 2, which includes specific requirements related to exterior wildfire exposure. Development facilitated by the proposed project would also be required to adhere to the California Fire Code, Part 9 of the CBC, which outlines standards for fire safety such as fire flow requirements for buildings, fire hydrant location, and distribution criteria. In addition, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply; which would help prevent loss of structures or life by reducing access limitations for purposes of accessing and suppressing wildfire locations. Furthermore, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. Site 4 would be subject to these

**Housing Element Implementation and Public Safety Element Update**

requirements prior to approval and development. The Public Safety Element Update also includes new and updated policies that were designed to account for California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, which would further reduce wildfire impacts to a less than significant level.

**From:** Chris Galindo <cfgalindo@roadrunner.com>  
**Sent:** Sunday, August 27, 2023 1:03 PM  
**To:** daleordas@gmail.com  
**Cc:** Planning; Scott Donnell; City Clerk; Council Internet Email  
**Subject:** RE: Housing EIR

Hi Dale,

Very well stated comments in your draft and I appreciate the comparisons you made to the Lahaina fire specially the escape routes that were impacted due to fleeing residents, narrow roads and emergency vehicles. The Pointsettia Fire is still fresh in our memories and regardless of all the safeguards and traffic calming measures, evacuating hundreds of residents from a high density development could be problematic.

I see no areas to change in your draft as I feel it appropriately addresses the issues.

Thank you for sending this to me to look at.

Best Regards,

Chris

On Aug 27, 2023 12:31 PM, daleordas@gmail.com wrote:

Per your request, attached are my comments regarding the proposed "Housing EIR."

If anything further is needed, let me know.

*Dale Ordas*

7325 Seafarer Pl  
Carlsbad, CA 92011  
760-613-9387

[www.ordas.com](http://www.ordas.com)

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**From:** City of Carlsbad <communications@carlsbadca.ccsend.com> **On Behalf Of** City of Carlsbad

**Sent:** Friday, August 18, 2023 10:01 AM

**To:** daleordas@gmail.com

**Subject:** Reminder: Housing EIR available for review 🏠

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## Letter C22

**COMMENTER:** Chris Galindo

**DATE:** August 27, 2023

### **Response C22-1**

The commenter expresses support for Dale Ordas' comments on the Draft SEIR including the comparisons to the Lahaina Fire which has escape routes that were impacted due to fleeing residents, narrow roads, and emergency vehicles. The commenter states the Poinsettia Fire is fresh in residents' memories and states that evacuating hundreds of residents from a high density development could be problematic.

As discussed under Impact T-4 in Section 4.13, *Transportation*, of the Draft SEIR, development facilitated by the project would be required to provide adequate accommodation of fire access to structure frontages, multiple access points to development, as well as adequate width, height, and turning radius of roadways and access points, pursuant to California Building Code and California Fire Code requirements. Development facilitated by the project would be required to comply with city and San Diego County standards and requirements and would undergo review by public safety officials as part of the approval process. Additionally, as found in the 2015 General Plan EIR, policies 3-P.12, 3-P.29, 3-P.30, and 3-P.33 would reduce impacts related to emergency access. Therefore, the proposed project would not result in inadequate emergency access. Please refer to Response B4-3 for additional information on emergency evacuation.

A response to Dale Ordas' letter is provided under Letter C24. Please see Response C24-1.

## Letter C23

**From:** Mike Geraghty <michael.e.geraghty@gmail.com>  
**Sent:** Sunday, August 27, 2023 1:08 PM  
**To:** Scott Donnell  
**Subject:** Fwd: Reminder: Housing EIR available for review 🏠

Mr Donnell - Please include my feedback below as part of the proposed zoning changes:

I want to share my feedback regarding proposed locations called "Site 8" and "Site 9" on the report.

As a 23 year resident of Carlsbad, I want to express my opposition for specifically considering Site 8 and Site 9 for R-23 zoning change to meet state requirements.

Changing the zoning of Site 8 and Site 9 would put a disproportional share of high density housing in a concentrated location.

The report did not clearly indicate where existing high density / affordable / low income housing exists. I support dispersing this type of housing/development throughout the city.

Currently, the area of Palomar Airport Road and Aviara Parkway has Laurel Tree apartments (138 units) and is adding additional 329 units with the construction of Aviara apartments for a total of 467 units concentrated in a tight area. This will bring increased traffic, parking, congestion and associated issues to an already busy intersection. Using Site 8 or Site 9 will put additional strain on this area of the city. My concern has always been the number of vehicles/parking availability that the proposed Aviara apartments will create - and adding additional housing in this area will make it even worse.

I would invite you to inspect the parking situation on Laurel Tree drive - which is already crowded and the new apartments under construction have not been completed. I predict much higher level of traffic and scarce parking availability.

Thank you  
Mike Geraghty  
1191 Mariposa Road  
Carlsbad, CA 92011

Begin forwarded message:

**From:** City of Carlsbad <[planning@carlsbadca.gov](mailto:planning@carlsbadca.gov)>  
**Subject:** Reminder: Housing EIR available for review 🏠  
**Date:** August 18, 2023 at 10:00:46 AM PDT  
**To:** [michael.e.geraghty@gmail.com](mailto:michael.e.geraghty@gmail.com)  
**Reply-To:** [planning@carlsbadca.gov](mailto:planning@carlsbadca.gov)

# OUR HOME OUR FUTURE



## **Reminder: Draft environmental impact report available for review through Aug. 28**

You still have time to provide input on the [Draft Environmental Impact Report](#) for potential new housing sites in Carlsbad.

The report is required as part of the city's [Housing Element Update](#), a state-required plan approved in April 2021 for how Carlsbad will accommodate projected housing needs through 2029. Specifically, about every eight years, cities are provided with the number of homes needed to accommodate people of all income levels and stages of life, based on demographic data.

Community members can review the report and provide input via mail or email through 5 p.m. on Aug. 28, 2023. The report, appendices and related documents are available on the [project webpage](#).

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008  
[scott.donnell@carlsbadca.gov](mailto:scott.donnell@carlsbadca.gov)

### **About the sites**

The city's housing plan includes proposed changes to zoning that would:

- Allow housing on certain properties currently zoned for commercial, industrial and public uses
- Increase the amount of housing on properties already zoned for residential development

After zoning changes are made and necessary approvals are obtained, it will be up to property owners to decide whether to build more housing on these sites and when. In all, the city needs to rezone property to accommodate about 2,600 higher density housing units by April 2024 to meet state requirements and guidelines.

Based on [input from the community](#), including people who own and live near properties that could be rezoned, the City Council directed staff to fully study the environmental impacts of two different map alternatives:

### **Map 1**

[Map 1](#) includes the 18 sites reviewed by the public in late 2021 with one change. One of the parcels within Site 4, at the northeast corner of El Camino Real and College Boulevard, was removed from the map because one of the property owners did not want the property rezoned to increase the density to the level considered. The two remaining parcels of Site 4 were included in both maps.

## Map 2

This map removes the additional following sites from Map 1:

- Site 3: Increasing the density allowed on vacant land already zoned for residential development at the southwest corner of El Camino Real and Chestnut Avenue.
- Site 8, currently home to Cottage Row Carlsbad apartments, southeast of the Palomar Airport Road and Aviara Parkway intersection. This land would be rezoned to increase density.
- Site 15: The site of a city public works yard at the corner of State and Oak streets in the Village.

This map would also increase density and number of housing units that could be considered on the properties at the Carlsbad Village and Poinsettia Coaster stations (Sites 14 and 17). The North County Transit District has expressed support for redeveloping these properties to allow for housing and transit parking, while maintaining the Coaster stations for transit.

## About the environmental analysis

Before deciding which properties to rezone, the city needed to study potential environmental impacts, such as traffic, biological resources, aesthetics and greenhouse gas emissions.

Unrelated to the new housing sites, the environmental report also evaluates the impacts of state-mandated measures regarding wildfire and flooding prevention and evacuation routes in the Public Safety Element.

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## Next steps

- **Fall 2023:** Planning Commission public hearing to review the environmental report and public input. Commission recommends which sites to rezone.
- **Early 2024:** City Council public hearing to review the environmental report and public input. City Council decides which sites to rezone.

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## More information

- [Housing Plan Update project webpage](#)



- [Map of 18 potential housing sites considered](#)
- [General Plan](#)
- Scott Donnell, Senior Planner, [scott.donnell@carlsbadca.gov](mailto:scott.donnell@carlsbadca.gov), 442-339-2618



Visit the Website



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## Letter C23

**COMMENTER:** Mike Geraghty

**DATE:** August 27, 2023

### **Response C23-1**

The commenter expresses opposition for zoning changes on site 8 and site 9 as part of the proposed project because it would put a disproportional share of high-density housing in a concentrated location. The commenter states that the Draft SEIR did not indicate where existing high density, affordable, and low-income housing exists in the city. The commenter expresses support for dispersing this type of housing throughout the city.

Existing land designated for high-density housing is shown on Figure 2-3 in Section 2, *Project Description*. The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C23-2**

The commenter states that Palomar Airport Road and Aviara Parkway currently has Laurel Tree Apartments which is 138 units and Aviara Apartments which is 329 units is being constructed in this area. The commenter states this will bring increased traffic, parking, and congestion issues to this intersection that is already busy. The commenter states that including site 8 or site 9 as part of the proposed project would put additional strain on this area of the city, specifically related to the number of vehicles and parking availability issues related to the Aviara apartments. The commenter invites the city to inspect the parking situation on Laurel Tree Drive and predicts higher levels of traffic and parking scarcity.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). The provision of parking is not considered an environmental issue under CEQA. The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

Letter C24

August 25, 2023

Scott Donnell, Senior Planner  
City of Carlsbad Planning Division  
1635 Faraday Ave.  
Carlsbad, CA 92008

Re: Draft EIR Housing Element Update

Dear Mr. Donnell,

The problem with the Draft EIR Housing Element Update is the substantial **safety risk** to Carlsbad residents in the event of another fire like the Poinsettia fire May 15, 2014. It burned 400 acres with \$22.5 million in damage, which included four single-family homes, an 18-unit apartment complex and two commercial structures that were destroyed plus six other homes were damaged.

June 25, 2022, authorities asked residents to leave their homes in a Carlsbad as a brush fire moved through the nature area bordering a lagoon. The blaze started burning around 12:30 p.m. along the Buena Vista Lagoon, just west of Interstate 5, according to the Carlsbad Police Department. Small streets immediately surrounding the body of water, including parts of Buena Vista Circle, Kremeyer Circle and Laguna Drive were evacuated “out of caution.”

The August 10, 2023, fire in Lahaina, Hawaii was a tragic example of the risks created by dense development. The following are excerpts from a piece by Bonnie Kutch that appeared in the San Diego Union-Tribune August 12, 2023:

“Imagine being awakened by the smell of smoke ... You look out see flames coming toward your home. You get up, quickly dress, herd your family members and pets to the car, and grab what few possessions you can on your way out ... You reach the only exit road, where you’re met with gridlock. Cars aren’t moving because hundreds of high-density housing units have been added to your neighborhood, without roads being added or even widened. And because all these new rental units have been allowed to be built without on-premise resident parking, the streets are lined with parked cars, making it impossible to get around the line of traffic. Worse yet, the city has just reduced the main thoroughfare to one lane in each direction to create bike lanes.

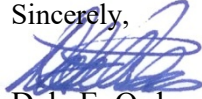
This isn’t merely an imagined scenario, but rather a probable disaster in the making if the city of San Diego continues its push for high-density housing and dense accessory dwelling unit, or ADU, development in high-risk fire zones, particularly on or near our many canyons ... The inferno that just unfolded on Maui, killing more than 100 people ... In San Diego, it’s predicted we will have wetter winters causing more vegetation overgrowth, followed by more intense heat waves and droughts. More wildfires can be expected ...”

These same hazards are present in the sites **proposed sites** 4, 6, 7, 8, 9, 12, 17 and in particular site 18 in the Ponto Area, where a reduction to one the lane in each direction on Carlsbad Blvd. is proposed.

Affordable housing is a laudable goal, but it should not be created in a manner that puts the safety of Carlsbad residents in jeopardy. Any such plan should incorporate measures that minimize the risk to the lives of residents in the event of “expected wildfires.”

1 cont.

Sincerely,



Dale E. Ordas

## Letter C24

**COMMENTER:** Dale Ordas

**DATE:** August 25, 2023

### Response C24-1

The commenter states that the Housing Element Update poses a safety risk to Carlsbad residents in the event of another fire like the Poinsettia Fire which burned 400 acres in May 2014. The commenter explains the damage to four single-family homes, an 18-unit apartment structure, and two commercial buildings that resulted from this fire. The commenter also cites an excerpt from the San Diego Union Tribune depicting the 2023 Lahaina, Hawaii fire. The commenter states that the same hazards present in Lahaina, Hawaii such as vegetation overgrowth and intense heatwaves and drought, are present on proposed sites 4, 6, 7, 8, 9, 12, 17, and 18. The commenter expresses specific concern over site 18 due to the proposed reduction of one lane in each direction on Carlsbad Boulevard. The commenter states that any plan to create affordable housing should incorporate measures that minimize the risk to the lives of residents in the event of wildfire.

The proposed reduction of one lane in each direction on Carlsbad Boulevard is not associated with the proposed project. Policy 3-P.20 of the 2015 General Plan aims to improve connectivity along Carlsbad Boulevard for pedestrians and bicyclists, such as a trail, and also aims to improve crossings for pedestrians across and along Carlsbad Boulevard.

As discussed in Section 4.15, *Wildfire*, of the Draft SEIR, Sites 1, 2, 4, 6, 7, 11, 12, and 19 are either in or less than 0.25 miles from a LRA Very High Fire Hazard Severity Zone. However, development facilitated by the project would be subject to the California Fire Code, which includes safety measures to minimize the threat of fire, such as noncombustible or ignition-resistant building materials for exterior from the surface of the ground to the roof system and sealing any gaps around doors, windows, eaves, and vents to prevent intrusion by flame or embers. Construction would also be required to meet CBC requirements, including CCR Title 24, Part 2, which includes specific requirements related to exterior wildfire exposure. Development facilitated by the proposed project would also be required to adhere to the California Fire Code, Part 9 of the CBC, which outlines standards for fire safety such as fire flow requirements for buildings, fire hydrant location, and distribution criteria. In addition, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply; which would help prevent loss of structures or life by reducing access limitations for purposes of accessing and suppressing wildfire locations. Furthermore, the Board of Forestry, via CCR Title 14, sets forth the minimum development standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent loss of structures or life by reducing wildfire hazards. Sites 1, 2, 4, 6, 7, 11, 12, and 19 would be subject to these requirements prior to approval and development. The Public Safety Element Update would also include new and updated policies that were designed to account for California Attorney General Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act, which would further reduce wildfire impacts to a less than significant level.

The proposed project also includes updates to the Public Safety Element, which would ensure future development would not impair implementation or physically interfere with an adopted emergency response plan or emergency evacuation plan through the addition of policies 6-P.48, 6-P.50 to 6-

**Housing Element Implementation and Public Safety Element Update**

P.69. Future development would be required to undergo site-specific environmental review which would ensure less than significant impacts regarding emergency evacuation. Additionally, as found in the 2015 General Plan EIR, policies 3-P.12, 3-P.29, 3-P.30, and 3-P.33 would reduce impacts related to emergency access. Therefore, the proposed project would not result in inadequate emergency access.

**From:** Teri Jacobs <tjacobs86@pacbell.net>  
**Sent:** Monday, August 28, 2023 2:08 PM  
**To:** Scott Donnell  
**Subject:** RHNA

Mr. Donnell,

While I don't think either of the plans are in the best interest of Carlsbad residents my choice would be the plan that limits as much density housing in the Village.

The impacts that the increased numbers of units in the Village Coaster Station is unconscionable. Dense housing near railroad tracks would not be safe for families. The assumption that dwellers there will use the trains and not have cars is unreasonable. Where are the jobs that they will be traveling to? Where will they shop for groceries, buy school clothes for their kids? A parking garage is not safe. If the way that property is currently cared for and monitored I can only imagine what housing and a parking structure will look like. NCTD properties are currently monitored by the SD Sheriff. Will CPD or the Sheriff be called?

Carlsbad Village is a very special place and residents want to keep it that way. Please consider the unintended consequences of the increased building in Dist 1 under the guise of transportation proximity.

Regards,  
Teri Jacobs  
Carlsbad Resident  
Dist 1

Sent from my iPad

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## Letter C25

**COMMENTER:** Teri Jacobs

**DATE:** August 28, 2023

### **Response C25-1**

The commenter states the opinion that a plan that limits housing density in the village is in the best interest of Carlsbad residents.

The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C25-2**

The commenter expresses opposition to the use of the Village Coaster Station as part of the proposed project due to its proximity to railroad tracks. The commenter also states an opinion that the assumption that dwellers will use the trains and not have cars is unreasonable. The commenter expresses concern about where the jobs that these residents would be travelling to are and the limited access to grocery stores and other necessities in the area.

The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.

### **Response C25-3**

The commenter states the opinion that a parking garage would not be safe on the Village Coaster Station site. The commenter asks if the site would be monitored by the Carlsbad Police or the Sheriff's office. The commenter asks the city to consider the unintended consequences of increased building in district 1.

The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.



**Scott Donnell**

---

**From:** Ellen Fawls <snorkelbeach@sbcglobal.net>  
**Sent:** Monday, August 28, 2023 2:13 PM  
**To:** daleordas@gmail.com  
**Cc:** Planning; Scott Donnell; City Clerk; Council Internet Email  
**Subject:** Re: Housing EIR

Great letter. I hope it does some good to slow down the frantic construction going on in Carlsbad.

Sent from wireless

On Aug 27, 2023, at 12:31 PM, daleordas@gmail.com wrote:

Per your request, attached are my comments regarding the proposed "Housing EIR."  
If anything further is needed, let me know.

*Dale Ordas*

7325 Seafarer Pl  
Carlsbad, CA 92011  
760-613-9387

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---

**From:** City of Carlsbad <communications@carlsbadca.ccsend.com> **On Behalf Of** City of Carlsbad  
**Sent:** Friday, August 18, 2023 10:01 AM  
**To:** daleordas@gmail.com  
**Subject:** Reminder: Housing EIR available for review 🏠

<Comments Carlsbad High Density Housing Plan .pdf>

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## Letter C26

**COMMENTER:** Ellen Fawls

**DATE:** August 28, 2023

### **Response C26-1**

The commenter agrees with the comments submitted by Dale Ordas and states they hope the letter slows down construction in Carlsbad.

The commenter's opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required. A response to Dale Ordas's letter is provided under Letter C24. Please see Response C24-1.

Letter C27

---

**From:** Christine Amato <christinemamato@icloud.com>  
**Sent:** Monday, August 28, 2023 6:17 PM  
**To:** Scott Donnell  
**Subject:** Re: Affordable housing sites 10 & 11

Also want to share that there are concerns about fire evacuations. In light of what happened on Maui and having lived here for most of my life (35 plus years) and evacuated a few times, I shudder to think about more homes trying to evacuate. Is this being considered. We also have ongoing water pressure issues here at kensington at the square.

Christine Amato  
(C) 760.613.2868

1

2

## Letter C27

**COMMENTER:** Christine Amato

**DATE:** August 28, 2023

### **Response C27-1**

The commenter expresses concern over fire evacuations with the increased residential development proposed by the project.

Please refer to Response B4-3 for a discussion on emergency evacuation. The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

### **Response C27-2**

The commenter expresses concern over decreased water pressure at Kensington at the square.

As discussed under Impact UTIL-1 in Section 4.14, *Utilities and Service Systems*, of the Draft SEIR, the proposed project would not require or result in the relocation or construction of new or expanded water facilities such that significant environmental effects beyond those already identified throughout the Draft SEIR would occur. As discussed under Impact UTIL-2, with compliance with existing State and local regulations aimed at water conservation, as well as Carlsbad Municipal Water District, Vallecitos Water District, and Olivenhain Municipal Water District Water Shortage Contingency Plans and ordinances, water supplies would be sufficient to accommodate the increase in demand for the proposed project. As discussed under Impact WF-2 in Section 4.15, *Wildfire*, the Public Safety Element Update would include policies 6-P.50 and 6-P.51 which would ensure that water pressure for existing developed areas is adequate for firefighting purposes and that development is only permitted within areas that have adequate water resources available to include water pressure, onsite water storage, or fire flows. The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

---

**From:** Annette Swanton <annetteswanton@gmail.com>  
**Sent:** Tuesday, August 29, 2023 3:05 PM  
**To:** Scott Donnell  
**Subject:** Environmental study Please choose alternative 1

scott.donnell@carlsbadca.gov  
Re: Environmental Study

1 | I advocate for less housing in the Village: Alternate One  
Thank You  
Annette Swanton  
Carlsbad Resident

Annette Swanton  
HomeSmart Realty West

300 Carlsbad Village Dr. Ste 217  
Carlsbad CA 92008  
760-622-9046  
CABRE # 00930835  
Sent from my iPhone

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## Letter C28

**COMMENTER:** Annette Swanton

**DATE:** August 29, 2023

### **Response C28-1**

The commenter advocates for less housing in the Village and expresses support for Alternative 1.

Please see Response C9.1.

**From:** Patrick Kerins <pkerins662@gmail.com>  
**Sent:** Thursday, August 31, 2023 11:41 AM  
**To:** Scott Donnell  
**Subject:** Traffic concern re: site 18

Scott,

1 I know the timeline for submitting feedback re: the new housing development in my area was on 8/28/23 but I need to share with you what I feel will be a traffic issue at site 18 which I believe is the planned condo/apartment complex at Ponto Rd and Ponto Dr..

2 The concern I have is the size of the development and the traffic that will be using the existing roads. The volume of traffic, I believe, will be using Ponto Rd. to access Carlsbad Blvd and then onto the Freeway via Poinsettia Lane. The current situation, with the volume of traffic now using the Ponto Rd will create traffic congestion and spillbacks especially in light of the hotel traffic that generates constant traffic flow from guests staying at the hotel, attending events and delivery vehicles on this small narrow two lane road. Obviously, this does not include the volume of traffic accessing and egressing from Hanover Beach Colony and traffic just using Ponto Rd. for other reasons. On a regular basis, tractor trailers making deliveries must park on Ponto Rd. to make its deliveries, literally shutting down one lane of traffic because the hotel's delivery bay is not large enough to accommodate the delivery vehicles. Today, either the delivery drivers or hotel staff shut off the southbound lane of Ponto Rd. to accommodate a delivery by a tractor trailer. An unauthorized person either from the delivery truck or the hotel was conducting traffic control by directing southbound traffic into the northbound lane. At the same time, another tractor trailer making a delivery to the hotel had to park in front of the hotel's entrance, blocking off access to residents trying to turn in and out from Leeward St onto Ponto. So you can imagine the significant increase in traffic by this development using Ponto Rd. between Carlsbad Blvd and Ponto Dr. under the current conditions. Most deliveries occur during peak times when people are coming and going for work, school and other activities. In addition, event activity at the hotel occurs when people are returning from their daily activities.

3 I recall that sometime ago, the plans for the development of the property along Ponto Dr. had a road with a controlled intersection included on Ponto Dr for traffic associated with the development to access Carlsbad Blvd.. Is that controlled intersection still in the plans for this development?

I appreciate any feedback you have to address my concerns.

Thank you,

Pat Kerins

**CAUTION:** Do not open attachments or click on links unless you recognize the sender and know the content is safe.

## Letter C29

**COMMENTER:** Patrick Kerins

**DATE:** August 31, 2023

### **Response C29-1**

The commenter acknowledges his comment letter is late but expresses the need to comment on the traffic issue at site 18.

Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the Draft SEIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as “Level of Service” (LOS). The commenter does not provide specific comments on the Draft SEIR or information or analysis to challenge its analysis or conclusions and no revisions to the Draft SEIR have been made in response to this comment.

### **Response C29-2**

The commenter expresses concern over the size of development and traffic volume on Ponto Road. The commenter states that the volume of traffic on Ponto Road from the proposed development coupled with hotel traffic would create traffic congestion and spillbacks. The commenter explains that tractor trailers making deliveries to the hotel would shut down one lane of traffic since the hotel’s delivery bay is not large enough to accommodate delivery vehicles, and deliveries often occur during peak hours which worsen traffic.

Please see Response C29-1.

### **Response C29-3**

The commenter recalls plans for development of the property along Ponto Drive included a road with a controlled intersection and asks if this would still be included for the proposed development at Site 18.

No specific development project has been proposed at this time. The commenter’s opinions on the project are noted and will be provided to city decision-makers for consideration. This comment does not pertain to the adequacy of the Draft SEIR and no SEIR revisions are required.



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### 3 Revisions to the Draft SEIR

This chapter presents specific text changes made to the Draft SEIR since its publication and public review. The changes are presented in the order in which they appear in the original Draft SEIR and are identified by the Draft SEIR section and page number. Text deletions are shown in ~~striketrough~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the Draft EIR and does not constitute “significant new information.” These revisions would not result in new or increased significant environmental impacts. No new significant impacts would occur, and no new mitigation measures would be required; therefore, no impacts beyond those identified in the SEIR would occur. No substantial revisions to the SEIR are required and therefore, pursuant to *CEQA Guidelines* Section 15088.5 recirculation of the SEIR is not warranted. (See Public Resources Code Section 21092.1; *CEQA Guidelines* Section 15088.5.)

#### Executive Summary

Table ES-1 has been revised as follows:

**Table ES-1 Summary of Environmental Impacts**

Impact	Mitigation Measure (s)	Residual Impact
<b>Biological Resources</b>		
<b>Impact BIO-6.</b> The proposed project (specifically Sites 4, 6, 9, and 17) may conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans. This impact would be less than significant with mitigation incorporated.	<p><b>BIO-7 HMP Minor Amendments.</b> Prior to project approval at Site 4, 6, <u>7</u>, 9 and 17, each project shall be analyzed for consistency with the HMP <u>in coordination with responsible agencies including CDFW and USFW</u>. Development may not occur within an Existing or Proposed Hardline. Any revisions to the HMP hardline boundary to allow for development on these sites shall require a HMP minor amendment, to be processed as an Equivalency Finding. Such boundary revisions must not involve any revisions the HMP operations or implementation, produce any adverse effects on the environment that are new or significantly different from those previously analyzed, result in additional take not previously analyzed, or reduce the acreage or quality of the habitat within the HMP. Any loss of HMP hardline shall be replaced with equal or greater acres of hardline, adjacent to existing hardline elsewhere in the city, and preserved and managed in accordance with the HMP. Any development within the Standards Area portion of Site 4 shall require a HMP Minor Amendment, to be processed as a Consistency Finding, which requires consistency with the HMP Planning Standards for Local Facilities Management Zone 15.</p> <p><b>BIO-8 HMP Adjacency Standards.</b> Projects within sites 1, 2, 4, 6, 7, 8, 9, 17, 18, 19 shall evaluate potential indirect impacts, such as wildfire, erosion, invasive species, unauthorized access, or predators, to habitat and species adjacent to the proposed development. Projects shall be consistent with the HMP Adjacency Standards (Section F-3).</p>	Less than Significant with Mitigation.

Impact	Mitigation Measure (s)	Residual Impact
<b>Cultural Resources</b>		
<p><b>Impact CUL-4.</b> Development facilitated by the proposed project could adversely impact tribal cultural resources. Consultation with Native American Tribal representatives is ongoing. This impact would be less than significant with adherence to the Carlsbad Cultural Resource Guidelines and implementation of mitigation.</p>	<p><b><u>Mitigation Measure CUL-1 Tribal Cultural Resources.</u></b>  <u>Projects subject to discretionary actions shall comply with the city's Tribal, Cultural, and Paleontological Resources Guidelines. For ministerial projects, the city shall provide Traditionally and Culturally Affiliated Luiseño tribes ("TCA Tribe") with early notification and the opportunity to consult on development applications and identify and assess impacts to tribal and cultural resources. Further, before commencement of any ground-disturbing activities, the project developer shall comply with the following requirements to ensure the appropriate response to the presence of any tribal and cultural resources:</u></p> <ul style="list-style-type: none"> <li>a. <u>Retain the services of a qualified archaeologist who shall be on-site for ground-disturbing activities. In the event cultural material is encountered, the archaeologist is empowered to temporarily divert or halt grading to allow for coordination with the Luiseño Native American monitor and to determine the significance of the discovery. The archaeologist shall follow all standard procedures for cultural materials that are not Tribal Cultural Resources.</u></li> <li>b. <u>Enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with a TCA tribe. This agreement will address provision of a Luiseño Native American monitor and contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The Agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist and may include the following provisions.</u> <ul style="list-style-type: none"> <li>i. <u>A Luiseño Native American monitor shall be present during all ground-disturbing activities. Ground disturbing activities may include, but are not limited to, archaeological studies, geotechnical investigations, exploratory geotechnical investigations/borings for contractor bidding purposes, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities.</u></li> <li>ii. <u>Any and all uncovered artifacts of Luiseño Native American cultural importance shall be returned to the San Luis Rey Band of Mission Indians or other Luiseño Tribe, and/or the Most Likely Descendant, if applicable, and not be curated, unless ordered to do so by a federal agency or a court of competent jurisdiction.</u></li> <li>iii. <u>The Luiseño Native American monitor shall be present at the project's pre-construction meeting to consult with grading and excavation contractors concerning excavation schedules and safety issues, as well as to consult with the archaeologist PI</u></li> </ul> </li> </ul>	<p>Less than Significant <del>without</del> <u>Mitigation-with Mitigation.</u></p>

Impact	Mitigation Measure (s)	Residual Impact
	<p><u>(principal investigator) concerning the proposed archaeological techniques and/or strategies for the project.</u></p> <p>iv. <u>Luiŋeño Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If tribal cultural resources are discovered during construction, all earthmoving activity within and around the immediate discovery area must be diverted until the Luiŋeño Native American monitor and the archaeologist can assess the nature and significance of the find.</u></p> <p>v. <u>If a significant tribal cultural resource(s) and/or unique archaeological resource(s) are discovered during ground-disturbing activities for this project, the San Luis Rey Band of Mission Indians or other Luiŋeño tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and tribal cultural resources. If, however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan is authorized by the City of Carlsbad as the lead agency, the San Luis Rey Band of Mission Indians or other Luiŋeño tribe shall be consulted regarding the drafting and finalization of any such recovery plan.</u></p> <p>vi. <u>When tribal cultural resources are discovered during the project, if the archaeologist collects such resources, a Luiŋeño Native American monitor must be present during any testing or cataloging of those resources. If the archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiŋeño Native American monitor may, at their discretion, collect said resources and provide them to the San Luis Rey Band of Mission Indians or other Luiŋeño tribe for dignified and respectful treatment in accordance with their cultural and spiritual traditions.</u></p> <p>vii. <u>If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5(b) states that no further disturbance shall occur until the San Diego County Medical Examiner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site. A Luiŋeño Native American monitor shall be present during the examination of the remains. If the San Diego County Medical Examiner determines the remains to be Native</u></p>	

Impact	Mitigation Measure (s)	Residual Impact
	<p><u>American, NAHC must be contacted by the Medical Examiner within 24 hours. The NAHC must then immediately notify the “Most Likely Descendant” about the discovery. The Most Likely Descendant shall then make recommendations within 48 hours and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.</u></p> <p>viii. <u>In the event that fill material is imported into the project area, the fill shall be clean of tribal cultural resources and documented as such. Commercial sources of fill material are already permitted as appropriate and will be culturally sterile. If fill material is to be utilized and/or exported from areas within the project site, then that fill material shall be analyzed and confirmed by an archaeologist and Luiseño Native American monitor that such fill material does not contain tribal cultural resources.</u></p> <p>ix. <u>No testing, invasive or non-invasive, shall be permitted on any recovered tribal cultural resources without the written permission of the San Luis Rey Band of Mission Indians or other Luiseño tribe.</u></p> <p>x. <u>Prior to the completion of project construction, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the monitoring program shall be submitted by the Project Archaeologist, along with the Luiseño Native American monitor’s notes and comments, to the City of Carlsbad for approval, and shall be submitted to the South Coastal Information Center. Said report shall be subject to confidentiality as an exception to the Public Records Act and will not be available for public distribution.</u></p> <p>c. <u>Furthermore, the Agreement may include additional measures mutually agreed upon by the project developer, city, and TCA Tribe such as evaluation of the project site’s pre-construction conditions for the presence or potential presence of TCRs as well as other measures tailored to and deemed necessary for the specific project.</u></p>	

## Section 2, Project Description

Table 2-4 on Page 2-15 (Section 2.4.3, *Proposed Amendments to the General Plan*) has been revised as follows:

Table 2-4 Proposed General Plan Land Use and Zoning Map Changes

Site # <sup>1</sup>	Location	Approximate Site Size	APN	Current Land Use Designation	Proposed Land Use Designation	Current Zoning Designation	Proposed Zoning Designation	Existing Units on Site	Unit Yields Permitted Under Existing General Plan Residential Designation, if Present	Proposed Unit Yield	Net Increase in Units (Proposed Unit Yield – Existing Units and/or Units Allowed by Existing Residential Land Use Designation) <sup>1</sup>
Site 1 <sup>2</sup>	North County Plaza	<u>19 acres</u>	156-301-16	R/OS	R/R-40/OS	<del>C-2/Q</del> <u>C-2-Q</u>	RD-M-Q/C-2-Q/OS	0	0	240 units	240 units
Site 2	The Shoppes at Carlsbad parking lot	<u>57 acres</u>	156-301-11	R/OS	R/R-40/R-23/OS	C-2	RD-M/C-2/OS	0	0	993 units	993 units
			156-302-35	R	R/R-40/R-23	C-2	RD-M/C-2				
			156-301-06	R	R/R-40	C-2	RD-M/C-2				
			156-301-10	R	R/R-40	C-2	RD-M/C-2				
			156-302-23	R	R/R-40	C-2	RD-M/C-2				
			<u>156-302-14</u>	<u>R</u>	<u>R/R-40/R-23</u>	<u>C-2</u>	<u>RD-M/C-2</u>				
			<u>156-302-17</u>	<u>R</u>	<u>R/R-40</u>	<u>C-2</u>	<u>RD-M/C-2</u>				
Site 3	Chestnut at El Camino Real	<u>2.5 acres</u>	167-080-33, 34, 41 and 42	R-4	R-15	R-1-10000	RD-M	0	8	28 units (at 11.5 du/ac)	20 units

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Site # <sup>1</sup>	Location	Approximate Site Size	APN	Current Land Use Designation	Proposed Land Use Designation	Current Zoning Designation	Proposed Zoning Designation	Existing Units on Site	Unit Yields Permitted Under Existing General Plan Residential Designation, if Present	Proposed Unit Yield	Net Increase in Units (Proposed Unit Yield – Existing Units and/or Units Allowed by Existing Residential Land Use Designation) <sup>1</sup>
Site 4	Zone 15 Cluster	<u>27.7 acres</u>	209-060-72	R-4/OS	R-30/OS	R-1-10000	RD-M	1	1	1 unit	0 units <sup>25</sup>
		<u>2 acres</u>	209-090-11	R-15/L	R-15/R-30	RD-M/C-L	RD-M	0	115	327 units (115 units at 12 du/ac and 212 units at 26.5 du/ac)	212 units
Site 5	Avenida Encinas Car Storage Lot	<u>11.4 acres</u>	210-090-24	PI	R-30	P-M	RD-M	0	0	53 units (at 26.5 du/ac)	53 units
Site 6	Crossings Golf Course Lot 5	<u>11.4 acres</u>	212-270-05	PI/O	R-30	P-M/O	RD-M	0	0	181 units (at 26.5 du/ac)	181 units
Site 7	Salk Avenue	<u>9.8 acres</u>	212-021-04	O	R-30	O	RD-M	0	0	259 units (at 26.5 du/ac)	259 units
Site 8	Cottage Row Apartments	<u>11.9 acres</u>	212-040-47	R-4	R-23/OS	R-1-10000-Q	RD-M- <u>Q/OS</u>	24	33	150 additional units (at 19 du/ac)	117 units

Site # <sup>1</sup>	Location	Approximate Site Size	APN	Current Land Use Designation	Proposed Land Use Designation	Current Zoning Designation	Proposed Zoning Designation	Existing Units on Site	Unit Yields Permitted Under Existing General Plan Residential Designation, if Present	Proposed Unit Yield	Net Increase in Units (Proposed Unit Yield – Existing Units and/or Units Allowed by Existing Residential Land Use Designation) <sup>1</sup>
Site 9 <sup>3</sup>	West Oaks Industrial	<u>10.8 acres</u>	212-040-26 and 212-110-01 to -08	PI and OS	R-30/OS	PI	RD-M/OS	0	192	192 units	0 units
Site 10	Bressi Ranch Colt Place	<u>2.6 acres</u>	213-262-17	PI	R-23	P-C	P-C ( <u>no change</u> )	0	0	49 units (at 19 du/ac)	49 units
Site 11	Bressi Ranch Gateway Road	<u>5.3 acres</u>	213-263-19, 213-263-20	PI	R-40	P-C	P-C ( <u>no change</u> )	0	0	199 units (at 37.5 du/ac)	199 units
Site 12	Industrial Sites East of Melrose	<u>14.1 acres</u>	221-015-08, 221-014-03	PI	R-35	P-M	RD-M	0	0	456 units (at 32.5 du/ac)	456 units
Site 14	Carlsbad Village COASTER Station	<u>7.8 acres</u>	<del>155-200-11 and 12, 760-166-37, 203-296-12</del> 155-200-11-00, 155-200-12-00, 203-054-28-00, and 203-296-12-00	V-B	V-B (no change)	V-B	V-B (no change)	0	93	93 units (at 28 du/ac) or 200 units (at under 30 du/ac)	0 units or 107 units <sup>36</sup>
Site 15	City's Oak Yard	<u>1.3 acres</u>	204-010-05, 204-010-06	V-B	V-B (no change)	V-B	V-B (no change)	0	24	24 units (at 18 du/ac)	0 units



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Site # <sup>1</sup>	Location	Approximate Site Size	APN	Current Land Use Designation	Proposed Land Use Designation	Current Zoning Designation	Proposed Zoning Designation	Existing Units on Site	Unit Yields Permitted Under Existing General Plan Residential Designation, if Present	Proposed Unit Yield	Net Increase in Units (Proposed Unit Yield – Existing Units and/or Units Allowed by Existing Residential Land Use Designation) <sup>1</sup>
Site 16	Caltrans Maintenance Station/Pacific Sales	6.9 acres	211-050-08, 09	GC, P	R-30	RA-10,000/C-2	RD-M	0	0	183 units (at 26.5 du/ac)	182 units
Site 17	Poinsettia COASTER Station	5.8 acres	214-150-08-00, 214-150-20-00, <del>214-150-11</del>	<del>P-TG</del>	R-23/P	<del>RD-M-Q-T-G</del>	RD-M-Q/T-C-Q	0	0	27 units or 100 units	27 units or 100 units <sup>42</sup>
Site 18 <sup>4</sup>	North Ponto Parcels	5.8 acres	216-010-01, 02, 03, 04, 05; 214-160-25 and 28; 214-171-11	R-15, VC/R15, GC	R-23	C-2, RD-M-Q/C-T-Q, RD-M-Q	RD-M	0	40	90 units (at 19 du/ac)	50 units
Site 19	La Costa Glen/Forum	7.8 acres	255-012-05	R/OS	R-23/OS	P-C	P-C ( <u>no change</u> )	0	0	76 units (at 19 du/ac)	76 units
<b>Total</b>											<b>3,295 units</b>

\*Site 13: Removed from Housing Site Inventory and is not included within this SEIR.

<sup>#1</sup> Unit yields are estimates only. Net increase in units does not take into account units estimated from properties that are currently designated or partially designated as commercial (sites 1, 2, 4, 16, 18, 19).

<sup>#2</sup> Site 1: A private development application has been submitted. The 240 net increase in units reflects the units the application proposes.

<sup>#3</sup> Site 9: A project has been approved for 192 units that includes its own project-level CEQA review. However, for a conservative programmatic analysis, this SEIR includes Site 9 in its analysis.

<sup>#4</sup> Site 18: A private development application with 86 units (FPC Residential, SDP 2022-0003) has been approved on ~~at~~ the portion of the site north of Ponto Drive (APNs 214-160-25, 214-160-28 and 214-171-11). Accordingly, the rezoning proposed as part of Site 18 would affect only the portion of the site south of Ponto Drive that consists of five vacant parcels (APNs 216-010-01 to 05) totaling

Site # <sup>1</sup>	Location	Approximate Site Size	APN	Current Land Use Designation	Proposed Land Use Designation	Current Zoning Designation	Proposed Zoning Designation	Existing Units on Site	Unit Yields Permitted Under Existing General Plan Residential Designation, if Present	Proposed Unit Yield	Net Increase in Units (Proposed Unit Yield – Existing Units and/or Units Allowed by Existing Residential Land Use Designation) <sup>1</sup>
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slightly more than one acre. Unit yield from the reduced site area if rezoned is 22 units. The proposed land use designation would change from GC to R-23; the zoning would change from C-2 to RD-M.

<sup>1</sup> ~~Net increase in units does not take into account units estimated from properties that are currently designated or partially designated as commercial (sites 1, 2, 4, 16, 18, 19).~~

<sup>25</sup> Site “4a” (APN 209-060-72): Site could generate 154 units if rezoned to R-30. However, since the site is currently within a floodplain, the net increase in unit yield is 0.

<sup>36</sup> Site 14: The City Council has directed the study of two different proposed unit yields for this site under Map 1 and Map 2. Map 1 has a proposed yield of 93 units, and Map 2 has a proposed yield of 200 units. The Map 1 yield of 93 units is an estimate of allowed units based on Village and Barrio Master Plan minimum density calculations (28 du/ac based on 50% of the developable area). The Map 2 yield is based on a higher density determined over the entire developable area and still within the density range allowed by the master plan (28-35 du/ac). The 107 units is the difference between the Map 2 and Map 1 unit yield estimates (200 - 93 = 107 units). This analysis assumes 107 units as a conservative estimate.

<sup>47</sup> Site 17: The City Council has directed the study of two different proposed unit yields for this site under Map 1 and Map 2. Map 1 has a proposed yield of 27 units, and Map 2 has a proposed yield of 100 units. This analysis assumes 100 unit as a conservative estimate.

Notes: du/ac = dwelling units per acre

Page 2-21 (Section 2.4.7, *Amendment to Master and Specific Plans*) has been revised as follows:

Several of the rezone sites are within master or specific plans. These plans provide a comprehensive set of guidelines, regulations, and implementation programs for ensuring development of a specific site or area in accordance with the city's General Plan, CMC, and other applicable planning documents. Often, master and specific plans provide more tailored objectives and standards than possible through city-wide documents such as the Zoning Ordinance. Examples of such plans include the Bressi Ranch Master Plan, Village and Barrio Master Plan, and Westfield Carlsbad Specific Plan. Rezone sites 1, 2, 7, 10, 11, 14, 15 and 19 are all within master or specific plans. This includes:

- Site 1 – North County Plaza Specific Plan
- Site 2 – Westfield Carlsbad Specific Plan
- Site 7 – Fenton Carlsbad Center Specific Plan
- Site 10 – Bressi Ranch Master Plan
- Site 11 – Bressi Ranch Master Plan
- Site 14 – Village and Barrio Master Plan
- Site 15 – Village and Barrio Master Plan
- Site 19 – Green Valley Master Plan

These plans require amendment as necessary to ensure consistency with the General Plan and Zoning Ordinance and Map as proposed by this project. The plans that would be amended with the proposed project include the following (no changes to the Village and Barrio Master Plan are proposed as part of the project):

1. Bressi Ranch Master Plan
2. Green Valley Master Plan
3. Fenton Carlsbad Center Specific Plan
4. North County Plaza Specific Plan
5. Westfield Carlsbad Specific Plan

## Section 3, Environmental Setting

Table 3-1 on pages 3-1 to 3-3 have been revised as follows:

**Table 3-1 Rezone Site Characteristics**

Site #	Location	Approximate Site Size	Existing Use and Site Features
Site 1	North County Plaza	19 acres	The site includes a shopping center (North County Plaza) developed with stores, restaurants and other businesses. The site is east of Buena Vista Lagoon and partially includes Buena Vista Creek. An application to develop a portion of the site with residential and new commercial uses has been submitted to the city. <u>This site is within the North County Plaza Specific Plan area. Most of the site is also in the Coastal Zone.</u>
Site 2	The Shoppes at Carlsbad parking lot	57 acres	The site is owned by the city and encompasses the parking lots for The Shoppes at Carlsbad mall and a North County Transit District transit station. The northwest corner of the site includes Buena Vista Creek and its associated riparian habitat and floodplain area. <u>This site is within the Westfield Carlsbad Specific Plan area.</u>
Site 3	Chestnut at El Camino Real	2.5 acres	The site consists of three vacant properties. The site contains slopes and potential biological resources.
Site 4	Zone 15 Cluster	27.7 acres	The site includes two separate properties currently used for an RV storage lot, a house, and outbuildings. The site is mostly undeveloped. The northern portion of the site includes a Proposed Hardline and a Standards Area, which are designated for future conservation in the Carlsbad Habitat Management Plan. The Proposed Hardline has been approved as a biological mitigation site for the future extension of College Blvd and is designated as Open Space. <u>This site is within a Very High Fire Hazard Severity Zone.</u>
Site 5	Avenida Encinas Car Storage Lot	2 acres	The site is currently occupied with a car storage lot. The site is almost entirely developed with paved surfaces. The site is in proximity of I-5 and the railway. It is also within 0.5-mile walking distance of the beach. <u>This site is within the Coastal Zone.</u>
Site 6	Crossings Golf Course Lot 5	11.4 acres	The site is a vacant and undeveloped City-owned property that was graded as part of the Carlsbad Golf Course development. A portion of the site is steeply sloped, and the developable portion of the site is approximately 6.8 acres. <u>This site is partially within the Coastal Zone.</u>
Site 7	Salk Avenue	9.8 acres	The site has been graded but is currently vacant and undeveloped. The site contains manufactured slopes and vegetation. <u>This site is within the Fenton Carlsbad Center Specific Plan area.</u>
Site 8	Cottage Row Apartments	11.9 acres	The site is developed with 24 duplex apartments. Portions of the site are undeveloped. The project site is in the Coastal Zone and undeveloped portions contain potential biological resources. The site includes a relatively flat area bordered by steep slopes. <u>This site is within the Coastal Zone.</u>
Site 9	West Oaks Industrial	10.8 acres	The site consists of nine separate but adjacent parcels, some of which have been graded, but are undeveloped. The westernmost parcel is an Existing Hardline, and a portion of the remaining lots north of West Oaks Way are a Proposed Hardline in the Carlsbad Habitat Management Plan. A powerline easement and Encinas Creek traverse the site. In 2021, the city approved "West Oaks," a

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Site #	Location	Approximate Site Size	Existing Use and Site Features
			192-unit apartment project on this site. <u>Most of the site is within the Coastal Zone.</u>
Site 10	Bressi Ranch Colt Place	2.6 acres	The site is a previously graded but vacant lot located between residential developments. Approximately 0.6 acres of the site is restricted by McClellan-Palomar Airport Safety Zone 2. <u>This site is within the Bressi Ranch Master Plan area.</u>
Site 11	Bressi Ranch Gateway Road	5.3 acres	The site consists of two vacant and undeveloped parcels adjacent to industrial and commercial uses. <u>This site is within the Bressi Ranch Master Plan area.</u>
Site 12	Industrial Sites East of Melrose	14.1 acres	The site consists of two separate but adjacent properties north of Palomar Airport Road. One of the sites is undeveloped but has been previously graded. The other site is developed with a parking lot.
Site 14	Carlsbad Village COASTER Station	7.8 acres	The site is developed with a parking lot that serves the Carlsbad Village Coaster Station and also features vacant, graded land north of the parking lot. The site lies between the Carlsbad Boulevard bridge to a point approximately 200 feet north of the station. It is owned by North County Transit District. <u>This site is within the Village and Bario Master Plan area.</u>
Site 15	City's Oak Yard	1.3 acres	The site is owned by the city and is currently developed with a public works maintenance and operations yard. The site is bordered by existing commercial and industrial development and, to the west, railroad tracks. It is three blocks south of the Carlsbad Village Train Station. <u>This site is within the Village and Bario Master Plan area.</u>
Site 16	Caltrans Maintenance Station and Pacific Sales	6.9 acres	The site consists of two adjacent parcels. The northern parcel is developed with a Caltrans maintenance station and the southern, privately-owned parcel is occupied by commercial use. The eastern portion of the southern parcel is undeveloped and both sites are generally flat. <u>This site is within the Coastal Zone.</u>
Site 17	Poinsettia COASTER Station	5.8 acres	The site is developed with transit facilities and 341 parking spaces for transit riders and is owned by the North County Transit District. The site is bordered by railroad tracks to the west and mixed-use development to the east. <u>This site is within the Coastal Zone.</u>
Site 18	North Ponto Parcels	<del>5.95</del> 8 acres	The site consists of eight vacant properties which include self-storage and undeveloped areas. The site is generally flat and is bounded by railroad on the eastern side. The city approved 86 apartments on the north three parcels of Site 18 in May <del>2022</del> 2023. <u>This site is within the Coastal Zone.</u>
Site 19	La Costa Glen/Forum	7.8 acres	The site is primarily vacant and partially developed with a parking lot. The site has been previously graded. There are no known physical constraints to development as previously present slopes within the project site have been graded. <u>This site is within the Coastal Zone, a Very High Fire Hazards Severity Zone, and within the Green Valley Master Plan area</u>

Note: Site 13 removed from Housing Site Inventory and is not included within this SEIR.

## Section 4.1, Aesthetics

Page 4.1-5 (Section 2.4.8, *Anticipated Growth*) has been revised as follows:

### Specific and Master Plans

The city uses specific plans and master plans to coordinate development and infrastructure improvements on large sites or series of parcels. Specific plans and master plans must be consistent with the General Plan and are typically used to establish development plans and standards to achieve the design and development objectives for a particular area. Much of the residential areas in the southern and northeastern portions of the Carlsbad were developed as part of a master plan (e.g., Aviara, Bressi Ranch, Calavera Hills, Rancho Carrillo, Robertson Ranch, and Villages of La Costa). In addition to the large residential master plan areas, the city has several smaller residential specific plans and specific plans for commercial and industrial areas. The Village Master Plan (described below) guides development in that area. The North County Plaza Specific Plan, Westfield Carlsbad Specific Plan, Fenton Carlsbad Center Specific Plan, Bressi Ranch Master Plan, Village and Barrio Master Plan, and Green Valley Master Plan are described below. There are also many older specific plans and master plans that have been fully implemented.

#### North County Plaza Specific Plan, 2011

The purpose of this Specific Plan is to amend the previously adopted SP-41 (Ordinance No. 9334) and to provide a comprehensive development plan for the area between Marron Road and Buena Vista Creek, west of Plaza Camino Real. This plan is to ensure that development of this area takes into consideration adjacent and neighboring properties, existing developments, and future development. This Specific Plan is intended to be a tool to implement the goals and policies of the City's General Plan.

#### Westfield Carlsbad Specific Plan, 2014

The purpose of the Westfield Carlsbad Specific Plan (WCSP) is to provide a comprehensive set of development standards, guidelines, and implementation procedures to facilitate the redevelopment, revitalization and operations of Westfield Carlsbad (WC) consistent with the existing General Plan Designation of Regional Commercial. Westfield Carlsbad is a super regional shopping center with approximately 1,151,100 square feet of gross leasable area (1,348,500 square feet of gross floor area (including common access areas)) featuring major department stores, specialty retail shops and restaurants. The plan allows Westfield Carlsbad the flexibility to meet the progressive and changing commercial, entertainment and service needs of the residents of Carlsbad and coastal north county region. The plans and exhibits provided in this specific plan provide a framework for future development at Westfield Carlsbad. The WCSP provides development and design guidelines. In addition, the WCSP permits residential in a multi-family and mixed use format.

#### Fenton Carlsbad Center Specific Plan, 2008

The 48.54-acre Fenton Carlsbad Center Specific Plan area is located on Salk Avenue, between El Camino Real and College Boulevard. The purpose of this Fenton Carlsbad Center Specific Plan (FCCSP) is to address the need for a full mix of office and medical facilities within Carlsbad, to serve both residents and the daily workforce. FCCSP only seeks to define the allowable type of land uses and does not provide development standards or design standards above and beyond

those of the Office Zone; the plan does include several implementation measures that future projects will need to comply with in addition to those of the base zone.

*Bressi Ranch Master Plan, 2016*

The Bressi Ranch Master Plan covers 585.1 acres and is located at the southeast corner of Palomar Airport Road and El Camino Real within the southeast quadrant of the City of Carlsbad. The purpose of the Bressi Ranch Master Plan (also referred to as Master Plan) is to provide for a comprehensive set of guidelines, regulations and implementation programs for ensuring the development of Bressi Ranch in accordance with the City's General Plan, Municipal Code and other applicable planning documents. The Bressi Ranch Master Plan defines the allowable type and intensity of land uses, provides detailed development and design criteria, and describes how the Master Plan will be implemented.

*Carlsbad Village and Barrio Master Plan, 2019*

The Carlsbad Village and Barrio Master Plan (City of Carlsbad 2019) replaces the Village Master Plan and Design Manual which was originally approved in 1995 and most recently revised in 2017. The plan establishes the land use, zoning, design, and long-range strategy for the Carlsbad Village and Barrio areas. The Carlsbad Village and Barrio Master Plan, together with other implementing ordinances, also serve as the Local Coastal Program for the Coastal Zone-portions of the Carlsbad Village and Barrio, pursuant to requirements of the California Coastal Act. The Carlsbad Village and Barrio Master Plan articulates a vision for neighborhoods that:

- Serve as the historic heart of the city, honoring Carlsbad's past and creating a strong sense of community.
- Are connected in place and spirit, yet retain their unique personalities.
- Embody the principles of smart growth, with a mix of commercial and residential land uses, a variety of housing choices, walkable neighborhoods and multiple transportation options.
- Attract high quality, sustainable development that enhances vitality and local character.

Sites 14 and 15 are within the Carlsbad Village and Barrio Master Plan area.

*Green Valley Master Plan, 1996*

The Green Valley Master Plan serves as the development and preservation policy and design guidelines for the Green Valley property, which encompasses approximately 281 gross acres in southwestern Carlsbad. The Green Valley site is physically characterized by three distinct areas: (1) a linear riparian woodland area which is parallel and adjacent to El Camino Real; (2) an area of gently sloping open fields which is located to the west of the riparian woodland area; and (3) an area of moderate to steep slopes which is located in the western portion of the property. The western portion of Green Valley is characterized by moderate to steep slopes with three small canyons draining to the east. The highest elevations on-site are along the western boundary. Development of Green Valley is subject to all applicable ordinances, regulations, and policies of the City of Carlsbad, except as may be specifically discussed in this Master Plan and/or the Local Coastal Program. An objective of the Master Plan is to "Guide the visual transition from undeveloped to developed lands through the use of building form, color, and materials." The Master Plan includes general community design standards and specific design directions for each Planning Area.

### Section 4.3, Biological Resources

Mitigation Measure BIO-7, HMP Minor Amendments, on Page 4.3-31, has been revised as follows:

#### *BIO-7 HMP Minor Amendments*

Prior to project approval at Site 4, 6, 7, 9 and 17, each project shall be analyzed for consistency with the HMP in coordination with responsible agencies including CDFW and USFWS. Development may not occur within an Existing or Proposed Hardline. Any revisions to the HMP hardline boundary to allow for development on these sites shall require a HMP Minor Amendment, to be processed as an Equivalency Finding. Such boundary revisions must not involve any revisions the HMP operations or implementation, produce any adverse effects on the environment that are new or significantly different from those previously analyzed, result in additional take not previously analyzed, or reduce the acreage or quality of the habitat within the HMP. Any loss of HMP hardline shall be replaced with equal or greater acres of hardline, adjacent to existing hardline elsewhere in the city, and preserved and managed in accordance with the HMP. Any development within the Standards Area portion of Site 4 shall require a HMP Minor Amendment, to be processed as a Consistency Finding, which requires consistency with the HMP Planning Standards for Local Facilities Management Zone 15.

### Section 4.4, Cultural and Tribal Cultural Resources

Table 4.4-2 has been revised as follows:

**Table 4.4-2 Inventory of Rezone Sites**

Site	APN	Location	Construction Date	Eligibility Status
1	1563011600	North County Plaza, 1810 Marron Road	N/A	N/A
2	1563011100; 1563011000; 1563010600; 1563023500; 1563022300	The Shoppes at Carlsbad, 2525 El Camino Real	N/A	N/A
3	1670805000; 1670804900; 1670803400	Chestnut Avenue at El Camino Real	Vacant	N/A
4	2090901100; 2090607200	Zone 15 cluster, College Ave at El Camino Real, and 2820 Sunny Creek Rd	Circa 1978 (2090607200)	<del>N/A</del> <u>Unknown</u>
5	2100902400	Avenida Encinas car storage lot, Avenida Encinas at Cannon Road	N/A	N/A
6	2122700500	Crossings Golf Course Lot 5	Vacant	N/A



City of Carlsbad  
**Housing Element Implementation and Public Safety Element Update**

Site	APN	Location	Construction Date	Eligibility Status
7	2120210400	Salk Avenue parcel, Salk Avenue at Fermi Court	Vacant	N/A
8	2120404700	Cottage Row, 1400 Plame Tree Lane	Circa 1978	Unknown
9	2120402600; 2121100700; 2121100600; 2121100500; 2121100800; 2121100400; 2121100300; 2121100200; 2121100100	West Oaks industrial site	Circa 1964 transmission lines (2121100500, 2121100800, 2121100200, and 2121100100)	Unknown
10	2132621700	Bressi Ranch Colt Place industrial parcel, Palomar Airport Road east of Innovation Way	Vacant	<del>Unknown</del> <u>N/A</u>
11	2132631900; 2132632000	Bressi Ranch Gateway Road industrial parcels, Gateway Road at Palomar Airport Road	Vacant	<del>Unknown</del> <u>N/A</u>
12	2210140300; 2210150800	Industrial sites east of Melrose Drive, 5980 Eagle Dr	Vacant	<del>Unknown</del> <u>N/A</u>
14	1552001200; 7601663700	Carlsbad Village Train Station Parking Lot, near railroad tracks at Carlsbad Boulevard	Railroad tracks on parcels are pre-1937	Unknown
15	2040100500; 2040100600	City's Oak Yard, Oak Avenue and Tyler Street	Circa 1964 (2040100600); circa 1967 (2040100500)	Unknown
16	2110500900; 2110500800	Caltrans Maintenance Station & Pacific Sales, 6100 Paseo Del Norte	Circa 1978	Unknown
17	2141502000; 2141500800	NCTD Poinsettia Coaster Station, Costa Boulevard west of Embarcadero Lane	Circa 1995	Unknown
18	2141602800; 2141711100; 2141602500; 2160100100;	North Ponto Parcels, 7200 Ponto Drive	Circa 1964 (2141711100); circa 1978 (2141602500)	Unknown

Site	APN	Location	Construction Date	Eligibility Status
	2160100200; 2160100300; 2160100400; 2160100500			
19	2550120500	Vacant and parking lot for La Costa Glen/Forum, Calle Barcelona west of El Camino Real	<del>N/A</del> <u>Vacant</u>	N/A

Source: NETROnline 2022

Notes:

"Vacant" indicates no built environment structures present.

"N/A" indicates not available or not applicable. The site is vacant and no built environment structure is present; or, a built environment feature or structure is present but it would not become of-age over the course project.

"Unknown" indicates the site has an of-age building or structure for which no eligibility information is available. Therefore, it is unknown if the structure is eligible for listing on a historical resources list.

Pages 4.4-25 through 4.27 have been revised as follows:

<p><b>Threshold 4a:</b> Would the project cause a substantial adverse change in the significance of a Tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</p> <p><b>Threshold 4b:</b> Would the project cause a substantial adverse change in the significance of a Tribal cultural resource as defined in Public Resources Code Section 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?</p>
--

**Impact CUL-4 DEVELOPMENT FACILITATED BY THE PROPOSED PROJECT COULD ADVERSELY IMPACT TRIBAL CULTURAL RESOURCES. CONSULTATION WITH NATIVE AMERICAN TRIBAL REPRESENTATIVES IS ONGOING. THIS IMPACT WOULD BE LESS THAN SIGNIFICANT WITH ADHERENCE TO THE CARLSBAD CULTURAL RESOURCE GUIDELINES AND WITH IMPLEMENTATION OF MITIGATION.**

As part of its tribal cultural resources identification process under AB 52 and SB18, the city sent letters via certified mail to twenty-seven tribal contacts that were identified as traditionally and culturally affiliated with the project area. The Pala Band of Mission Indians, Rincon Band of Lusieno Indians, and San Luis Rey Band of Mission Indians have formally requested consultation and consultation with these tribes is ongoing. Although no specific tribal cultural resources on the rezone sites have been identified during the preparation of this document, tribal cultural resources are known to exist in Carlsbad. Development facilitated by the proposed project has the potential to adversely impact tribal cultural resources. The Carlsbad Cultural Resource Guidelines addresses identification and treatment of tribal cultural resources that may be impacted as a result of development associated with the proposed project. ~~Therefore, potential impacts to tribal cultural resources would be less than significant with adherence to the~~

~~Carlsbad Cultural Resource Guidelines. No mitigation is required. Nonetheless, this impact is potentially significant.~~

## Mitigation Measures

~~No mitigation measures are required because, like under the 2015 General Plan EIR, impacts would be less than significant without mitigation. The following mitigation is required:~~

### Mitigation Measure CUL-1 Tribal Cultural Resources

Projects subject to discretionary actions shall comply with the city's Tribal, Cultural, and Paleontological Resources Guidelines. For ministerial projects, the city shall provide Traditionally and Culturally Affiliated Luiseño tribes ("TCA Tribe") with early notification and the opportunity to consult on development applications and identify and assess impacts to tribal and cultural resources. Further, before commencement of any ground-disturbing activities, the project developer shall comply with the following requirements to ensure the appropriate response to the presence of any tribal and cultural resources:

- b. Retain the services of a qualified archaeologist who shall be on-site for ground-disturbing activities. In the event cultural material is encountered, the archaeologist is empowered to temporarily divert or halt grading to allow for coordination with the Luiseño Native American monitor and to determine the significance of the discovery. The archaeologist shall follow all standard procedures for cultural materials that are not Tribal Cultural Resources.
- d. Enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with a TCA tribe. This agreement will address provision of a Luiseño Native American monitor and contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The Agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist and may include the following provisions.
  - i. A Luiseño Native American monitor shall be present during all ground-disturbing activities. Ground disturbing activities may include, but are not limited to, archaeological studies, geotechnical investigations, exploratory geotechnical investigations/borings for contractor bidding purposes, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities.
  - ii. Any and all uncovered artifacts of Luiseño Native American cultural importance shall be returned to the San Luis Rey Band of Mission Indians or other Luiseño Tribe, and/or the Most Likely Descendant, if applicable, and not be curated, unless ordered to do so by a federal agency or a court of competent jurisdiction.
  - iii. The Luiseño Native American monitor shall be present at the project's pre-construction meeting to consult with grading and excavation contractors concerning excavation schedules and safety issues, as well as to consult with the archaeologist PI (principal investigator) concerning the proposed archaeologist techniques and/or strategies for the project.
  - iv. Luiseño Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If tribal cultural

resources are discovered during construction, all earthmoving activity within and around the immediate discovery area must be diverted until the Luiseño Native American monitor and the archaeologist can assess the nature and significance of the find.

- v. If a significant tribal cultural resource(s) and/or unique archaeological resource(s) are discovered during ground-disturbing activities for this project, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and tribal cultural resources. If, however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan is authorized by the City of Carlsbad as the lead agency, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be consulted regarding the drafting and finalization of any such recovery plan.
- vi. When tribal cultural resources are discovered during the project, if the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources. If the archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor may, at their discretion, collect said resources and provide them to the San Luis Rey Band of Mission Indians or other Luiseño tribe for dignified and respectful treatment in accordance with their cultural and spiritual traditions.
- vii. If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5(b) states that no further disturbance shall occur until the San Diego County Medical Examiner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Medical Examiner determines the remains to be Native American, NAHC must be contacted by the Medical Examiner within 24 hours. The NAHC must then immediately notify the "Most Likely Descendant" about the discovery. The Most Likely Descendant shall then make recommendations within 48 hours and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
- viii. In the event that fill material is imported into the project area, the fill shall be clean of tribal cultural resources and documented as such. Commercial sources of fill material are already permitted as appropriate and will be culturally sterile. If fill material is to be utilized and/or exported from areas within the project site, then that fill material shall be analyzed and confirmed by an archaeologist and Luiseño Native American monitor that such fill material does not contain tribal cultural resources.
- ix. No testing, invasive or non-invasive, shall be permitted on any recovered tribal cultural resources without the written permission of the San Luis Rey Band of Mission Indians or other Luiseño tribe.

- x. Prior to the completion of project construction, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the monitoring program shall be submitted by the Project Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Carlsbad for approval, and shall be submitted to the South Coastal Information Center. Said report shall be subject to confidentiality as an exception to the Public Records Act and will not be available for public distribution.
- e. Furthermore, the Agreement may include additional measures mutually agreed upon by the project developer, city, and TCA Tribe such as evaluation of the project site's pre-construction conditions for the presence or potential presence of TCRs as well as other measures tailored to and deemed necessary for the specific project.

### **Significance after Mitigation**

Implementation of Mitigation Measure CUI-1 would reduce potential impacts to tribal cultural resources from development facilitated by the proposed project to less than significant levels.

### **c. Cumulative Impacts**

The geographic scope for cumulative cultural resource impacts includes areas in the vicinity Carlsbad, including adjacent unincorporated County land and adjacent incorporated cities. This geographic scope is appropriate for cultural resources because such resources are regionally specific. The geographic scope for cumulative tribal cultural resource impacts includes Luiseño and Kumeyaay/Diegueño traditional territory. This geographic scope is appropriate for tribal cultural resources because tribal cultural resources are regionally specific and determined by the local tribes. Cumulative buildout in this region would have the potential to adversely impact cultural and tribal cultural resources.

It is possible that future cumulative projects would result in impacts to known or unknown historical resources. While impacts to such resources would be addressed on a case-by-case basis and would likely be subject to mitigation measures similar to those imposed for development facilitated by the project, cumulative development may result in direct or indirect impacts to historical resources. As such, cumulative historical impacts would be significant. Development facilitated by the project would adhere to the provisions of the Carlsbad Cultural Resource Guidelines related to historical resources. However, even after implementation of these guidelines, the proposed project would result in a considerable contribution to this cumulative impact.

Buildout of cumulative projects would result in significant cumulative impacts to unknown archaeological resources. In the event that individual cumulative projects would result in impacts to known or unknown cultural resources, impacts to such resources would be addressed on a case-by-case basis, and would likely be subject to mitigation measures similar to those imposed for development facilitated by the project. As such, cumulative archaeological impacts would be less than significant without mitigation as development facilitated by the project must adhere to the Carlsbad Cultural Resource Guidelines. With adherence to these guidelines, impacts to archaeological resources would be less than significant; therefore, the proposed project would not result in a considerable contribution to this cumulative impact.

Future projects and cumulative projects in the region would involve ground-disturbing activities which could encounter human remains. If human remains are found, the proposed project and cumulative projects would be required to comply with the State of California Health and Safety

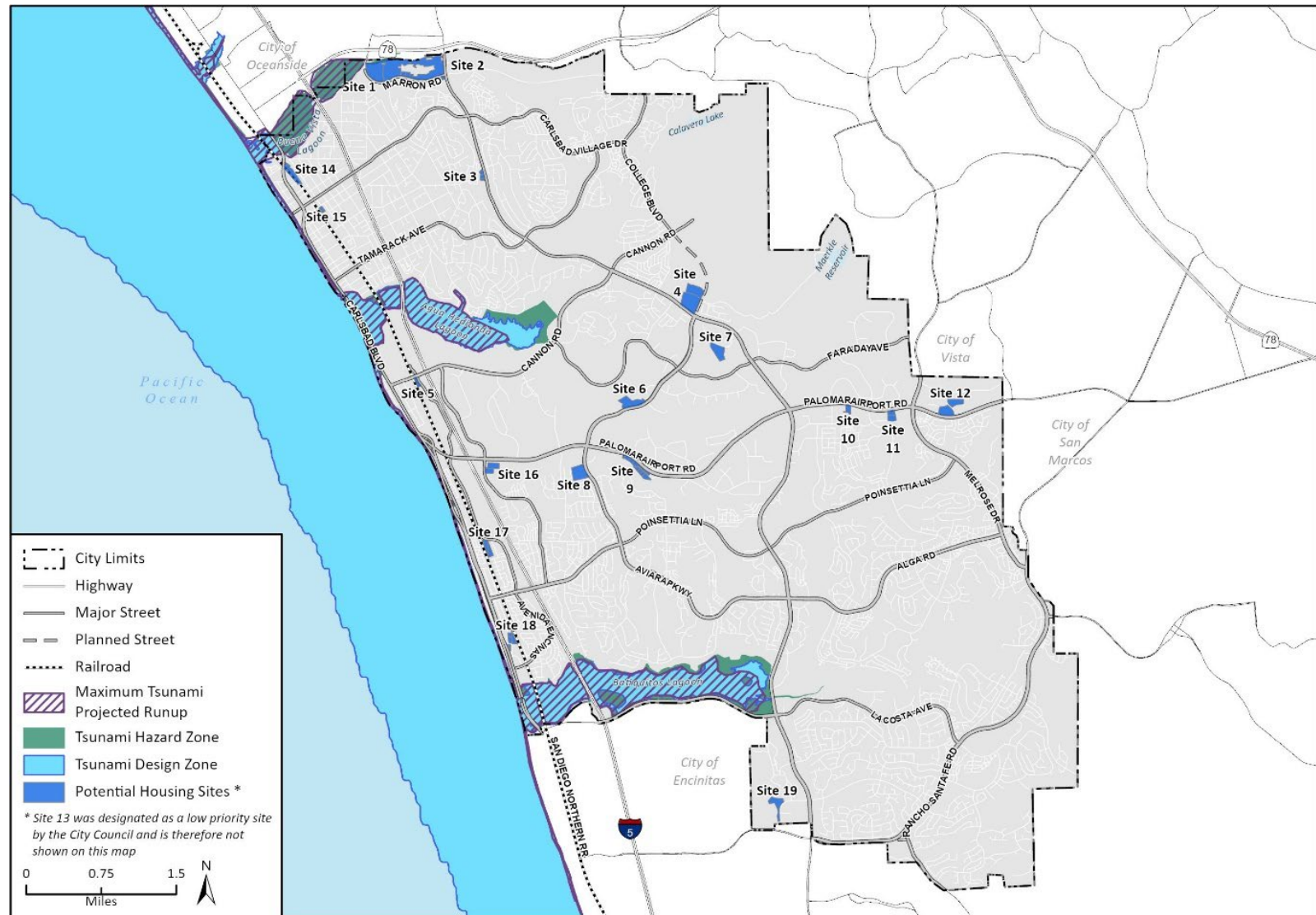
Code Section 7050.5, as described in Impact CUL-3, above. With adherence to the Carlsbad Cultural Resource Guidelines and existing regulations relating to human remains, cumulative impacts would be less than significant, and the proposed project would not result in a considerable contribution to this cumulative impact.

Cumulative development in the region would disturb areas with the potential to contain tribal cultural resources. Given the potential to damage these unknown tribal cultural resources, cumulative impacts could be significant. Cumulative projects are reviewed separately by the appropriate jurisdiction and undergo environmental review when it is determined that the potential for significant impacts exists. In the event that future cumulative projects would result in impacts to known or unknown tribal cultural resources, impacts to such resources would be addressed on a case-by-case basis, and would be subject to the Carlsbad Cultural Resource Guidelines. With adherence to these guidelines, and with implementation of project specific mitigation, cumulative impacts would be less than significant, and the proposed project would not result in a considerable contribution to this cumulative impact.

## **Section 4.8, Hydrology and Water Quality**

Figure 4.8-4 on Page 4.8-7 (Section 4.8.1d, *Hydrologic Hazards – Flood Hazards*) has been updated to the following map:

Figure 4.8-1 Tsunami Hazard Areas in Carlsbad



Imagery provided by Esri and its licensors © 2023.  
Additional data provided by City of Carlsbad, 2022; CGS, 2022; ASCE Tsunami Hazard Tool, 2022.

CSB Housing Sites Poster  
Fig 4.5-6 Tsunami Hazards and Housing Sites

## Section 4.9, Land Use and Planning

Page 4.4-9 has been revised as follows:

### Specific and Master Plans

The city uses specific plans and master plans extensively to coordinate development and infrastructure improvements on large sites or series of parcels. Specific plans and master plans must be consistent with the general plan and are typically used to establish development plans and standards to achieve the design and development objectives for a particular area. Much of the residential areas in the southern and northeastern portions of the Carlsbad were developed as part of a master plan (e.g., Aviara, Bressi Ranch, Calavera Hills, Rancho Carrillo, Robertson Ranch, and Villages of La Costa). In addition to the large residential master plan areas, the city has several smaller residential specific plans and specific plans for commercial and industrial areas. ~~The Village and Barrio Master Plan was recently amended in 2021 and will continue to guide development in that area. There are also many older specific plans and master plans that have been fully implemented.~~ The North County Plaza Specific Plan, Westfield Carlsbad Specific Plan, Fenton Carlsbad Center Specific Plan, Bressi Ranch Master Plan, Village and Barrio Master Plan, and Green Valley Master Plan are described below.

#### North County Plaza Specific Plan, 2011

The purpose of this Specific Plan is to amend the previously adopted SP-41 (Ordinance No. 9334) and to provide a comprehensive development plan for the area between Marron Road and Buena Vista Creek, west of Plaza Camino Real. This plan is to ensure that development of this area takes into consideration adjacent and neighboring properties, existing developments, and future development. This Specific Plan is intended to be a tool to implement the goals and policies of the City's General Plan.

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The purpose of the Westfield Carlsbad Specific Plan (WCSP) is to provide a comprehensive set of development standards, guidelines, and implementation procedures to facilitate the redevelopment, revitalization and operations of Westfield Carlsbad (WC) consistent with the existing General Plan Designation of Regional Commercial. Westfield Carlsbad is a super regional shopping center with approximately 1,151,100 square feet of gross leasable area (1,348,500 square feet of gross floor area (including common access areas)) featuring major department stores, specialty retail shops and restaurants. The plan allows Westfield Carlsbad the flexibility to meet the progressive and changing commercial, entertainment and service needs of the residents of Carlsbad and coastal north county region. The plans and exhibits provided in this specific plan provide a framework for future development at Westfield Carlsbad. The WCSP defines allowable types and intensity of land uses. In addition, the WCSP permits residential in a multi-family and mixed use format.

#### Fenton Carlsbad Center Specific Plan, 2008

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land uses and does not provide development standards or design standards above and beyond those of the Office Zone; the plan does include several implementation measures that future projects will need to comply with in addition to those of the base zone. The plan provides for a mix of office uses and proportional amount of medical office uses within the city's central employment area and also within close proximity to residentially zoned areas.

*Bressi Ranch Master Plan, 2016*

The Bressi Ranch Master Plan covers 585.1 acres and is located at the southeast corner of Palomar Airport Road and El Camino Real within the southeast quadrant of the City of Carlsbad. The purpose of the Bressi Ranch Master Plan is to provide for a comprehensive set of guidelines, regulations and implementation programs for ensuring the development of Bressi Ranch in accordance with the City's General Plan, Municipal Code and other applicable planning documents. The Bressi Ranch Master Plan defines the allowable type and intensity of land uses, provides detailed development and design criteria, and describes how the Master Plan will be implemented. A primary goal of the Bressi Ranch Master Plan is to create a pedestrian oriented community where the use of the automobile can be minimized. The Master Plan has a strong mixed-use component that includes residential, commercial and office/industrial uses in close proximity.

*Carlsbad Village and Barrio Master Plan, 2019*

The Carlsbad Village and Barrio Master Plan (City of Carlsbad 2019) replaces the Village Master Plan and Design Manual which was originally approved in 1995 and most recently revised in 2017. The plan establishes the land use, zoning, design, and long-range strategy for the Carlsbad Village and Barrio areas. The Carlsbad Village and Barrio Master Plan, together with other implementing ordinances, also serve as the Local Coastal Program for the Coastal Zone-portions of the Carlsbad Village and Barrio, pursuant to requirements of the California Coastal Act. The Carlsbad Village and Barrio Master Plan articulates a vision for neighborhoods that:

- Serve as the historic heart of the city, honoring Carlsbad's past and creating a strong sense of community.
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Sites 14 and 15 are within the Carlsbad Village and Barrio Master Plan area.

*Green Valley Master Plan, 1996*

The Green Valley Master Plan serves as the development and preservation policy and design guidelines for the Green Valley property, which encompasses approximately 281 gross acres in southwestern Carlsbad. Development of Green Valley is subject to all applicable ordinances, regulations, and policies of the City of Carlsbad, except as may be specifically discussed in this Master Plan and/or the Local Coastal Program. An objective of the Master Plan is to "Guide the visual transition from undeveloped to developed lands through the use of building form, color, and materials." The Master Plan includes general community design standards and specific design directions for each Planning Area. The goal of this Master Plan is to ensure a high quality

development which will preserve the Existing environmental resources, to the greatest extent possible, and to provide commercial retail and housing opportunities for area residents.

## Section 4.10, Noise

Page 4.10-32 (Section 4.10.3c, *Project Impacts and Mitigation Measures Impact NOI-4*) has been revised as follows:

The McClellan-Palomar ALUCP includes development policies regarding the compatibility of development areas and exposure to noise ~~(e.g., residential infill development shall not be allowed where exposure to noise levels of more than 65 dBA CNEL may occur), such as Policy 2.11.1b(3) which states that residential infill development shall not be allowed where the dwellings would be exposed to noise levels of more than 70 dB CNEL; and Policy 3.3.3(b), which states that the maximum airport-related noise level considered compatible for new residential development in the environs of the Airport is 65 dB CNEL.~~ Although a small portion of Site 9 is within the 65-70 dB CNEL noise contour, a project has been approved at this site for 192 units that included its own project-level CEQA review.

## Section 4.13, Transportation

Page 4.13-1 (Section 4.13.1b, *Bus Service*) has been revised as follows:

NCTD fixed-route bus service is referred to as ~~their~~ BREEZE service. BREEZE NCTD currently operates ~~approximately nine~~ twelve BREEZE bus routes within the city, including routes 101, 302, 304, 309, 315, 323, ~~315/325~~, 444, 445, 604, 609, and ~~632-623~~. Buses generally operate on ~~30-20~~-minute to 60-minute headways depending on the day of the week. NCTD also offers LIFT, a curb-to-curb service for ~~disabled~~ persons with disabilities who are unable to utilize ~~the BREEZE~~ serve fixed-route services and are certified as eligible to use the service, as required by the ADA.

Page 4.13-1 (Section 4.13.1b, *COASTER Commuter Rail*) has been revised as follows:

This is a north-south commuter rail transit service connecting from Oceanside to Santa Fe Depot in San Diego. Carlsbad is served by two COASTER stations, one located north of Poinsettia Lane (just west of I-5) and the other is located in the Village area. The COASTER service primarily operates southbound on headway times that vary from 20 minutes to 80 minutes from Monday to Friday with shorter headway times during busiest hours approximately 60 minute headways between 5:15 AM and 8:40 PM Monday through Friday. It operates northbound on headway times that vary from 20 minutes to 140 minutes from Monday to Friday with shorter headway times during busiest hours approximately 60 minute headways between 6:40AM and 10:20 PM. COASTER service is extended into the evening hours during weekends and holidays. ~~It operates on reduced service hours on weekends and holidays with longer headways.~~

A footnote has been added to the text of Page 4.13-5 (Section 4.13.2b, *SB 743*) as follows:

This legislation also established that aesthetic and parking effects of residential, mixed-use residential, or employment center projects on an infill site<sup>1</sup> within a TPA are not significant impacts on the environment.

\*Footnote 1: An infill site refers to a site with a building within unused and underutilized lands within existing development patterns.

## Section 4.14, Utilities and Service Systems

Page 4.14-4 (Section 4.14.1d, *State Electric Power Supply*) has been revised as follows:

In 2021, California's in-state electricity generation totaled 277,764 gigawatt-hours (California Energy Commission [CEC] 2023a). Primary fuel sources for the state's electricity generation in 2021 included natural gas, hydroelectric, solar photovoltaic, wind, nuclear, geothermal, biomass, and solar thermal. Electricity imports accounted for approximately 30 percent of total system electric generation in 2021 (CEC 2023a).

Pages 4.14-13 – 4.14-14 (Section 4.14.2a, *Regulatory Setting - Water*) have been revised as follows:

### ~~Carlsbad~~ CMWD Recycled Water Master Plan Update

The ~~Carlsbad~~ Recycled Water Master Plan Update was adopted on July 15, 2019, as an update to the 2012 Recycled Water Master Plan. The Recycled Water Master Plan Update provides a system evaluation and capacity assessment of the recycled water system and recommends a capital improvement program to provide for continued reliable recycled water service through buildout conditions, which are projected to occur by 2040 (Carlsbad Municipal Water District 2019a).

Carlsbad's service areas for recycled water do not coincide with the City's municipal boundary. The potable and recycled water service areas are governed by the Carlsbad Municipal Water District (CMWD), a subsidiary district of the City of Carlsbad operating under the Municipal Water District Act of 1911. CMWD covers an area of 20,682 acres, approximately 32 square miles, and provides potable and recycled water supply to most of the City of Carlsbad. CMWD supplies potable water within its service area and currently receives 100 percent of its potable water supply from SDCWA. The potable water distribution system consists of 450 miles of pipeline, 71 pressure regulating stations, three pump stations, eight storage tanks, and one reservoir. CMWD supplies recycled water through two recycled water distribution systems, which include 77 miles of pipeline, six pressure zones, three storage tanks, three booster pumping stations, three supply sources with pumping stations, and five pressure regulating stations. Land uses within the service area are primarily residential with a mix of agricultural, light industrial and commercial (CMWD 2019a).

CMWD receives recycled water from reclamation plants within the Encina Wastewater Authority (EWA) service area. CMWD receives recycled water from ~~three~~ two reclamation plants: Carlsbad Water Recycling Facility (CWRF), and Meadowlark Water Reclamation Facility (WRF) ~~and Gafner Water Reclamation Plant (WRP)~~. CWRF has a permitted capacity of 7 mgd, and Meadowlark WRF has a permitted capacity of 5 mgd, ~~and the Gafner WRP has a permitted capacity of 1 mgd,~~ for a total capacity of ~~13~~ 12 mgd. Using the baseline year of 2014, the recycled water system demand for the Recycled Water Master Plan Update is approximately 4,650 AFY or 4.1 mgd. Assuming a peaking factor of 1.7 for maximum month, required WRF supplies would be approximately 7 mgd. CMWD is currently operating at about two-thirds capacity of their potential recycled water supplies. CMWD has sufficient available supply capacities, under its current agreements and assuming CMWD continues to purchase up to 3 mgd from VWD, to reliably meet existing and future demands of the recycled water system (CMWD 2019b).

Pages 4.4-26 through 4.14-27 under Impact UTIL-1 have been revised as follows:

## Wastewater

Carlsbad is served by existing city wastewater conveyance facilities, including local sewer collection lines and trunk sewer lines. Development facilitated by the project may require increasing the size of existing facilities, installation of additional sewer mains, and new lateral connections on or adjacent to the rezone sites. Future development on the rezone sites would be required to prepare sewer studies based on the demand generated by the proposed number of units. Potential hydraulic impacts to the existing sewer collection system are required to be assessed by the developer and subject to reviewed by the city's Public Works Utilities Department, who would determine what upgrades would be needed. Future projects would be required to complete improvements as determined by Public Works staff the Utilities Department. Particular attention is brought to, but not limited to, the development sites listed below:

**Sites 1 (North County Plaza) and 2 (The Shoppes at Carlsbad):** These sites would be served by the Vista/Carlsbad Interceptor Sewer in which Carlsbad has capacity rights of approximately 10% of pipe-full capacity. The sewer pipe segment located west of El Camino Real is identified as deficient in capacity for future city of Vista sewer flows and is planned for upsizing in Carlsbad and Vista sewer master plans. The proposed housing unit yield and associated sewer demands will require evaluation for potential hydraulic impacts and the need for additional sewer capacity.

**Site 6 – Crossings Golf Course Lot 5:** The site is adjacent to an abandoned collector sewer. Sewer service to this site will require recommissioning of the abandoned sewer and the flow must be conveyed to either the Buena Interceptor Sewer or the Vallecitos Interceptor Sewer via a new connection. The addition of sewer demand to these interceptor sewers is subject to available capacity and requires the approval of the Buena Sanitation District or the Vallecitos Water District. These agencies may reserve existing available capacity for their future sewer demands.

**Site 8 – Cottage Row Apartments:** The proposed unit yield represents a 354% increase in the existing permitted unit yield. Sewer flows from this site must be conveyed to either the Buena Interceptor Sewer or the Vallecitos Interceptor Sewer. The addition of sewer demand to these interceptor sewers is subject to available capacity and may require the approval of the Buena Sanitation District or the Vallecitos Water District. These agencies may reserve existing available capacity for their future sewer demands.

**Site 9 – West Oaks Industrial.** Sewer flows from this site must be conveyed to either the Buena Interceptor Sewer or the Vallecitos Interceptor Sewer. The addition of sewer demand to these interceptor sewers is subject to available capacity and requires the approval of the Buena Sanitation District or the Vallecitos Water District. These agencies may reserve existing available capacity for their future sewer demands.

**Site 16 – Caltrans Maintenance Station/Pacific Sales:** The proposed net increase of 182 units and associated sewer demand requires evaluation of potential hydraulic impacts in the sewer collection system. Sewer flows from this site must be conveyed to either the Buena Interceptor Sewer or the Vallecitos Interceptor Sewer. The addition of sewer demand to these interceptor sewers is subject to available capacity and may require the approval of the Buena Sanitation

District or the Vallecitos Water District. These agencies may reserve existing available capacity for their future sewer demands.

**Site 18 – North Ponto Parcels:** This site is not currently served by a public sewer collection system and new sewer collection facilities must be constructed.

**Site 19 – La Costa Glen/Forum:** This site is served by the Leucadia Wastewater District. The addition of sewer demand is subject to available capacity and the approval of the Leucadia Wastewater District.

As with water facilities, sewer line extensions necessary to serve the future development would generally be installed within the already disturbed rights-of-way of existing roads or within the disturbance footprints of such projects. As such, the construction of these infrastructure improvements would not substantially increase the project's disturbance area or otherwise cause significant environmental effects beyond those identified throughout this SEIR.

The project would result in an increase in wastewater generation relative to existing conditions. Wastewater generated by future development would be treated at the Encina Wastewater Authority in Carlsbad, which has a ~~design~~ total treatment capacity of 40.5 mgd, and a remaining available capacity of 17.5 mgd. The City of Carlsbad owns 25.33 percent (10.26 mgd) of the total treatment capacity of the plant. Carlsbad's annual average daily flow for Fiscal year 2022-23 was recorded at 6.22 mgd, providing 4.04 mgd of available capacity. Based on a wastewater generation rate of 200 gallons per equivalent dwelling unit per day (City of Carlsbad 2023a), development under the project would generate a gross increase of approximately 659,000 gallons, or 0.66 mgd, average daily flow of wastewater (200 gallons per residential unit per day x 3,295 units). This analysis conservatively assumes all project-generated wastewater would be new wastewater generation and does not account for wastewater generation associated with existing development that would be demolished to accommodate new residential units.

Table 4.14-2 summarizes ~~the~~ Carlsbad's available capacity at the Encina Wastewater Authority and the percentage used by anticipated project wastewater generation based on average daily flow conditions. As shown therein, the project's gross increase in wastewater generation would comprise approximately 4 percent of the Encina Wastewater Authority's total remaining available wastewater treatment capacity and approximately 16 percent of Carlsbad's remaining capacity rights.<sup>1</sup> Even during peak flow conditions, where wastewater generation associated with development on the rezone sites could be up to 1.7 mgd (based on calculations from the City's Public Works Department), this could be accommodated within the 17.5 mgd of remaining available capacity.

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<sup>1</sup> 0.4 mgd / 17.5 mgd x 100 = 4percent

**Table 4.14-2 Wastewater Treatment Plant Capacity**

<b>Encina Wastewater Authority</b>	
<b><u>Total Treatment Plant Capacity</u></b>	
<u>Total</u> Average Daily Treatment	23 MGD
Total Capacity <sup>1</sup>	40.5 MGD
<u>Total</u> Remaining Available Capacity	17.5 MGD
Project Wastewater Generation - Average Flow <sup>2</sup>	0.7 MGD
Percent of <u>Total</u> Remaining Available Capacity Used by Project – Average Flow	4%
<b><u>City of Carlsbad Treatment Plant Capacity</u></b>	
<u>City of Carlsbad Daily Treatment Capacity Ownership</u>	<u>10.26 MGD (25.33%)</u>
<u>City of Carlsbad Average Annual Daily Flow FY 22-23</u>	<u>6.22 MGD</u>
<u>City of Carlsbad Remaining Capacity Available – Average Flow</u>	<u>4.04 MGD</u>
<u>Project Wastewater Generation - Average Flow<sup>2</sup></u>	<u>0.7 MGD</u>
<u>City of Carlsbad Percentage of Remaining Capacity Used by Project – Average Flow</u>	<u>16%</u>
mgd = million gallons per day	
<sup>1</sup> The current design treatment capacity of the Encina Wastewater Authority is 40.5 mgd.	
<sup>2</sup> Reasonably foreseeable development under the project would generate a net increase in average daily flow of approximately 659,000 gallons, or 0.7 mgd (200 gallons per residential unit per day x 3295 units).	
Sources: Encina Wastewater Authority 2021	

Therefore, the Encina Wastewater Authority would have adequate capacity to serve development under the project. In addition, development would be responsible for constructing on and offsite improvements to wastewater conveyance systems and paying standard sewer connection fees, as necessary. Individual developments would be required to prepare site specific sewer studies to reflect actual development conditions which would be reviewed by the city and the applicable wastewater providers to determine if sufficient sewer capacity exists to serve the additional population that would be generated by the future projects. The city will continue to coordinate with the wastewater districts to ensure that new development, when proposed, would not exceed the capacity of wastewater conveyance and treatment facilities, and that new development would pay development fees to increase capacity of those facilities. Furthermore, as was found in the 2015 General Plan EIR, development would be subject to 2015 General Plan policies related to the provision of adequate wastewater services and facilities. Therefore, although the project may involve some infrastructure improvements to serve individual rezone sites, the project would not result in the relocation or construction of new or expanded wastewater facilities such that significant environmental effects beyond those already identified throughout this SEIR would occur. Impacts to wastewater would be less than significant.

## Section 6, Alternatives

Page 6-10 has been revised as follows:

### **d. Cultural and Tribal Cultural Resources**

Implementation of Alternative 2 would involve less ground disturbance than would occur under the proposed project due to the removal of rezone sites 3, 8, and 15. Under this alternative, density at rezone sites 14 and 17 would be increased and result in a net increase of 43 units compared to the proposed project, but ground disturbance would not change substantially as compared to the proposed project. Therefore, the potential to impact known and unknown cultural resources would be the same as compared to the proposed project. Because this alternative would include fewer development sites than the proposed project and would exclude site 15 located within the Carlsbad Village Historic District, potential impacts to historic structures would also be slightly decreased. However, since Alternative 2 would continue to develop site 14 which is located within the Carlsbad Village Historic District and in proximity to locally significant properties, impacts would remain significant and unavoidable. The potential to disturb tribal cultural resources, including ancestral remains and sacred sites, would be similar under this alternative as compared to the proposed project as ground disturbance would not change substantially compared to the proposed project. Similarly, impacts related to unknown tribal cultural resources would remain less than significant with incorporation of Mitigation Measure CUL-1. Alternative 2, like the proposed project, would result in greater levels of ground disturbance compared to the 2015 General Plan EIR due to the inclusion of the rezoning sites than that analyzed in the 2015 General Plan EIR. However, overall, impacts related to cultural and tribal cultural resources would be similar under this alternative than what could occur as a result of proposed project but would be greater than the impacts analyzed in the 2015 General Plan EIR.

## 4 CEQA Implications for Changes to the Proposed Project

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This chapter provides a discussion of the CEQA implications of potential changes to the project that have been made after circulation of the Draft SEIR.

### 4.1 Project Changes and Clarifications

Proposed project changes include adding two parcels to Site 2: Assessor Parcel Number (APN) 156-302-14 and 156-302-17. Site 2 encompasses the parking lots for The Shoppes at Carlsbad mall and a North County Transit District transit station. APN 156-302-14 is part of The Shoppes parking lot, located southwest of loading dock for the Macy's and is approximately 0.23 acres in size. APN 156-302-17 is located south of Marron Road, is currently developed with surface parking (parking associated with Escape to VR), is approximately 0.1 acre in size. Overall, Site 2 would remain approximately 57 acres in size. These added parcels are within the boundaries of the Westfield Carlsbad Specific Plan area. Incorporating these parcels is not intended to increase housing capacity but simply to more accurately reflect parcels involved in Site 2.

It should also be noted that the Draft SEIR provides a conservative estimate of buildout. The Draft SEIR assumes an increase of 107 units at Site 14 (Village Coaster) and 73 units at Site 17 (Poinsettia Coaster). These unit increases reflect City Council direction to increase the assumed number of units counted at these two sites. Therefore, the total buildout of 3,295 units reported for the project results from counting all sites plus the additional units on the Coaster sites. Table 2-4 acknowledges this in the footnotes for both sites. As explained in footnotes 3 and 4, the City Council has directed the study of two different proposed unit yields for these sites. For Site 14, the analysis assumes 107 units as a conservative estimate and for Site 17, the analysis assumes a total of 100 units (an increase of 73) units as a conservative estimate. Further, the proposed project now involves only rezoning a portion of Site 18. A private development application with 86 units (FPC Residential, SDP 2022-0003) has been approved on the portion of Site 18 north of Ponto Drive (APNs 214-160-25, 214-160-28 and 214-171-11). Accordingly, the rezoning proposed as part of Site 18 would affect only the portion of the site south of Ponto Drive that consists of five vacant parcels (APNs 216-010-01 to 05) totaling slightly more than one acre. Unit yield from the reduced site area if rezoned would be 22 units instead of 50 units as analyzed in the Draft SEIR. Therefore, the assumed buildout for Site 18 is also conservative. The reduction in density and intensity of the potential development of Site 18 is immaterial to the EIR and does not affect the analysis or conclusions in the EIR.

### 4.2 Environmental Implications

Because incorporating these parcels is not intended to increase capacity but simply to more accurately reflect parcels involved in the project, the change in boundary for Site 2 would not change the projected overall buildout. With this change, the unit yield for Site 2 is still anticipated to be 993 units and the overall buildout under the project would still be 3,295 units, as shown on Table 2-4 in Chapter 3, Revisions to the Draft SEIR, of this document.

The Draft SEIR determined that the environmental impacts of the proposed project would be less than significant or could be reduced to below a level of significance with proposed mitigation



measures for most of the topical areas studied. Impacts related to air quality, cultural resources, greenhouse gas emissions, construction noise, and VMT, and cumulative impacts for these issue areas, were found to be significant and unavoidable. Overall, the proposed change to add two parcels would not change the objectives and goals of the proposed project, would not change the allowed uses under the proposed project, and would not increase the buildout assumptions analyzed in the Draft SEIR. These parcels are currently developed with surface parking lots and do not contain sensitive habitats or other environmental resources.

Therefore, the proposed project changes provides factual background information and do not raise an environmental issue within the meaning of CEQA and would not affect the findings and conclusions of the Draft SEIR with respect to aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, public services, recreation, transportation, or utilities and service systems. Those impacts would remain less than significant, less than significant with mitigation, or in the case of project and cumulative air quality, cultural resources, greenhouse gas emissions, construction noise, and VMT impacts, significant and unavoidable.

The changes do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the California Environmental Quality Act (CEQA) Guidelines. Therefore, no impacts beyond those identified in the SEIR would occur. No substantial revisions to the SEIR are required and therefore, pursuant to CEQA Guidelines section 15088.5 recirculation of the SEIR is not warranted.

# Appendix A

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Mitigation Monitoring and Reporting Program

# Mitigation Monitoring and Reporting Program

PROJECT NAME: Housing Element Implementation and Public Safety Element Update

PROJECT NO: GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-0015/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012 and EIR 2022-0007 (PUB 2022-0010)

APPROVAL DATE/RESOLUTION NUMBER(S): \_\_\_\_\_

California Public Resources Code Section 21081.6 requires that, upon certification of an EIR, “the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation.” This chapter contains the mitigation monitoring and reporting program (MMRP) that has been developed for the Housing Element Implementation and Public Safety Element. This MMRP has been developed in compliance with Public Resources Code Section 21081.6 and Section 15097 of the CEQA Guidelines. The City must adopt this MMRP, or an equally effective program, if it approves the proposed project with the mitigation measures that were adopted or made conditions of project approval.

The ability to mitigate significant environmental impacts or lessen the significance of environmental impacts are a key focus of CEQA. According to CEQA Guidelines Section 15126.4(a)(2), “Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.” Therefore, to be sure that all the environmental commitments identified in this document are executed at the appropriate times for land development projects that implement the Housing Element Rezoning Program, the following mitigation measures would apply to those projects that are reviewed through discretionary process AND projects that are reviewed under a streamlined, ministerial approval process to ensure that the commitments contained in this MMRP are fulfilled.

All mitigation measures included are programmatic in nature. The specific rezone sites each mitigation measure applies to is notes in the “applicable rezone sites” column below. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented and fulfills the City’s monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

## Explanation of Headings

**Type** = Project, ongoing, cumulative.

**Monitoring Dept.** = Department, or Agency, responsible for monitoring a particular mitigation measure.

**Shown on Plans** = When mitigation measure is shown on plans, this column will be initialed and dated.

**Verified Implementation** = When mitigation measure has been implemented, this column will be initialed and dated.

**Remarks** = Area for describing status of ongoing mitigation measure, or for other information.

## Legend

<b>PLN</b>	Planning Division
<b>ENG</b>	Land Development Engineering Division
<b>BLDG</b>	Building Division

PROJECT NAME: Housing Element Implementation and Public Safety Element Update

PROJECT NUMBER: GPA 2022-0001/ZCA 2022-0004/ZC 2022-0001/LCPA 2022-001/AMEND 2023-0008/AMEND 2023-0009/AMEND 2023-0010/AMEND 2023-0011/AMEND 2023-0012/EIR 2022-0007 (PUB2022-0010)

MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
AQ-1	<b>Housing Forecast Revisions.</b> Prior to the next update of the Regional Housing Needs Assessment and within six months of the certification of the Final SEIR, the City Planner shall provide a revised housing forecast to SANDAG to ensure that any revisions to the population and employment projections used by SDAPCD in updating the RAQS and the SIP will accurately reflect anticipated growth due to the proposed project.	All Rezone Sites	Project	PLN			
AQ-2	<b>Operational Emissions Reductions.</b> During the project design and project-level review phases of development projects at the 18 rezone sites, the city shall require each project to determine operational air quality emissions from the project. For projects that exceed regulatory SDCAPCD thresholds, mitigation shall be implemented to reduce impacts to below the regulatory thresholds or to the maximum extent feasible implementing all feasible mitigation. The following represents some measures aimed at reducing air pollutant emissions from operational sources. This is not an exhaustive list of measures, and individual projects shall incorporate measures that best fit each project design. <ul style="list-style-type: none"><li>▪ Use architectural coating materials, as defined in SDAPCD Rule 67.0.1, that are zero-emission or have a low-VOC content (below 10 grams per liter). Where such VOC coatings are not available or feasible, the coating with the lowest VOC rating available shall be used. These measures shall be noted on all construction plans, and the city shall perform periodic site inspections during construction to verify compliance.</li><li>▪ Prohibit the installation of woodstoves, hearths, and fireplaces in new construction facilitated by the proposed project.</li><li>▪ Expand and facilitate completion of planned networks of active transportation infrastructure.</li><li>▪ Implement EV charging infrastructure beyond requirements set forth in the 2022 CalGreen mandatory measures. Such requirements would be equivalent to the Tier 2 voluntary measures set forth in the 2022 CalGreen standards.</li><li>▪ Implement traffic demand measures, such as unbundling parking fees from rent/lease options, encouraging/developing a ride-share program for the community, and provide car/bike sharing services, that will reduce daily individual car usage and reduce project VMT</li></ul>	All Rezone Sites	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
AQ-3	<p><b>Construction Health Risk Assessment.</b> For individual projects (excluding ADUs, single-family residences, and duplexes) where construction activities would occur within 1,000 feet of sensitive receptors, would last longer than two months, and would not utilize a fleet comprised of strictly EPA rated Tier 4 engines and/or alternative fuel construction equipment, it is required that a construction health risk assessment (HRA) be performed. The construction health risk shall be performed by a qualified air quality consultant coordinated through the City. The HRA shall be conducted following the Office of Environmental Health Hazards Association's (OEHHA) 2015 Health Risk Guidelines (OEHHA 2015) and SDAPCD guidelines to determine potential risk and compare the risk to the following SDAPCD thresholds:</p> <ul style="list-style-type: none"><li>▪ Increased cancer risk of &gt; 10.0 in a million;</li><li>▪ Increased non-cancer risk of &gt; 1.0 Hazard Index (Chronic or Acute); or</li></ul> <p>If risk exceeds the thresholds, measures such as requiring the use of Tier 4 and/or alternative fuel construction equipment are recommended to reduce the risk to appropriate levels. The incorporation of Tier 4 and/or alternative fuel construction equipment reduces the emissions of DPM from construction activities and therefore reduces the potential risk to nearby sensitive receptors.</p>	All Rezone Sites where construction is within 1000 feet of sensitive receptors, will last longer than two months, and would not use Tier 4 engines.	Project	PLN			
AQ-4	<p><b>Operational Health Risk Assessment.</b> Consistent with the provisions contained in the <i>California Air Resources Board Air Quality and Land Use Handbook</i>, future development projects occurring on Site 2, Site 5, or Site 16 under the proposed project should implement the following:</p> <p>Project applicants shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of nearby sensitive receptors to emission sources resulting from the project. The HRA shall be submitted to the City of Carlsbad for review and approval. Project applicants shall implement the approved HRA recommendations to any nearby sensitive receptor, if any. Such measures may include, but are not limited to:</p> <ul style="list-style-type: none"><li>▪ Install, operate, and maintain in good working order a central heating and ventilation system or other air take system in the building of a sensitive receptor that would be impacted by the project, or in each</li></ul>	Sites 2, 5, and 16	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>individual residential unit, that meets the efficiency standard of the minimum efficiency reporting value of 13. The heating and ventilation system should include the following features: installation of a high-efficiency filter and/or carbon filter to minimize particulate and other airborne chemical matter from entering the building. Either high-efficiency particulate absorption filters or American Society of Heating, Refrigeration, and Air-Conditioning Engineers 85 percent supply filters should be used.</p> <ul style="list-style-type: none"> <li>▪ Ensure that positive pressure occurs in the building.</li> <li>▪ Achieve a performance standard of at least one air exchange per hour of fresh outside filtered air.</li> <li>▪ Achieve a performance standard of at least four air exchanges per hour of recirculation.</li> <li>▪ Achieve a performance standard of 0.25 air exchanges per hour of unfiltered infiltration if the building is not positively pressurized.</li> </ul>						
BIO-1	<p><b>Biological Resources Technical Report.</b> For development projects at Sites 1-4, 6-9, 17-19 that require vegetation removal, ground disturbance of unpaved areas, parking or staging of equipment or material on unpaved areas, access routes on unpaved areas, or any rehabilitation or construction staging within 100 feet of the property line (except for landscaped developed areas) that contain or have the potential to support special-status species, sensitive habitat, or suitable habitat to support special-status species, prior to the issuance of a grading permit, the applicant shall retain a qualified biologist to conduct a biological resources reconnaissance of the site, consistent with the requirements of General Plan Policy 4-P.9 and the HMP Guidelines for Biological Studies. All future projects shall be consistent with the HMP and the technical report shall include a consistency analysis, including compliance with the narrow endemic standards (MHCP Volume 1, Section 3.7 No. 5, and HMP Section D-6 for TLB, VP species) and special species standards (HMP Section D-6 for LVB and Harb Dun Skipper). The Biological Resources Technical Report shall address the presence/absence of suitable habitat for special-status plant and wildlife species, and any additional protocol surveys that may be needed to determine the potential presence/absence of special status species, sensitive plant communities and wetlands, and other special status biological resources protected under the</p>	Sites 1-4, 6-9, and 17-19	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	HMP. The report will further propose avoidance, minimization, and mitigation measures, consistent with HMP requirements, necessary to reduce potential impacts to special-status biological resources to less than significant.						
BIO-2	<b>Pre-Construction Bird Surveys, Avoidance, and Notification.</b> If construction activities are initiated during the bird nesting season (February 1 – August 31) involving removal of vegetation or other nesting bird habitat, including abandoned structures and other man-made features, a pre-construction nesting bird survey shall be conducted no more than three days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted on foot and shall include a 300-foot survey buffer around the construction site. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California coastal communities (i.e., qualified biologist). If active nests are found, an avoidance buffer shall be determined by a qualified biologist in coordination with the city. The avoidance buffer width will depend upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site, which shall be demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to demarcate the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within the buffer until the biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist on the basis that the encroachment will not be detrimental to an active nest. A report summarizing the pre-construction survey(s) shall be prepared by a qualified biologist and shall be submitted to the city prior to the commencement of construction activities.	All Rezone Sites	Project	PLN			

PROJECT NAME: Housing Element Implementation and Public Safety Element Update

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
BIO-3	<b>Habitat Buffers.</b> For projects where native habitat may be present (specifically Sites 1, 2, 4, 6, 7, 8, 9, 17, 18, and 19) and if development cannot avoid native habitat, prior to the issuance of a grading permit, a qualified biologist shall be retained by the project applicant to conduct a vegetation community survey of the site. The qualified biologist shall map the extent of vegetation communities on the project site plus 100 feet and report on the findings. This survey and report can be combined with BIO-1, Biological Resources Technical Report. The report shall confirm potential impacts to riparian and wetland habitat have been sufficiently avoided or minimized to reduce impacts to less than significant. Housing development at any of the sites containing riparian or wetland habitat shall adhere to the HMP Guidelines for Riparian and Wetland Buffers. Housing developments at any of the sites within the coastal zone shall adhere to the upland and wetland buffer requirements pursuant to the HMP coastal zone standards. The Biological Resources technical report shall include a figure showing all required upland, riparian and wetland buffers.	Sites 1, 2, 4, 6, 7, 8, 9, 17, 18, and 19	Project	PLN			
BIO-4	<b>Habitat impact Mitigation.</b> For projects that will require mitigation through restoration of sensitive upland natural communities (e.g. coastal sage scrub) or wetland habitat, including streams, riparian, and other water bodies, specifically Sites 1, 2, 4, 6, 8, 9, 17, 18, and 19, mitigation through restoration, creation, or enhancement of in-kind habitats shall be implemented in accordance with ratios identified in the HMP (Table 11 and coastal zone standards Section D-7) and an approved mitigation plan. Prior to the issuance of grading permits, the applicant shall prepare and submit a Conceptual Restoration/Mitigation Plan (CRMP) consistent with the HMP Components of a Conceptual Restoration/Mitigation Plan and Guidelines for Habitat Creation and Restoration. The CRMP will provide the framework for compensating for impacts to sensitive riparian and coastal sage scrub habitat at a ratio consistent with HMP Table 11 and coastal zone standards.	Sites 1, 2, 4, 6, 8, 9, 17, 18, and 19	Project	PLN			



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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
BIO-5	<p><b>Agency Coordination</b> For projects on sites within potential jurisdictional features, including Sites 1, 2, 4, 9, and 17, permits, agreements, and/or water quality certifications from applicable state and federal agencies regarding compliance with state and federal laws governing work within jurisdictional features are required for submission to the city of Carlsbad with the grading permit application for the project. The project applicant shall satisfy all mitigation requirements of the above agencies. The applicant shall provide such permits and/or agreements prior to issuance of a grading permit.</p>	Sites 1, 2, 4, 9, and 17	Project	PLN			
BIO-6	<p><b>Protected Tree and Tree Canopy Survey.</b> Prior to the issuance of a grading permit, a tree survey shall be conducted by a certified arborist prior to project construction to tag and assess all trees subject to the city's Trees and Shrubs Ordinance (Municipal Code Title 11.12) and/or CFMP. A city arborist will inspect the property and recommend approving or denying the application in a written report submitted to the city manager. The city shall post a letter of notification and a non-removable marking upon the subject tree a minimum of 30 days prior to its removal. The letter will be posted in a prominent location, visible from a public street and will include, the location of the tree, the reason for the trees removal, the date of the scheduled removal, the species of tree to be replanted, the size of the tree to be replanted, the date by which an appeal must be made to the parks and recreation commission, and a description of the appeal process.</p> <p>The following measures shall be implemented in addition to those required under the city's permits required for tree removal and maintenance ordinance Guidelines (Municipal Code Title 11.12.090) to avoid and/or compensate for potential indirect impacts to preserved sensitive natural communities and protected trees within Carlsbad before, during, and following construction activities.</p> <p><b>Pre-Construction</b></p> <ul style="list-style-type: none"> <li>▪ <b>Fencing.</b> Protective fencing at least three feet high with signs and flagging shall be erected around all preserved sensitive natural communities where adjacent to proposed vegetation clearing and grubbing, grading, or other construction activities. The protective fence shall be installed at a minimum of five feet beyond the tree canopy dripline. The intent of protection fencing is to prevent inadvertent</li> </ul>	All Rezone Sites	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>limb/vegetation damage, root damage and/or compaction by construction equipment. The protective fencing shall be depicted on all construction plans and maps provided to contractors and labeled clearly to prohibit entry, and the placement of the fence in the field shall be approved by a qualified biologist prior to initiation of construction activities. The contractor shall maintain the fence to keep it upright, taut and aligned at all times. Fencing shall be removed only after all construction activities are completed.</p> <ul style="list-style-type: none"><li>▪ <b>Pre-Construction Meeting.</b> A pre-construction meeting shall be held between all site contractors and a registered consulting arborist and/or a qualified biologist. All site contractors and their employees shall provide written acknowledgement of their receiving sensitive natural community protection training. This training shall include, but shall not be limited to, the following information: (1) the location and marking of protected sensitive natural communities; (2) the necessity of preventing damage to these sensitive natural communities; and (3) a discussion of work practices that shall accomplish such.</li></ul> <p><b>During Construction</b></p> <ul style="list-style-type: none"><li>▪ <b>Fence Monitoring.</b> The protective fence shall be monitored regularly (at least weekly) during construction activities to ensure that the fencing remains intact and functional, and that no encroachment has occurred into the protected natural community; any repairs to the fence or encroachment correction shall be conducted immediately.</li><li>▪ <b>Equipment Operation and Storage.</b> Contractors shall avoid using heavy equipment around the sensitive natural communities. Operating heavy machinery around the root zones of trees would increase soil compaction, which decreases soil aeration and, subsequently, reduces water penetration into the soil. All heavy equipment and vehicles shall, at minimum, stay out of the fenced protected zones, unless where specifically approved in writing and under the supervision of a registered consulting arborist and/or a qualified biologist.</li><li>▪ <b>Materials Storage and Disposal.</b> Contractors shall not store or discard any construction materials within the fenced protected zones and shall remove all foreign debris within these areas. The contractors shall leave the duff, mulch, chips, and leaves around the retained trees for water retention and nutrient supply. Contractors shall avoid draining or</li></ul>						

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MITIGATION MEASURE	Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>leakage of equipment fluids near retained trees. Fluids such as gasoline, diesel, oils, hydraulics, brake and transmission fluids, paint, paint thinners, and glycol (anti-freeze) shall be disposed of properly. The contractors shall ensure that equipment be parked at least 50 feet, and that equipment/vehicle refueling occur at least 100 feet, from fenced protected zones to avoid the possibility of leakage of equipment fluids into the soil.</p> <ul style="list-style-type: none"> <li>▪ <b>Grade Changes.</b> Contractors shall ensure that grade changes, including adding fill, shall not be permitted within the fenced protected zone without special written authorization and under supervision by a registered consulting arborist and/or a qualified biologist. Lowering the grade within the fenced protected zones could necessitate cutting main support and feeder roots, thus jeopardizing the health and structural integrity of the tree(s). Adding soil, even temporarily, on top of the existing grade could compact the soil further, and decrease both water and air availability to the tree roots. Contractors shall ensure that grade changes made outside of the fenced protected zone shall not create conditions that allow water to pond.</li> <li>▪ <b>Trenching.</b> Except where specifically approved in writing beforehand, all trenching shall be outside of the fenced protected zone. Roots primarily extend in a horizontal direction forming a support base to the tree similar to the base of a wineglass. Where trenching is necessary in areas that contain roots from retained trees, contractors shall use trenching techniques that include the use of either a root pruner (Dosko root pruner or equivalent) or an Air-Spade to limit root impacts. An International Society of Arboriculture (ISA) certified arborist or American Society of Consulting Arborists (ASCA) registered consulting arborist shall ensure that all pruning cuts shall be clean and sharp, to minimize ripping, tearing, and fracturing of the root system. Root damage caused by backhoes, earthmovers, dozers, or graders is severe and may ultimately result in tree mortality. Use of both root pruning and Air-Spade equipment shall be accompanied only by hand tools to remove soil from trench locations. The trench shall be made no deeper than necessary.</li> <li>▪ <b>Erosion Control.</b> Appropriate erosion control best management practices (BMPs) shall be implemented to protect preserved sensitive</li> </ul>						

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>natural communities during and following project construction. Erosion control materials shall be certified as weed free.</p> <ul style="list-style-type: none"><li>▪ <b>Inspection.</b> An ISA certified arborist or ASCA registered consulting arborist shall inspect the preserved trees adjacent to grading and construction activity on a monthly basis for the duration of the grading and construction activities. A report summarizing site conditions, observations, tree health, and recommendations for minimizing tree damage shall be submitted by the registered consulting arborist following each inspection.</li></ul> <p><b>Post-construction</b></p> <ul style="list-style-type: none"><li>▪ <b>Mulch.</b> The contractors shall ensure that the natural duff layer under all trees adjacent to construction activities shall be maintained. This would stabilize soil temperatures in root zones, conserve soil moisture, and reduce erosion. The contractors shall ensure that the mulch be kept clear of the trunk base to avoid creating conditions favorable to the establishment and growth of decay causing fungal pathogens. Should it be necessary to add organic mulch beneath retained oak trees, packaged or commercial oak leaf mulch shall not be used as it may contain root fungus. Also, the use of redwood chips shall be avoided as certain inhibitive chemicals may be present in the wood. Other wood chips and crushed walnut shells can be used, but the best mulch that provides a source of nutrients for the tree is its own leaf litter. Any added organic mulch added by the contractors shall be applied to a maximum depth of 4 inches where possible.</li><li>▪ <b>Watering Adjacent Plant Material.</b> All installed landscaping plants near the preserved sensitive natural communities shall require moderate to low levels of water. The surrounding plants shall be watered infrequently with deep soaks and allowed to dry out in between, rather than frequent light irrigation. The soil shall not be allowed to become saturated or stay continually wet, nor should drainage allow ponding of water. Irrigation spray shall not hit the trunk of any tree. The contractors shall maintain a 30-inch dry-zone around all tree trunks. An above ground micro-spray irrigation system shall be used in lieu of typical underground pop-up sprays.</li><li>▪ <b>Monitoring.</b> An ISA certified arborist or ASCA registered consulting arborist shall inspect the trees preserved on the site adjacent to</li></ul>						

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	construction activities for a period of two years following the completion of construction. Monitoring visits shall be completed quarterly, totaling eight visits. Following each monitoring visit, a report summarizing site conditions, observations, tree health, and recommendations for promoting tree health shall be submitted to the city. Additionally, any tree mortality shall be noted and any tree dying during the two year monitoring period shall be replaced at a minimum 3:1 ratio on-site in coordination with the city.						
<b>BIO-7</b>	<b>HMP Minor Amendments.</b> Prior to project approval at Site 4, 6, 7, 9 and 17, each project shall be analyzed for consistency with the HMP in coordination with responsible agencies including CDFW and USFWS. Development may not occur within an Existing or Proposed Hardline. Any revisions to the HMP hardline boundary to allow for development on these sites shall require a HMP minor amendment, to be processed as an Equivalency Finding. Such boundary revisions must not involve any revisions the HMP operations or implementation, produce any adverse effects on the environment that are new or significantly different from those previously analyzed, result in additional take not previously analyzed, or reduce the acreage or quality of the habitat within the HMP. Any loss of HMP hardline shall be replaced with equal or greater acres of hardline, adjacent to existing hardline elsewhere in the city, and preserved and managed in accordance with the HMP. Any development within the Standards Area portion of Site 4 shall require a HMP Minor Amendment, to be processed as a Consistency Finding, which requires consistency with the HMP Planning Standards for Local Facilities Management Zone 15	Sites 4, 6, 7, 9, and 17	Project	PLN			
<b>BIO-8</b>	<b>HMP Adjacency Standards.</b> Projects within sites 1, 2, 4, 6, 7, 8, 9, 17, 18, 19 shall evaluate potential indirect impacts, such as wildfire, erosion, invasive species, unauthorized access, or predators, to habitat and species adjacent to the proposed development. Projects shall be consistent with the HMP Adjacency Standards (Section F-3).	Sites 1, 2, 4, 6, 7, 8, 9, 17, 18, 19	Project	PLN			
<b>CUL-1</b>	<b>Tribal Cultural Resources.</b> Projects subject to discretionary actions shall comply with the city's Tribal, Cultural, and Paleontological Resources Guidelines. For ministerial projects, the city shall provide Traditionally and Culturally Affiliated Luiseño tribes ("TCA Tribe") with early notification and the opportunity to consult on development applications and identify and	All Rezone Sites	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>assess impacts to tribal and cultural resources. Further, before commencement of any ground-disturbing activities, the project developer shall comply with the following requirements to ensure the appropriate response to the presence of any tribal and cultural resources:</p> <ul style="list-style-type: none"><li>a. Retain the services of a qualified archaeologist who shall be on-site for ground-disturbing activities. In the event cultural material is encountered, the archaeologist is empowered to temporarily divert or halt grading to allow for coordination with the Luiseño Native American monitor and to determine the significance of the discovery. The archaeologist shall follow all standard procedures for cultural materials that are not Tribal Cultural Resources.</li><li>b. Enter into a Pre-Excavation Agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with a TCA tribe. This agreement will address provision of a Luiseño Native American monitor and contain provisions to address the proper treatment of any tribal cultural resources and/or Luiseño Native American human remains inadvertently discovered during the course of the project. The Agreement will outline the roles and powers of the Luiseño Native American monitors and the archaeologist and may include the following provisions.<ul style="list-style-type: none"><li>i. A Luiseño Native American monitor shall be present during all ground-disturbing activities. Ground disturbing activities may include, but are not limited to, archaeological studies, geotechnical investigations, exploratory geotechnical investigations/borings for contractor bidding purposes, clearing, grubbing, trenching, excavation, preparation for utilities and other infrastructure, and grading activities.</li><li>ii. Any and all uncovered artifacts of Luiseño Native American cultural importance shall be returned to the San Luis Rey Band of Mission Indians or other Luiseño Tribe, and/or the Most Likely Descendant, if applicable, and not be curated, unless ordered to do so by a federal agency or a court of competent jurisdiction.</li><li>iii. The Luiseño Native American monitor shall be present at the project's pre-construction meeting to consult with grading and excavation contractors concerning excavation schedules and safety issues, as well as to consult with the archaeologist PI (principal</li></ul></li></ul>						

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>investigator) concerning the proposed archaeologist techniques and/or strategies for the project.</p> <p>iv. Luiseño Native American monitors and archaeological monitors shall have joint authority to temporarily divert and/or halt construction activities. If tribal cultural resources are discovered during construction, all earthmoving activity within and around the immediate discovery area must be diverted until the Luiseño Native American monitor and the archaeologist can assess the nature and significance of the find.</p> <p>v. If a significant tribal cultural resource(s) and/or unique archaeological resource(s) are discovered during ground-disturbing activities for this project, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be notified and consulted regarding the respectful and dignified treatment of those resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological and tribal cultural resources. If, however, the Applicant is able to demonstrate that avoidance of a significant and/or unique cultural resource is infeasible and a data recovery plan is authorized by the City of Carlsbad as the lead agency, the San Luis Rey Band of Mission Indians or other Luiseño tribe shall be consulted regarding the drafting and finalization of any such recovery plan.</p> <p>vi. When tribal cultural resources are discovered during the project, if the archaeologist collects such resources, a Luiseño Native American monitor must be present during any testing or cataloging of those resources. If the archaeologist does not collect the tribal cultural resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor may, at their discretion, collect said resources and provide them to the San Luis Rey Band of Mission Indians or other Luiseño tribe for dignified and respectful treatment in accordance with their cultural and spiritual traditions.</p> <p>vii. If suspected Native American human remains are encountered, California Health and Safety Code Section 7050.5(b) states that no further disturbance shall occur until the San Diego County Medical Examiner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b)</p>						

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site. A Luiseño Native American monitor shall be present during the examination of the remains. If the San Diego County Medical Examiner determines the remains to be Native American, NAHC must be contacted by the Medical Examiner within 24 hours. The NAHC must then immediately notify the "Most Likely Descendant" about the discovery. The Most Likely Descendant shall then make recommendations within 48 hours and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.</p> <p>viii. In the event that fill material is imported into the project area, the fill shall be clean of tribal cultural resources and documented as such. Commercial sources of fill material are already permitted as appropriate and will be culturally sterile. If fill material is to be utilized and/or exported from areas within the project site, then that fill material shall be analyzed and confirmed by an archaeologist and Luiseño Native American monitor that such fill material does not contain tribal cultural resources.</p> <p>ix. No testing, invasive or non-invasive, shall be permitted on any recovered tribal cultural resources without the written permission of the San Luis Rey Band of Mission Indians or other Luiseño tribe.</p> <p>x. Prior to the completion of project construction, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the monitoring program shall be submitted by the Project Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Carlsbad for approval, and shall be submitted to the South Coastal Information Center. Said report shall be subject to confidentiality as an exception to the Public Records Act and will not be available for public distribution.</p> <p>c. Furthermore, the Agreement may include additional measures mutually agreed upon by the project developer, city, and TCA Tribe such as evaluation of the project site's pre-construction conditions for the</p>						



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	presence or potential presence of TCRs as well as other measures tailored to and deemed necessary for the specific project.						
GHG-1	<p><b>Update City of Carlsbad Climate Action Plan.</b> The City shall draft and City Council shall adopt an updated Climate Action Plan (CAP) within 12-18 months of adoption of this SEIR. An updated CAP shall include targets that reflect those set by SB 32 to reduce GHG emissions by 40 percent below the 1990 levels by 2030 and AB 1279 reduce GHG emissions by 85 percent below 1990 levels by 2045. Implementation measures in an updated CAP to achieve the 2030 and 2045 targets shall include measures such as, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ Develop and adopt an updated building energy efficiency ordinance, or “reach code” for existing and proposed structures;</li> <li>▪ Expand charging infrastructure and parking for electric vehicles;</li> <li>▪ Implement carbon sequestration by expanding the urban forest; and,</li> <li>▪ Implement policies and measures included in the 2022 California Climate Change Scoping Plan, such as mobile source strategies for increasing clean transit options and zero emissions vehicles by providing electric vehicle charging stations.</li> </ul> <p>As part of the updated CAP, the City shall establish CEQA GHG Emissions Thresholds of Significance and an updated CAP Consistency Checklist that are consistent with the updated CAP for use in future CEQA GHG emissions analyses through 2030 and consistent with SB 32. In addition, upon completion of future CAP updates and as necessary, the City shall update the CEQA GHG emissions thresholds of significance and CAP Consistency Checklist to be consistent with each CAP update</p>	All Rezone Sites	Ongoing	PLN			

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NOI-1	<p><b>Construction Noise Reduction Measures.</b> The following construction noise reduction measures shall be implemented during project construction:</p> <ul style="list-style-type: none"> <li>▪ <b>Shielding and Silencing.</b> Power construction equipment (including combustion engines), fixed or mobile, shall be equipped with noise shielding and silencing devices consistent with manufacturer's standards or the Best Available Control Technology. Equipment shall be properly maintained, and the project applicant or owner shall require construction contractors to keep documentation on-site during earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.</li> <li>▪ <b>Enclosures and Screening.</b> Outdoor fixed mechanical equipment shall be enclosed or screened from off-site noise-sensitive uses to the extent feasible. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line-of-sight from the equipment and off-site noise-sensitive uses.</li> <li>▪ <b>Construction Staging Areas.</b> Construction staging areas shall be located as far from noise-sensitive uses as reasonably feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints.</li> <li>▪ <b>Smart Back-Up Alarms.</b> Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.</li> <li>▪ <b>Equipment Idling.</b> Construction vehicles and equipment shall not be left idling for longer than five minutes when not in use.</li> <li>▪ <b>Workers' Radios.</b> All noise from workers' radios, including any on-site music, shall be controlled to a point that they are not audible at off-site noise-sensitive uses.</li> <li>▪ <b>Use of Driven Pile Systems.</b> Driven (impact), sonic, or vibratory pile drivers shall not be used, except in locations where the underlying geology renders alternative methods infeasible, as determined by a soils or geotechnical engineer and documented in a soils report.</li> </ul>	<p>All Rezone Sites for development projects that include one or more of the following components within 500 feet of a noise-sensitive land uses (e.g., residences, schools, libraries, hospitals):</p> <ul style="list-style-type: none"> <li>▪ Two subterranean levels or more (generally more than 20,000 cubic yards of excavated soil material);</li> <li>▪ Construction durations of 18 months or more (excluding interior finishing);</li> <li>▪ Use of large, heavy-duty equipment rated 300 horsepower or greater; or</li> <li>▪ The potential for pile driving.</li> </ul>	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<ul style="list-style-type: none"><li>▪ <b>Temporary Sound Barriers.</b> Temporary sound barriers, such as walls or sound blankets, shall be positioned between construction activities and noise-sensitive uses when construction equipment is located within a line-of-sight to and within 500 feet of the ground-floor exterior use areas of off-site noise-sensitive uses. Sound barriers shall break the line-of-sight between the construction noise source and the ground-floor exterior use area receiver where modeled levels exceed applicable standards. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant.</li><li>▪ <b>Noise Complaint Response.</b> Project applicants shall designate an on-site construction project manager who shall be responsible for responding to any complaints about construction noise. This person shall be responsible for responding to concerns of neighboring properties about construction noise disturbance and shall be available for responding to any construction noise complaints during the hours that construction is to take place. They shall also be responsible for determining the cause of the noise complaint (e.g., bad silencer) and shall require that reasonable measures be implemented to correct the problem. A toll-free telephone number and email address shall be posted in a highly visible manner on the construction site at all times and provided in all notices (mailed, online website, and construction site postings) for receiving questions or complaints during construction and shall also include procedures requiring that the on-site construction manager complaints pertaining to construction noise, ongoing throughout demolition, grading, and/or construction and shall notify the city's Community Development Director of each complaint occurrence.</li><li>▪ <b>Project-Specific Construction Noise Study.</b> A Construction Noise Study shall be prepared by a qualified noise expert. The Construction Noise Study shall characterize sources of construction noise, quantify noise levels at noise-sensitive uses (e.g., residences, schools, churches, and hospitals) and identify measures to reduce noise exposure. The Construction Noise Study shall identify reasonably available noise reduction devices or techniques to reduce noise levels to acceptable levels and/or durations including through reliance on any relevant federal, state or local standards or guidelines or accepted industry</li></ul>						

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>practices. Noise reduction devices or techniques may include but not be limited to silencers, enclosures, sound barriers, and/or placement of restrictions on equipment or construction techniques (e.g., alternative installation methods to pile driving such as cast-in-place systems or pile cushioning). Each measure in the Construction Noise Study shall identify anticipated noise reductions at noise-sensitive land uses.</p> <p>Project applicants shall be required to comply with all requirements listed above in addition to any additional requirements identified and recommended by the Construction Noise Study and shall maintain proof that notice of, as well as compliance with, the identified measures have been included in contractor agreements.</p>						
NOI-2	<p><b>Vibration Control Plan.</b> For construction activities involving vibratory rollers within 50 feet of a structure or pile drivers (impact or sonic) within 140 feet of a structure, the applicant shall prepare a Vibration Control Plan prior to the commencement of construction activities. The Vibration Control Plan shall be prepared by a licensed structural engineer and shall include methods required to minimize vibration, including, but not limited to:</p> <ul style="list-style-type: none"> <li>▪ Alternative installation methods for pile driving (e.g., pile cushioning, drilled piles, cast-in-place systems) within 140 feet of a building to reduce impacts associated with seating the pile</li> <li>▪ Vibration monitoring prior to and during pile driving operations occurring within 140 feet of a building</li> <li>▪ Use of rubber-tired equipment rather than metal-tracked equipment</li> <li>▪ Avoiding the use of vibrating equipment when allowed by best engineering practices</li> </ul> <p>The Vibration Control Plan shall include a pre-construction survey letter establishing baseline conditions at potentially affected extremely fragile buildings/historical resources and/or residential structures. The survey letter shall determine conditions that exist prior to the commencement of construction activities for use in evaluating potential damages caused by construction. Fixtures and finishes susceptible to damage shall be documented photographically and in writing prior to construction. The survey letter shall provide a shoring design to protect such buildings and structures from potential damage. At the conclusion of vibration causing activities, the qualified structural engineer shall issue a follow-up letter</p>	All Rezone Sites	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	describing damage, if any, to impacted buildings and structures. The letter shall include recommendations for any repair, as may be necessary, in conformance with the Secretary of the Interior Standards. Repairs shall be undertaken and completed by the contractor and monitored by a qualified structural engineer in conformance with all applicable codes including the California Historical Building Code (Part 8 of Title 24). A Statement of Compliance signed by the applicant and owner shall be submitted to the city' Building and Safety Division at plan check and prior to the issuance of any permit. The Vibration Control Plan, prepared as outlined above shall be documented by a qualified structural engineer, and shall be provided to the city upon request.						
T-1	<b>Achieve VMT Reductions for Development Projects.</b> During the project design and project-level review phases of development projects at the 18 rezone sites, the city shall review each project compared to the City of Carlsbad VMT Analysis Guidelines screening criteria to determine if the submitted project is eligible to be screened out of conducting project-level VMT analysis. If a project meets one or more of the screening criteria, the project is determined to have a less than significant impact to VMT in accordance with the city's VMT Analysis Guidelines. A project that has not been excluded from the VMT analysis screening process outlined above must undergo a quantitative VMT analysis to determine whether it will have a significant impact on VMT. If it is determined that the project would have a significant impact on VMT (i.e., it does not result in at least a 15 percent reduction in VMT compared to existing conditions), the city shall require the project to implement project-level VMT reduction measures, as noted below, prior to project approval and issuance of construction permits.  Transportation Demand Management (TDM) measures and physical measures to reduce VMT are outlined in the <i>City's VMT Analysis Guidelines</i> and have been identified as potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) <i>Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity</i> (December 2021). The CAPCOA Handbook provides detailed requirements, calculation steps, and limitations for assessing the VMT reduction effectiveness of each measure, including reductions from combinations of measures.	All Rezone Sites	Project	PLN			

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MITIGATION MEASURE		Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
	<p>Trip reduction strategies may include, but are not limited to, the following:</p> <ol style="list-style-type: none"><li>1. Provision of bus stop improvements or on-site mobility hubs</li><li>2. Pedestrian improvements, on-site or off-site, to connect to nearby transit stops, services, schools, shops, etc.</li><li>3. Bicycle programs including bike purchase incentives, storage, maintenance programs, and on-site education program</li><li>4. Enhancements to the citywide bicycle network</li><li>5. Parking reductions and/or fees set at levels sufficient to incentivize transit, active transportation, or shared modes</li><li>6. Cash allowances, passes, or other public transit subsidies and purchase incentives</li><li>7. Providing enhanced, frequent bus service</li><li>8. Implementation of shuttle service</li></ol> <p>Other measures not listed in CAPCOA but are proven to be effective means of reducing the amount of VMT generated by residents include increasing the mix of uses by adding retail or services within a site or within convenient walking distance.<sup>1</sup> Although it is unlikely that TDM measures will fully mitigate the impact of the program to a less-than-significant level, CEQA mandates the implementation of feasible mitigation measures to reduce a project or program's level of impact. In this context, Fehr &amp; Peers identified a list of recommended TDM measures from Appendix E of the city's VMT Analysis Guidelines to mitigate the project VMT impact to the extent feasible as presented in Table 4.13-3. The summary provides an estimate of the effectiveness of these measures and specifies which ones are applicable to areas that have adjacent or near transit.</p>						

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MITIGATION MEASURE				Applicable Rezone Sites	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
Table 4.13-1 TDM Measures for Rezone Sites in Carlsbad	Measures	Maximum Percent Reduction in VMT <sup>1</sup>	Applicable to Sites Adjacent to or Near Transit						
	Implement Commute Trip Reduction Marketing	4%	-						
	Implement Subsidized or Discounted Transit Program	5.50%	Yes						
	Provide Ridesharing Program	8%	-						
	Integrate Affordable and Below Market Rate Housing (Construct the affordable housing at the city’s requirement, no payment of in lieu fees)	Approx. 4% if meeting city’s requirement. 28.60% if 100% affordable	-						
	Provide Bike Parking	Not Quantified	-						
	Improve Transit Access, Safety, and Comfort	Not Quantified	Yes						
	Provide Bike Parking Near Transit	Not Quantified	Yes						
	Orient Project Toward Non-Auto Corridor	Not Quantified	Yes						
	Source: City of Carlsbad Vehicle Miles Traveled (VMT) Analysis Guidelines, 2022; Fehr & Peers, 2023								
	Individual rezone sites (if their location based on the TAZ exceeds the city’s VMT threshold) should include all feasible mitigation measures from Table 4.13-3. Projects that are within a half mile of a transit stop should incorporate the measures that are applicable to encouraging transit.								

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